

**IBCA Board - Minutes and Actions**

18 March 2025, 13:30 - 17:00

Conference Room A, 70WH

**Board Members:**

1. Sir Robert Francis (SRF) - Interim Chair
2. David Foley (DF) - Interim CEO
3. Russell Frith - Chair of Audit & Risk Committee - Non Executive Director
4. Deborah Harris-Ugbomah - Non-Executive Director
5. Paula Sussex - Non-Executive Director
6. Gillian Fairfield - Non Executive Director
7. Helen Parker - Non-Executive Director
8. Sir Rob Behrens - Non-Executive Director
9. Richard Hornby - Interim Finance Director
10. Celine McLoughlin - Interim Director of Digital
11. Sindy Skeldon - Interim Director of Operations

**Attendees:**

1. Catherine Webster - IBCA Chief of Staff
2.  GRO-D - Board Secretariat
3.  GRO-D - Private Secretary to Sir Robert
4. Rachel Forster - Interim Director of Communications
5. Shainila Pradhan - Interim Programme Director
6.  GRO-D - Business Case Manager
7. Mark Hitchen - Deputy Director, HR

**Apologies:** None

**1. Welcome**

- 1.1. The Chair welcomed everyone to the Board meeting,
- 1.2. No interests were declared,

**2. Minutes and Matters Arising**

- 2.1. The Board accepted the amendments and formally agreed to the minutes of the January 21st 2025 meeting.
- 2.2. The minutes of the February 18th meeting were agreed subject to a couple of minor amendments.
- 2.3. The Board noted that para 4.5 of the February minutes indicated that the contract for Legal Support Provision was due to end in March. Clarification was sought that legal support would continue.

- 2.4. It was confirmed that the current legal support provision had been extended and was sufficient to deal with applications from core registered infected claimants.
- 2.5. The Board was informed that permission from the Chief Secretary for the Treasury had been sought to move ahead with a large procurement in the Autumn under the new procurement framework. This would give time to think about what the support needed for other groups of applicants and what the service offer should be.
- 2.6. Input to develop a new service offer would be needed from the Board, Claims Managers, legal firms currently working with IBCA and other firms that were not currently involved in existing contracts.
- 2.7. It was suggested that it would be beneficial to engage the Law Society to help develop the new service offer.
- 2.8. The Board was informed that the briefing paper was sent out as an introduction to M&C Saatchi as IBCA's Creative Agency. Any feedback on the paper would be welcomed. A brief overview of the scope and value of the contract was given for information.

#### **2.9. Actions**

- 2.10. There were no open actions on the Board Action Log.

### **3. CEO Update**

- 3.1. The CEO provided the Board with the latest update on key delivery figures:
  - 255 (204) invitations sent to claimants to date
  - 214 (149) people had accepted their invitation to start their claim
  - 63 (39) offers of compensation have been made, totalling £73.0M (£52.0M)
  - 40 (26) people had accepted their offers with £44.8M (£28.8M) paid in compensation;
  - the largest lump sum payment made was £2.56M (£2.5M)
- 3.2. The Board noted that IBCA had met its target of inviting 250 into the service by the end of March 2025 and congratulated IBCA staff on the achievement of this milestone.
- 3.3. The Board discussed the publishing of further witness Statements by the Infected Blood Inquiry Chair, Sir Brian Langstaff, including those of the Paymaster General and Minister for the Cabinet Office, James Quinault and David Foley.
- 3.4. The Board noted that the announcement also outlined the Chair's intention to publish a further report, which will consider the timeliness and adequacy of the Government's response on compensation.
- 3.5. A concern was raised that the interventions of the last week could raise hostility levels in the community.
- 3.6. IBCA's response would be to continue to state what had been done and accept that IBCA must do its best to comply with what the Inquiry requires IBCA to do. It was recognised that concerns about pace would continue to be expressed by the

community, but accepted that this was inevitable and understandable given the history of this scandal.

- 3.7. The Chair informed the Board that he had met with 3 MPs in the last week, and they were impressed with what IBCA had achieved to date. He stressed how important it was to continue engaging with stakeholders.
- 3.8. Board members shared their views on the importance of IBCA asserting its achievements in response to challenges. They acknowledged that other support organisations were experiencing an increase in queries and suggested that there may be ways to work in closer collaboration.
- 3.9. Support was in place for IBCA staff who were negatively impacted by the criticisms and regular discussions took place so that staff were able to talk about how they felt.
- 3.10. It was suggested that a matrix be developed to look at what IBCA had done in response to Sir Brian Langstaff's original recommendations. The Executive team provided reassurance that this was in place and could be shared with the Board.

**ACTION: Executive Team to share progress matrix against the original Inquiry recommendations - Rachel/Sindy/Celine**

**4. Programme Update**

- 4.1. The Board noted that delivery confidence in Phase 2 of the **expansion of IBCA's service** had decreased from Amber/Red to Red. This was due to decreases in delivery confidence for the Data and Digital delivery strands from Amber to Amber/Red.
- 4.2. The Board were informed that IBCA were working through a number of priorities to scale and expand the compensation service, including a case management system, automated workflow systems and processes, operational resources, claim manager training and long-term professional support services
- 4.3. Progress had been made and the current number of compensation offers accepted as of today numbered 40, totalling payments of £45m.
- 4.4. The Board noted that delivery confidence in the establishment of **IBCA as an employer** and an Arm's Length Body remained Red. This was because the July target for establishing IBCA as an employer would not be achieved. Discussions with SSCL on shared services provision were ongoing; there was a proposed timeline and a decision would be made on the way forward.
- 4.5. The RAG rating for the **Finance strand** had decreased from Amber/Green to Amber due to the requirement of a shared systems service and procurement for ongoing legal services being a major undertaking.
- 4.6. Progress had continued on the pensions application and pay framework

- 4.7. Board members asked about the provision of psychological support for claimants that was not provided by IBCA and whether the NHS would have the ability to continue providing support.
- 4.8. They were informed that IBCA had a duty to provide assisted digital support and legal support, which was being lined up.
- 4.9. The Inquiry recommendations stated that responsibility for psychological support rested with DHSC.
- 4.10. The Board discussed the impact of large compensation payments and the need for support to be available, particularly given the news of the demise of NHS England.
- 4.11. A question was asked as to whether the figures (£45m) being reported included the lifetime support awards. It was confirmed that the £45m figure only included money paid out to date. The total awarded figure was significantly different from the total paid out to date. It would be difficult to calculate an estimate of how much would be paid under a lifetime support award, as an estimate could not be made on how long someone would live.
- 4.12. The Board discussed progress on the recruitment of Claims Managers. They noted that the sift pass mark had not been lowered due to the quality of applications. 146 offers had been made for new staff to start between March and June. 160 applications left to interview. HR were reaching out to recruitment agencies in Glasgow and Newcastle for future campaigns.

**ACTION: Share available information on recruitment journey time with Board members - Sindy Skeldon**

**5. Finance Update**

- 5.1. The Board were given an update on the plans and progress on the Spending Review preparations for the current and next financial years.
- 5.2. The current year forecast (Phase 1) is for a £7m underspend
- 5.3. The Board was informed that IBCA is required to submit Spending Review Phase Two return in April, covering FY25/26 through to FY28/29. IBCA has submitted an indicative interim return to meet governance requirements. This included a 20% optimism bias.
- 5.4. The SR return due in April will need to reflect a best estimate of cost and align to what is submitted in the Business Case.
- 5.5. The Board asked questions on efficiency costs particularly around the Comms figures. It was explained that engagement was fundamental to what IBCA does.
- 5.6. The Finance Team confirmed that the budget was set out by organisational structure rather than activity based costs. This suggested improvement was accepted and will be worked on once the budget is set.

## **6. Business Case - Strategic and Economic case highlights review**

- 6.1. The Board was updated on progress in developing the business case. It had been decided that the best approach would be to have a programme business case (PBC) rather than a full business case due to the levels of uncertainty that still prevailed and the levels of estimation still needed. A final full business case was expected in a year's time.
- 6.2. The PBC would be much improved from the first one and would include a through life view with a detailed plan for 25/26 and a target operating model for future years. The PBC would also point to the major decisions needed in the next period, but these would be presented at the appropriate time and not included in this PBC.
- 6.3. Modelling still needed to be refined and a clear view of challenges in the different phases needed to be articulated. Regular meetings were taking place with Cabinet Office colleagues
- 6.4. There was some discussion about the merits of publishing the PBC to the wider community. The Board were informed that it still would not answer the question of "when will I get paid"
- 6.5. The Board discussed the various options around modelling and the practicalities of going faster and having the right number of staff in place to deliver expected volumes.
- 6.6. A page turning session on the PBC has been arranged for 6th May.

## **7. Organisational Values**

- 7.1. The Board was taken through the approach that had been taken to develop a set of organisational values which aligned to IBCA's vision and mission that had been agreed earlier in the year.
- 7.2. Six values were presented to the Board for their endorsement:
  - Integrity
  - Empathy
  - Transparency
  - Compassion
  - Respect
  - Honesty
- 7.3. The Board congratulated the team on the work that had been done and suggested that an additional value of competence be added to the list of values. This would speak to the delivery, commitment, pace and efficiency of IBCA as an organisation.
- 7.4. The team agreed to go back to staff and test the additional value.

## **8. Claimant Charter**

- 8.1. The Board was informed that the Charter was being reviewed and would come back to a later Board meeting.

## 9. Governance - Board Committees and Advisory Panels

- 9.1. The Board discussed options for setting up Board Committees and Expert Panels.
- 9.2. **Board Committees:** Board members acknowledged that there had been suggestions to potentially set up a Board Committee to look at performance, it was suggested that this could be addressed through improved reporting to the Board as part of their monthly Board meetings.

**AGREEMENT: The Board agreed not to set up any additional Committees at this time.**

- 9.3. **Expert Panels:** The Board discussed Sir Brian Langstaff's recommendation in his second Interim Report to set up Expert Panels. Board members acknowledged that the development and set up of IBCA had moved in a different direction than had been originally proposed by Sir Brian and considered his proposal to set up Expert Panels based on the current situation.
- 9.4. **Legal Panel:** The proposal from IBCA to set up a Legal Panel was **not recommended** by Senior Officials. The work to design the authority had superseded the original intent behind the original recommendations. In addition, the appointment of in house General Counsel has concluded and we have appointed Gowlings as our external firm for legal advice on policy matters. . Board members may ask for independent legal advice from Gowlings if required.
- 9.5. Board members asked whether using GLD was the best option given that IBCA was independent of the Government.
- 9.6. Reassurance was given that the GLD option provided best value for money and would provide the best professional advice. To hire an external lawyer was beyond the available resources that IBCA had to spend.

**AGREEMENT: The Board agreed not to set up a Legal Panel at this time but this would be subject to later review based on experience of processing claims.**

- 9.7. **Clinical Panel:** Senior Officials **recommended that the Board set up an Expert Clinical Panel** of qualified Clinicians to enable access to specialist support when needed. It was also suggested that this panel could test ethical questions too.
- 9.8. The Board acknowledged the importance of IBCA having access to qualified Clinicians and experts particularly in the area of Hepatitis B and the need for this to be set up as soon as possible as IBCA was having to set policy and make decisions now without a panel in place.
- 9.9. It was suggested that further advice could be obtained from the Royal College to clarify the expertise that was needed.

9.10. It was further suggested that a Non Executive Board member should Chair the Panel and the Governance Secretariat should provide administrative support.

**AGREEMENT: The Board agreed as a priority to set up a Clinical Expert Panel.**

**ACTION: Take forward the recruitment to the Clinical Experts Panel and work with the Governance and Operations Teams to establish the panel's remit. - Rich Hornby**

**ACTION: Non Executive Board Members to volunteer to chair the Clinical Expert Panel. Suggestions to be sent to the Governance Team. - Non Executive Board members**

9.11. **Community Panel:** Senior Officials recommended that the Board agree to set up a Community Advisory Panel. This was something that the Community were keen to see in place and IBCA had given a public commitment to making this happen.

9.12. The Board were asked for a steer as to their views on how this would best work. There was board consensus that the composition of the panel should include representation from across the Infected Blood Community including representation from the affected community and would help inform Board decisions.

9.13. The Board noted feedback from the User Consultants on the establishment of a Community Advisory Panel (CAP), which had highlighted the need to involve and include representation from different parts of the community.

9.14. Board members acknowledged that it was important for the panel to have a clear purpose and remit. Clarity would also be needed on the panel's relationship with the User Consultants.

9.15. The Board discussed whether the CAP would be representative as members would be recruited and not elected to the panel and consideration should be given to any consequences or implications. There were many different views from the community and a question was asked as to whether the establishment of a CAP would bring cohesion.

9.16. The Board agreed that it would be a good idea to complete a mapping exercise to agree the purpose of the panel, looking at what engagement was in place and where there were any gaps.

9.17. The Board was clear that the Community Panel would be advisory in nature and have no decision making powers.

**AGREEMENT: The Board agreed that a Community Advisory Panel should be set up with a clear purpose and remit.**

**ACTION: Develop a proposal and plan for developing the Community Advisory Panel and bring it back to the Board before going out to the Community - Engagement and Governance Teams.**

## 10. Prioritisation - End of Life Cases

- 10.1. The Board were given a brief overview of the proposals for how IBCA could scale starting claims for people infected and registered on a scheme and the recommendations for supporting claims from people nearing the end of life (EOL).
- 10.2. The Board discussed the proposals and agreed with the recommendations.

**AGREEMENT:** Board members agreed the following:

- That claims should continue to be by invitation only
- That EOL claims should be prioritised
- Agree the definition of EOL as someone who had received a diagnosis stating that they had less than 12 months to live, with an approach of self-referral with evidence

- 10.3. Board members discussed a pre registration system which was often suggested by the community during engagement and user research. Discussion centred around the community's need for acknowledgement and reassurance that their information was in the system.
- 10.4. Board members agreed that the need for reassurance must also be balanced against the desire for receiving compensation as quickly as possible and a pre-registration stage would not make meaningful steps towards receiving compensation quickly.
- 10.5. The Board agreed that the way forward would be to send an email and/or letter to those who are registered and infected to confirm that IBCA are in receipt of their details.

**AGREEMENT:** The Board agreed with the recommendation that for those who are registered, a pre-registration is not implemented, but would be kept under review.

**AGREEMENT:** The Board agreed that all those registered as infected with a scheme should be contacted to confirm they will be invited and to inform about the EOL pathway.

## 11. Equality & Diversity Information (EDI)

- 11.1. The Board was given an overview of what should be put in place in IBCA to ensure that it meets the duties as set out in the Public Sector Equality Duty. It was proposed that there should be a future deep dive on EDI to explore what areas the Board may want to focus on to ensure that IBCA is actively considering the duty in all aspects of the service.
- 11.2. There were two levels of information to consider:
  - At the claimant/operational level. - Self declaration by the claimant to alert IBCA to a particular reasonable adjustment we need to put in place.
  - At the anonymised organisational level - Self declaration by the claimant in the context of protected characteristics
- 11.3. The Board was informed that there was no specific legal requirement to collect this information, but that collecting this information underpinned compliance with the

public sector equality duty by enabling IBCA to demonstrate that the service was accessible to its users.

- 11.4. Assurance was given that IBCA already captured information about reasonable adjustments at the outset of the claim journey to ensure that people making a claim were provided with the service they need.
- 11.5. The Board were informed that there was a risk that collecting additional data would be viewed with suspicion by the community. It was suggested that the collection of organisational level EDI data should be done at the end of the claim.
- 11.6. The Board was also advised that IBCA would need to be mindful about how the data was used and why it was being collected.
- 11.7. The Board were concerned that there was no baseline data and that diversity data had not been a feature of the Inquiry.
- 11.8. Board members suggested that IBCA could commission research into NHS data to provide a baseline for data collection which could be used as part of service standards for claimants.
- 11.9. A Board member again reminded colleagues that responding to any public sector requests for EDI data has always been optional and that such tools were methods to enable IBCA to not only evidence how it had discharged its Public Sector Equality Duty, but also monitor and assess its processes to ensure they were fair, unbiased, and legally compliant. In light of this, it was a concern that the proposal suggested that EDI data should be sought from claimants once they had completed their interaction with IBCA, at the end of the claimant journey.
- 11.10. The Chair drew discussion to a close, noting that a decision on timing was a matter for the executive.

**AGREEMENT: The Board agreed that equality and diversity information on protected characteristics should be collected**

**ACTION: Schedule a future deep dive discussion on EDI data collection**

**12. AOB**

- 12.1. The next Board meeting would be held in Newcastle on 23rd April. A Board dinner will be arranged in Newcastle on 22nd April.