

OFFICIAL SENSITIVE

Infected Blood

Compensation Authority

IBCA Board - Minutes and Actions
4 December 2024, 14:00 - 17:00
Board Room, 10 Victoria Street

Board Members:

1. Sir Robert Francis (SRF) - Interim Chair
2. David Foley (DF) - Interim CEO
3. Russell Frith - Chair of Audit & Risk
4. Deborah Harris-Ugbomah - Non-Executive Director
5. Paula Sussex - Non-Executive Director
6. Gillian Fairfield - Non-Executive Director
7. Sir Rob Behrens - Non-Executive Director
8. Richard Hornby - Interim Finance Director

Attendees:

1. James Quinault - DG Inquiry Response - Senior Sponsor
2. Hannah Probert - Strategy & Governance
3. Catherine Webster - IBCA Chief of Staff
4. **GRO-D** - Board Secretariat
5. **GRO-D** - Board Secretariat
6. **GRO-D** - Private Secretary to Sir Robert
7. Celine McLoughlin - IBCA Director of Digital (Item 8)
8. **GRO-D** (Digital Team - Item 8)
9. **GRO-D** (Digital Team - Item 8)
10. Rachel Forster IBCA Director of Communications (Item 9)
11. Richard Moore (Ops Team - Fraud - Item 10)
12. Shainila Pradhan Programme Director (Item 11)
13. Cat Little - CO Permanent Secretary

Apologies

1. Helen Parker - Interim Non-Executive Director

1. Welcome

- 1.1. The Chair welcomed everyone to the Board meeting

2. Minutes and Matters Arising

- 2.1. An amendment was requested to para 2.1 of the minutes of 6 November to reflect Rob Behrens' role of Speak Up Champion for IBCA.

Actions

- 2.2. The Board noted progress on the 3 open actions:

Action 35 Update - Rob Behrens' role as Speak Up Champion is due to be communicated to the organisation.

Action 36 Update - GRO-D is currently working through organisational values - this item will be presented to the January Board.

Action 33 Update - The Fraud Strategy will be presented to the January Board meeting

ACTION: Arrangements to be made for Rob Behrens to meet staff in his role as Speak Up champion. - this is to be included as part of the Board Away Day in January . - Secretariat

3. Board Matters

- 3.1. The Chair thanked Rob Behrens and Russel Frith for their help and support whilst he was away on leave
- 3.2. The Chair thanked all staff for their incredible work in progressing the minimal viable service.

ACTION: David Foley to email staff passing on the Board's appreciation of their hard work.

4. Draft Terms of Reference for Audit and Risk Assurance Committee

- 4.1. The Board discussed the draft Terms of Reference for the Audit and Risk Assurance Committee and noted that these used an HMT best practice template.
- 4.2. ARAC members were confirmed as Russell Frith (Chair) Deborah Harris Ugbomah and Paula Sussex. The Chief Executive and Finance Director would also be expected to attend all meetings.
- 4.3. All Board members were welcome to attend ARAC meetings.
- 4.4. NAO were confirmed as the External Auditors and the Board were informed that Liz Fox would be the Lead Audit Director.

Agreement: The Board agreed the ARAC Terms of Reference

5. Update from members of ARAC following the Application Process Review

- 5.1. Russell Frith gave a verbal update to the Board following a meeting of ARAC members to review the processes in place for making the first compensation payments.
- 5.2. ARAC members had concluded that initial processes were in place and were proportional to the current risks but would need to be developed in the longer term. Key points of feedback on the existing processes were:
 - Lots of manual checking required
 - Heavy reliance on IBSS Scheme data - better understanding of the due diligence in existing schemes needed.
 - Identity Verification needed strengthening.

- 5.3. The Board noted that ARAC members had not gone through how the calculations were made. A request was made for a session to be arranged for this to happen.
- 5.4. Russell thanked members of the team for their hard work and progress to date whilst recognising there was lots more to do.
- 5.5. The Chair informed the Board that money had been transferred to DWP to make the first payments.
- 5.6. The Board discussed the importance of ID verification for future cohorts and the need for ARAC to review the processes for the next cohort. They also discussed the need to be able to articulate what needed to be in place as operations scaled up and agreed that ARAC should conduct a deep dive into Identification Verification offline.
- 5.7. Celine McLoughlin agreed to circulate the slide pack to the Board.

ACTION: Session to be arranged for Board members to understand how the compensation calculations are made - Celine McLoughlin/Sindy Skeldon

ACTION: ARAC members to conduct a deep dive into Identification Verification - Celine McLoughlin

ACTION: ARAC to include a review of the payment process in the Committee Forward Plan. - Rich Hornby

ACTION: Circulate slidepack to Board - Celine McLoughlin

6. Update on any Immediate Issues

Payments

- 6.1. David Foley provided an update on the current situation with payments; the first cohort had progressed well with the team now ready to send letters to 5 of the 16 claimants with a range of compensation offers from £365k - £2.5m.

Legal & Financial Support

- 6.2. Good progress had been made on legal and financial support. 4 of the 5 legal firms had signed contracts to provide support to the first cohort.
- 6.3. Finance support was at contract stage and was being managed through a direct award using organisations that had already worked with the first cohort.
- 6.4. It was confirmed that this initial support package was an interim solution ahead of formal procurement.
- 6.5. Paula Sussex asked to see the “go-no go” criteria used for the decision to proceed.
- 6.6. Deborah Harris asked about equality and diversity data capture and whether this was being tracked to ensure that claimants were not disadvantaged. It was confirmed that this was not yet in place and there may be push back on asking additional questions, but this could be looked at. The Board noted that IBCA as a public sector body had a

statutory duty to collect equality & diversity information (EDI). The team were asked to include EDI questions for claimants.

ACTION: Send out the “go-no go” decision criteria to the Board - Celine McLoughlin

ACTION: Digital Team to collect EDI data and send out additional EDI questions to claimants - Celine McLaughlin

Identifying and sequencing of future cohorts

- 6.7. David informed the Board that work was starting on identifying the next areas in which to develop the service. This would be a challenging decision for the Board.
- 6.8. The Representative Groups had been approached for their views but the early feedback had indicated no clear conclusions.
- 6.9. Information was currently being gathered from the community to help develop criteria and proposals. The team would come back to the Board with feedback to inform future decisions.
- 6.10. The Board was informed that there were no easy options for sequencing and agreeing criteria for the service should develop next, that that decision would contain ethically difficult decisions and be one of the most important decisions for the Board. The Chair asked for a workshop to be arranged for the Board to discuss ethics and sequencing of future cohorts before the Christmas break. David summarised feedback and concerns from recent engagement sessions:
 - Concern about the speed and volume of claims
 - The need for a calculator
 - Sequencing of cohorts for applications
 - Understanding of the scheme
 - What is the role of IBCA

ACTION: Arrange a workshop for the Board to discuss sequencing in December. - Private Office

7. Governance Framework

Framework Agreement

- 7.1. The Chair introduced the 2 key governance documents; the Framework Agreement which set out the relationship between the Cabinet Office as the sponsor department and IBCA as an ALB, and the Internal Governance Framework which set out the rules and processes by which IBCA would be governed.
- 7.2. Rich Hornby introduced the Framework Agreement to the Board. He explained that it was a template document with limited scope for re-writing. He advised the Board to focus the discussion on sections 2.1, 6.1 and 7.1 as these were the key sections which defined the relationship between IBCA as an independent organisation and the Cabinet Office.

7.3. The Board was asked to comment on the Framework document before final agreement by Ministers, the Permanent Secretary, the Chair and the Chief Executive.

7.4. The Board shared some initial comments in the meeting:

- Section 2.1 - IBCA needed to be clear about its remit which should be a golden thread that runs through all documentation and should include; who we are, principles, common objectives and collaborative mindset.
- Section 7.1 - the “subject to constraints” could be reworded as this appears to contradict the operational freedom referred to at the beginning of the paragraph.

7.5. **AGREEMENT: It was agreed that the Board would be invited to provide detailed comments via email after the meeting with the CEO and the Chair having final sign off for IBCA. A final version of the Framework Agreement would be circulated to the Board once all parties had approved.**

ACTION: Send an editable version of the Framework Agreement to the Board inviting more detailed comments on sections 2.1, 6.1 and 7.1 - Hannah Probert

Internal Governance Framework

7.6. The Board noted that the Internal Governance Framework provided a lot more flexibility for the Board to shape and reflect the distinctive organisation that IBCA was and the moral issues it had to deal with.

7.7. The Board noted that it was an important document to get right and there were a few areas missing from the document

7.8. The Board acknowledged that they needed to have a further conversation on what sub committees were needed and what matters should be Board reserve matters.

7.9. It was agreed to have an initial discussion via email following the Board meeting.

7.10. The Board acknowledged that the Internal Governance Framework would evolve as the organisation matured and that it should reflect the recognition of reaching the stage of minimal viable service.

7.11. The Board agreed that once finalised it would share the Internal Governance Framework with the Cabinet Office.

ACTION: Send an email to Board members asking them for initial comments on the Internal Governance Framework document and in particular invite views on Board Reserve matters and Sub Committee structures. - Rich Hornby

ACTION: Arrange for a further discussion on the Internal Governance Framework at a future Board meeting.- Secretariat

8. Website

- 8.1. Celine McLoughlin introduced the IBCA website item and acknowledged that the website had taken longer than expected to be set up. It was due to be launched at the end of the following week.
- 8.2. Kate Evans took the Board through the approach that had been taken to develop the website and walked them through the content that had been developed.
- 8.3. Board members commented on aspects of the website:
 - Language - change deserve to entitled, change the word kindness
 - Website could do with some pictures
 - Wider audience for the website - portray trust and good governance, not just for payments.
 - Is the website being translated into Welsh?
 - Holding ourselves to account - content should include high level KPIs
 - Website should reflect IBCA as an independent organisation and not look like a government website
 - Timeline missing - people will want to know when they can claim.
 - Website should include a governance section with Board members photos and bio's
 - A main contact point should be added to the home page
- 8.4. The team confirmed that the Welsh Language version of the website was in hand and being developed.
- 8.5. The team acknowledged that the timeline question was a difficult one to answer and the approach was to provide information about when they can expect to hear more.
- 8.6. The Board agreed that the website took IBCA a significant way forward and was much improved.

ACTION: Paula Sussex to put the website team in touch with the Student Loans Company to share their experience of calculators. - Paula Sussex

ACTION: Website team to incorporate suggestions from the Board discussion where possible before launching the website. - Kate Evans

9. Engagement Strategy

- 9.1. Rachel Forster set the scene for the Engagement Strategy. The Board were asked to:
 - Note the background on audience understanding and gaps
 - Note the context and progress of engagement to date
- 9.2. Rachel took the Board through the plans for Phase 2 and widening community reach and involving the community in shaping service design. She outlined plans to improve engagement with Parliament with David writing to MP's and the development of an MP's toolkit.
- 9.3. Board members discussed the approach to the Engagement Strategy and a suggestion was made to incorporate honesty and competence in the approach (para

4). A question was asked about plans for engaging the devolved administrations and elected representatives and clarity was sought on where social media activity kicks in. Board members were keen to see an IBCA LinkedIn account set up.

9.4. It was agreed that the Social Media Strategy would be discussed at a future Board meeting.

9.5. The Board were informed that a Content Producer was due to start next week and there was a conversation to be had about different channels once resources were in place. The team agreed that representatives from elected officials in the devolved administrations should be part of the Engagement Strategy.

AGREEMENT: The Board agreed the approach to the Engagement Strategy.

ACTION: Add Social Media Strategy to the Forward Look for discussion at a future Board meeting. - Secretariat

10. Fraud Risk

10.1. Richard Moore provided an overview of the new Fraud Team, the work they had been doing on fraud risks and how they interacted with other teams in the Operations Directorate. Richard confirmed that this item was to look at the fraud risk environment and the main Fraud Strategy was due to be discussed by the Board at their January meeting.

10.2. The Board noted that fraud made up 40% of reported crime and there was a clear requirement for IBCA to mitigate risk. Current legal powers did not allow IBCA to prosecute or administer penalties for fraudulent activity but the Public Sector Fraud Bill may give these powers in the future.

10.3. Richard confirmed that a Counter Fraud Function would be established and an enhanced review team were in place to deal with suspicious activity as a first line of defence. Training on fraud also formed part of the Claims Managers induction training.

10.4. Paula Sussex disclosed an interest in ID Verification (IDV) as she runs a Digital Identity Company, which the Board noted.

10.5. The Board discussed the need to carry out a deep dive into IDV and what could be done to minimise the risk of fraudulent applications.

10.6. They also discussed the role of ARAC in ensuring that robust protections and controls were built into processes to mitigate risks and to protect compensation payments

11. Programme Update

11.1. Shainila Pradhan provided a brief update on programme performance and progress. The programme had an amber confidence rating.

- The payment mechanisms with DWP had been approved
- Calculator engine had been signed off
- Progress had been made on Finance and Legal Support with contracts signed with 4 out of 5 firms. Still some administration and paperwork to be completed.
- Business case had been approved with conditions, which is to be expected
- Work was ongoing with CS Pensions on the IBCA application to join the CS Pension Scheme.

12. Finance Update

- 12.1. Rich Hornby updated the Board on the current finance position and confirmed that £30.5m had been transferred to DWP to make compensation payments.
- 12.2. The Board was informed that IBCA did not expect to overspend in this financial year.
- 12.3. Rich explained that the value and profile of support packages had been based on modelling and assumptions. Plausible estimates of spend had been submitted to the Treasury with a range of £188-£250m in this financial year. Any plans for cohort sequencing would need to fit into this spending envelope.
- 12.4. Rich confirmed that the budget for 25/26 was known and Phase 2 of the Spending Review had begun, the assumption was that this would be flat cash. An understanding of the money needed for 26/27 would be agreed between CO, HMT and IBCA in February followed by 27/28 in May.
- 12.5. The Board were advised that funding was driven by the way HMT works on a “how much cash will you spend basis” and that there would be policy decisions and choices to be made alongside setting the risk appetite. They also noted that supplementary estimates allowed for figures to be adjusted and refined on an annual basis. These discussions would be included in the sequencing workshop to take place in December.

13. AOB

- 13.1. The Board agreed that the next meeting should be held in Newcastle and should form part of an all day event.

ACTION: Secretariat to make arrangements for a Board all day event (incorporating the Board meeting) in Newcastle on January 21st.

14. Introduction to the Permanent Secretary

Following the conclusion of the Board meeting the Cabinet Office Permanent Secretary, Cat Little joined to meet the IBCA Board.