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To Our Friends of Friends of Our New Hospital

Bulletin 25

***“Review of the Proposed Health and Community Services
Interim Health Board – P.19-2023”***

4th May 2023

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I. Introduction

Proposition “Health and Community Services Interim Board – P.19-2023” was lodged by the Minister for Health and Social Services on 11 April 2023 for debate in the Assembly on 23 May. Our Bulletin sets out the powers and structure of the proposed Interim Board.

We also raise a number of questions regarding the aims, objectives and functions of the Interim Board. It is our view that the rationale for the proposed Interim Board has not been fully justified by the Minister or adequately reviewed by the health community and the public. The proposed Board will divert time and resources from the recently appointed Turnaround Team and the new Chief Officer who need to concentrate their efforts on getting our hospital fit for purpose. The cost of the proposed Board is considerable particularly at a time when more resources are needed to bolster clinical and nursing services.

It is our further view that the Assembly should request clarification and information from the Minister and defer its consideration of P.19-2023 in the interim.

II. Summary of Proposition “Health and Community Services Interim Board – P.19-2023”

The Proposition asks the Assembly to agree that the Minister “. . . should establish an interim non-statutory Health and Community Services Board providing for improved governance and oversight of the Health and Community Services Department. . . .” The Proposition is a direct result of Professor Hugo Mascie-Taylor’s Report to the Minister which the Minister lodged as a Report “Review of Health and Community Services (HCS) – R.117-2022” to the Assembly on 26 August 2022. In the Report, Mascie-Taylor made this recommendation, amongst many others:

“Recommendation 13: Consideration should be given to creating a conventional HCS Board with non-executive leadership and its accounting for the performance of HCS directly, or less desirably, indirectly, to the Minister. This widely adopted model would allow the Minister (with the necessary policy support) to hold the organisation more effectively to account on behalf of the Government and people of Jersey, and to focus on leading the development of policy.”

III. Outline of the Interim Board as Proposed by P.19-2023

The Proposition includes Terms of Reference and sets out the following steps and functions for the Interim Board:

1. The Interim Board will be a new, non-statutory, independently chaired HCS Board in response to the Macie-Taylor Review.
2. The Minister has disbanded the existing HCS Board, chaired by the Minister and consisting of HCS executive directors and invited partners.
3. The proposed Board will be an interim board pending development of legislation necessary to establish a statutory board.
4. The Board will oversee the services and functions provided by the Health Department including hospital, mental health and adult social services.
5. Once in operation, consideration will be given to expanding the Board's role to oversee non-governmental health providers including GP's, dentists, pharmacist, care homes and community groups.
6. The Board will be a unitary board to include an independent Chair, five independent non-executive directors ("NEDs") and up to five executive directors from HCS. The Minister will not be a member of the Board.
7. The Board and its functions will be modelled on health boards in the UK, Europe, North America and other authorities including the Isle of Man, Isle of Wight and Gibraltar.
8. The Board ". . . will provide knowledge, expertise and skills necessary to direct the Department and assume the government and the public as to the quality and safety of the Department's services. . . ."
9. The Minister has engaged Professor Mascie-Taylor as the "fixed-term Chair on a 12 month contract." The Minister has commenced the recruitment of the five NEDs with the assistance of the Jersey Appointments Commission.
10. The Proposition sets out the structure and working practices of the board including its terms of reference, public engagement, transparency, accountability, financial reporting and other requirements.
11. The estimated cost of the Board in 2023 is £343,500 and £206,000 per year thereafter. This cost is for the Chair and the five NED's only and does not include the HCS Executive Director and administrative costs. The cost is to be met initially by the £1.5million allocated in the Government Plan 2023-2026 to support the HCS Turnaround.
12. The Board will remain in place for a three year period at the end of which a statutory board may be established, with the approval of the Assembly, or the Board may be disbanded.
13. The Board will have powers to request information from all sources, require the HCS Chief Officer and other employees to provide proposals, explanations and reports and to make proposals to the Minister regarding expenditures and investments. The Chief Officer of HCS will

be accountable to the Board and the Chief Executive of the Government.

14. The Proposition goes into considerable details regarding the Board's responsibilities, reporting structure, performance reviews, meeting procedures, minutes, public disclosure and so forth.
15. The Minister will be responsible for the appointment of the Chair and the NEDs for a term of three to five years. If the Minister wishes to make any substantive changes to the Board's Terms of Reference, the Assembly must approve these changes. The Minister may remove or suspend the Chair and NEDs but only with "clear and cogent reasons to do so."

The Proposition is extensive and runs to 36 pages. The Proposition must be reviewed thoroughly and in detail to fully appreciate the outline and summary points set out briefly above.

IV. Questions Arising

The Proposition does not provide any background information or rationale for establishing the Interim Board other than footnote references to the R.117-2022 Macie-Taylor Report to the Assembly. The Proposition sets out the potential benefits resulting from the establishment and operation of the Board. There are however a significant number of matters that need further review. It would be appropriate to seek the Minister for Health and Social Services response to the following questions amongst others:

1. The former HCS Board. The Minister disbanded the existing HCS Board, chaired by the Minister. The Proposition describes the Board as dysfunctional requiring the Minister as Chair "... to single-handedly hold executive directors to account ...". Would the Minister advise:
 - A. What steps were taken to reorganise the Board by reducing its numbers, redefining its remit and objectives and other actions that may have ensured its effective functioning?
 - B. What advice was sought and provided by other organisations or personnel within the States establishment to strengthen the performance of the Board?
2. The Recruitment of the Interim Board Chair and Non-Executive Directors. The Proposition confirms that the Minister has appointed a Chair and is proceeding with the appointment of Non-Executive Directors ("NEDs"). The Proposition states that it is accepted practice for these appointments to be made pending Assembly approval and cites the recruitment for the boards of the Children's Commissioner, Jersey Sport and Jersey Ports as examples. Would the Minister advise:
 - A. Are the other boards referred to similar to the proposed Interim Board in terms of powers, reporting responsibilities and functions?
 - B. Has the States Employment board agreed to the acceleration of the appointments in advance of the Assembly's consideration and approval of the Proposition?
 - C. The Proposition sets out a remuneration schedule for the Board Chair and NEDs. There is a large disparity in the pay scales. The NEDs will be offered £416.67 per day (£15,000

per annum ÷ 36 days). The Chair will be offered £1,458.36 per day (£70,000 per annum ÷ 48 days). What accounts for this differential? Will NEDs be attracted to the Board at the proposed level of compensation?

- D. The Board will have five or more NEDs. Will they be recruited from the Island or outside the Island?
3. The Health Board Model. The Proposition refers to Health Boards as a “conventional model” commonly in place in the British Isles, Commonwealth, US and smaller authorities such as the Isle of Man and Gibraltar. Would the Minister advise:
- A. How do the Boards function in other authorities similar to Jersey and what is their make-up and their powers?
 - B. What is their relationship to their governments in terms of political and fiscal controls?
 - C. What is their history in terms of success in fulfilling their objectives?
4. Consultations. The Proposition refers to consultations with PPC, PAC and Scrutiny amongst others. Would the Minister advise:
- A. When were the consultations with PPC, PAC, Scrutiny and others were carried out and what form did the consultations take?
 - B. What consultations have been carried out with the HCS and Social Services staff, officers, medical staff and other operatives in the Department? If so, what form did the consultations take?
 - C. What were the results of these consultations?
5. Political Responsibility. The public elect their Deputies, the Assembly approves Ministerial appointments and the Ministers and their Assistant Ministers hold responsibility for their Departments and Ministries. Ministers collectively form the Council of Ministers and report to the Chief Minister. Would the Minister advise:
- A. The proposed Interim Board is distinctly independent. Who will have political control over the Board and be held accountable for its performance?
6. Fiscal Responsibility. HCS and Social Services account for the largest expenditure in the Government’s budget. The Interim Board will not have fiscal powers but it will have the power to set policies and directions that will predicate expenditure. If the Board becomes a Statutory Board it will have fiscal as well as regulatory powers. Would the Minister advise:
- A. What is the view of the Treasury and Exchequer of the proposed Interim and Statutory Boards?
 - B. Who will exercise financial control over the Board and its activities?

7. The Turnaround Task Force. The Council of Ministers and the Minister have appointed a “Turnaround Task Force” to restructure the management of HCS and the Hospital. Would the Minister advise:

A. How will this Task force interact with the Board if it is established?

As we have noted in our introduction, it is our view that the Assembly should agree to defer the Proposition “Health and Community Services Interim Board – P.19-2023” until due consideration has been given to the above questions and related matters.

The Friends Steering Group

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