

Minutes of NHSCFA Board meeting FCG-BOA-MIN

Meeting – 29.01.20

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Finance and Corporate Governance



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Meeting date: 29.01.20

Meeting time/venue: 11:00 – 13:00 Skipton House, London

Meeting title: NHSCFA Board Meeting

Members:

- (TT) Tom Taylor (Chairperson NHSCFA)
- (CS) Professor Carl Stychin (Non Executive Director)
- (MS) Martin Spencer (Non Executive Director)
- (JS) Jayne Scott (Non Executive Director)
- (RM) Rachel Monaghan (Director of Performance & Improvement NHSCFA)
- (SF) Susan Frith (Chief Executive, NHSCFA)

Attendees:

- (PG) Paul Golightly (Deputy Director, DHSC AFU)
- (RR) Richard Rippin (Head of Operations) (part attendance)
- (AS) Ann Sturgess (Corporate Governance Manager and Board Secretary, NHSCFA)
- (FM) Freedom Mackay (Senior Compliance and Complaints Officer) Minute taker

Observers:

- (PW) Peter Watson – Staff engagement Group Observer

Apologies received:

- (MJB) Matthew Jordan-Boyd (Director of Finance, NHSCFA)

1 Welcome

- 1.1 TT welcomed all to the NHSCFA Board meeting and introduced PW in his capacity as SEG observer.

2 Apologies

- 2.1 TT gave apologies for Matthew Jordan-Boyd (MJB).

3 Declarations of interest

- 3.1 The Board confirmed that there were no new declarations of interest.

4 Minutes from 4.12.20

- 4.1 The Board agreed the previous minutes on the 4 December 2019 as a true record.

5 Action log

- 5.1 The board reviewed the action log and updated accordingly. All action points were closed with the exception of action point 75, which would be carried over.

6 General update from the Chair

- 6.1 TT thanked all for their hard work during 2019 and noted that the organisation was now in a good position as a result.
- 6.2 TT updated on the Healthcare Financial Management Association (HFMA) Annual conference and advised that some good contacts had been made at the event. TT noted that he and RR had discussed possible improvements for next year, including more investment in the stand to secure more prominent positioning and exploring the opportunity for NHSCFA to deliver a presentation.
- 6.3 TT noted that he and SF had hosted a visit from Andrea Davidson, Head of Fraud Services at the HMRC with a view to meeting again to further develop the working relationship.
- 6.4 TT reported that there had been liaison with the Lead NED from the Serious Fraud Office (SFO) to explore closer working.
- 6.5 TT advised that he and JS would be acting as ambassadors at an upcoming Government Audit and Risk Chairs forum in March.
- 6.6 TT advised that he was monitoring the possibility of a Cabinet reshuffle and would work with PG to determine the best strategy to optimise any new ministerial appointments.
- 6.7 TT highlighted that he would be attending a quarterly performance review meeting at which TT would raise the renewal of NHSCFA due to take place in November 2020.

7 General Update from the NEDS

- 7.1 CS noted that the Institute of Advanced Legal Studies (IALS) were launching a new centre for financial crime and had suggested the NHSCFA as a potential partner for research on the Bribery Act developments following its inception.
- 7.2 JS noted that she had met with Internal Audit and reviewing future planning options to meet with both Internal and External Audit.
- 7.3 MS advised that he was continuing to promote the NHSCFA from a cross government working perspective.
- 7.4 MS confirmed that he had emailed staff with recent exam successes to congratulate them on behalf of the Board as recently suggested by AS and noted that the gesture had been positively received.

- 7.5 SF reported on the finance position to date in MJB's absence. SF advised that a breakeven position is expected for Q3. SF added that there were a significant number of vacancies being held.
- 7.6 SF noted that the Capital Programme continued to be delivered with an underspend expected. SF added that ways to improve the approach to underspends would be reviewed. SF confirmed that general ledger arrangements had been agreed and the transfer would be on a like for like basis.
- 7.7 RM provided an update on performance and improvement for Q3 and noted that there was a lot of variance.
- 7.8 RM noted that a contingency plan to address issues around GP Capitation had been captured in the Board report in line with Cabinet Office guidance.
- 7.9 RM reported that there were lessons to be learnt going forward on sector benchmarking for compliance. The Board discussed how weaknesses in systems are flagged up to the Counter Fraud Board and agreed that the NHSCFA would need to ensure its own governance is robust and in place.
- 7.10 The Board discussed under reporting of PECS and DECS and issues arising from the reported figures. **Action point 77: RM and PG to discuss and clarify potential issues around under reporting of PECS and DECS.**
- 7.11 RR provided a report on current operational activity. RR explained the current position in relation to positive and negative charging and advised that he was awaiting a decision from the Crown Prosecution Service (CPS) on a case that had been on hold for 16 months. RR advised that during 2019/20 the NHSCFA had submitted case files to the CPS in respect of 20 subjects to consider substantive charging decisions and was awaiting a final decision.
- 7.12 PG raised the restoration of Statutory Instrument powers and noted that he was liaising with the Home Office to address.
- 7.13 RR flagged up resource issues in terms of investigations. RR noted that there were a number of posts which may need to be considered for recruitment which without them could impact on investigations.
- 7.14 RR outlined Operation Eldridge and noted that whilst to date the investigation had not identified any tangible evidence of criminal offences, and that the view had been taken that there is no possibility of criminal charges being laid against any individual, fraud prevention opportunities would nevertheless be provided.
- 7.15 RR summarised that the main risks to Operations were access to communications data and resources.

7.16 AS outlined Risks and Issues including the implementation of the Business Continuity Plan and compliance with internal policies.

7.17 RM provided updated figures for the unprocessed fraud reports. The Board discussed risks and issues and agreed that this would be discussed further on 03.03.20. **Action point 78: RM to review the reported shift in risk as detailed in the latest update. Action point 79: It was agreed that the Board would revisit risk appetite and discuss on 03.03.20. AS to bring Board meeting at Citygate forward, with Board notifying AS if they are unable to attend date by 01.02.20.**

8 Committee Updates

8.1 MS provided an update on REMCO and advised that various issues were discussed including Board effectiveness/best practice, systems for identifying high potential staff, LT training to ensure consistency in the implementation of the OPD process and succession planning.

9 Matters arising

9.1 There were no matters arising to note.

10 Strategic Intelligence Assessments

10.1 Paper 5 was noted.

11 Forward Planner Review

11.1 The forward planner was reviewed. It was agreed that the Board meeting on 4 March would be moved to 12pm and meeting on 29 April would have a 10am start.

12 Review of effectiveness of meeting

12.1 The Board agreed they were happy with the effectiveness of the meeting. PW provided feedback as SEG observer and the Board thanked him useful comments and for attending.

13 Date of next meeting:

13.1 10:00 4 March 2020 (Citygate, Newcastle).