

IBCA Board - Minutes and Actions

6 November 2024, 14:00 - 15:45
Conference Room A, 70 Whitehall

Board Members:

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

Attendees:

1. Hannah Probert - IBCA Strategy & Governance
2. Catherine Webster - IBCA Chief of Staff
3. GRO-D - IBCA Board Secretariat
4. GRO-D - IBCA Head of Programme and Governance
5. GRO-D - Private Secretary to Sir Robert

Apologies

1. James Quinault - Inquiry Response

1. Welcome

- 1.1. The Chair welcomed everyone to the Board meeting

1.2. Minutes

- 1.3. Rob Behrens noted that a discussion about non-executive Directors' invitation to join general meetings with claimants and stakeholders was not reflected, nor an enquiry regarding whether Cabinet Office staff should attend external meetings of the Authority.

- 1.4. The Chair advised the Board about ongoing ties with the Cabinet Office during regulatory development. The Chair emphasised the importance of maintaining open communication and collaboration with the Cabinet Office at external meetings to ensure alignment until IBCA is independent and fully established.

- 1.5. **ACTION:** Corrections to be incorporated in revised minutes

Matters Arising

- 1.6. **Action 23: Update** - The Board noted that a working group has actively progressed on the Fraud Strategy, and a comprehensive review is planned to come to the Board in December
- 1.7. **Action 26: Update** - The Board noted that IBCA Values will be discussed at an Executive Committee away day scheduled for 21 November. The final Values will be presented to the Board subsequently for feedback.
- 1.8. **Action 33: Update** - Community engagement efforts have accelerated. Increased participation from the community has led to a better understanding of objectives. Observations indicate these sessions help address community concerns effectively, often resulting in productive outcomes. IBCA will continue these engagement sessions, as they are seen as highly valuable for stakeholder relations.
- 1.9. The Board recommended developing a structured framework for each engagement activity, including:
 - Defining clear objectives
 - Systematically recording insights and feedback
 - Implementing a feedback loop to show participants how their input is addressed.
- 1.10. There was a brief discussion about a previous action (25) that had been closed - the Governance Framework, which Deborah wasn't able to contribute to. The Board were informed that this is being drafted to maintain core elements, with sections allowing for adaptation to the Boards mission and values. Comments from prior discussions have been noted and the Board will be given the opportunity to contribute further.

2. Board Matters

- 2.1. The Chair provided an update on the Board's structure.
- 2.2. The Chair confirmed Rob Behrens role as Deputy Chair and Senior Independent Director (SID). The role will be to act as a Speak Up Champion for IBCA and is the first point of reference for any non-executive Director regarding staff's concerns raised at a Board level.
- 2.3. **ACTION:** David's Private Office to communicate Rob's role to staff
- 2.4. Deborah Harris-Ugbomah and Paula Sussex were appointed to join Russell Frith and Richard Hornby on the Audit and Risk Committee (ARC)
- 2.5. **ACTION:** Russell to draft the Terms of Reference for ARC, using the Treasury template as a starting point for the next Board meeting
- 2.6. The Board were informed that the DWP payments processes will be used as in the first instance whilst options are considered.
- 2.7. The Board agreed that members of ARAC would look at the controls around initial payments before they were made ensuring risk mitigation

- 2.8. **ACTION:** Audit Committee members will provide a progress report at the next Board meeting, outlining controls in place, initial payment process, and early concerns.
- 2.9. **GRO-D** emphasised the Lean Startup approach, iterating policies as the programme progresses and new information is gathered.
- 2.10. The Board noted that they would focus on high-level decisions, agreed that a formal decisions and appeals framework was needed, and policies and approval processes must be thoroughly documented and included in the Governance Framework.

3. Update on any Immediate Issues

- 3.1. David Foley updated the Board on progress made since the Board meeting in October:
 - The Chancellor announced £11.8 billion in funding for the compensation scheme, with a six year expenditure profile.
 - The Outline Business Case was approved by the Investment Committee; the next business case is expected by April
 - 17 invitations were sent to claimants under the Minimum Viable Service (MVS), with 15 confirmed participants
 - Legal and Financial support has been approved by MCO and HMT, with ongoing mobilisation efforts. Initial indications suggest low interest in financial advice but high interest in legal support
 - New Claim Managers (CM) are in their 3rd week of induction. CMs are involved in direct communication, the team have daily check-ins and feedback sessions to capture real-time improvements and support.
 - IBCA has chosen DWP to handle payment processing for the next 18 months due to their speed, resilience, and established process. Payments will display “Infected Blood Compensation Authority” in bank statements. Some dependency on DWP timelines and processes may limit flexibility, however has been tested to ensure payment if DWP timelines fall short.

- 3.2. The Board were informed that diversity was considered in age, location, and infection type for the first 17 claimants
- 3.3. David confirmed that IBCA hopes to provide an initial offer to claimants by the end of November, with a 90 day period for claimants to accept.
- 3.4. The Board suggested the development of a routine survey to access claim managers' experiences and claimant satisfaction.

4. Board Development

- 4.1. Richard Hornby advised the Board that a Framework document is being developed. Certain fixed elements are necessary, while other parts such as strategic aims

require input from the Chair and Board members. Cabinet Office is reviewing the initial draft, which will be circulated for feedback

- 4.2. **ACTION:** Once drafted, the Framework Agreement will return to the Board for final agreement
- 4.3. A scheme of delegation is being developed allowing input on how the Board will manage engagement, transparency, oversight of medical data, and organisational values.
- 4.4. Other items were identified for inclusion in the Boards responsibilities, such as accountability for performance and assurance of quality standards.

5. Programme Update

- 5.1. **GRO-D** provided a summarised progress of programme delivery to date. The MVS has transitioned to amber status, acknowledging progress but recognising residual risks. There is continuous monitoring to ensure readiness for initial payments by the end of the year.
- 5.2. The establishment of IBCA was also amber.
- 5.3. A detailed plan update will differentiate compensation and IBCA related elements for enhanced clarity in the next report
- 5.4. The Risk register had been updated since the last Board meeting, with a further refinement anticipated in the next version.
- 5.5. The Board emphasised on clarifying risk proximity and aligning conversations to ensure that risks are central to delivery.
- 5.6. The Board recognised the need to set a risk appetite, with ongoing oversight by ARAC.
- 5.7. ARAC agreed to regularly review the risk register and support the Board in risk monitoring.

6. Finance Update

- 6.1. Richard Hornby set out the position on financial spend and indicated that there are no concerns about overspending this financial year. Forecast spending is lower than anticipated.
- 6.2. The Board noted that the allocation of capital may become tighter following recent changes announced by the chancellor.
- 6.3. The initial OBC has received approval from the Cabinet Office, permission to spend remains in place, confirming continued project funding.
- 6.4. Payment processes are critical to IBCA's credibility and effectiveness. IBCA has secured funding from the Treasury for legal and financial advice, though contracts are pending finalisation.

- 6.5. Richard explained that the key focus in the next 10 days is to agree on a supplementary budget to cover compensation-related expenses. Initial budget estimates are being refined to ensure sufficient headroom for compensation and other obligations.
- 6.6. The Board discussed whether government obligations for future payments need to be recognised as a liability in the accounts. Richard advised an initial meeting with the National Audit Office (NAO) on accounting issues and potential liability recognition. IBCA will continue discussion with the NAO to clarify when government payment obligations should be recognised in the accounts.
- 6.7. The Board raised concerns about large provisions potentially impacting accounts. Richard advised that early engagement is planned with accounting professionals to establish realistic and compliant accounting policies.

7. AOB

- 7.1. The next Board meeting is scheduled for 4th December, the Cabinet Office Permanent Secretary Cat Little is expected to join the meeting
- 7.2. The Board expressed appreciation for progress made, while acknowledging the challenges in project scaling and financial planning.