

OFFICIAL SENSITIVE

Infected Blood

Compensation Authority

IBCA Board - Minutes and Actions
21 February 2024, 13:30 - 16:30
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 Committee - Non Executive Director
4. Deborah Harris-Ugbomah - Non-Executive Director
5. Paula Sussex - Non-Executive Director
6. Helen Parker - Non-Executive Director
7. Sir Rob Behrens - Non-Executive Director
8. Richard Hornby - Interim Finance Director
9. Celine McLoughlin - Interim Director of Digital
10. Sindy Skeldon - Interim Director of Operations

Attendees:

1. Hannah Probert - Strategy & Governance
2. Catherine Webster - IBCA Chief of Staff
3. **GRO-D** - Board Secretariat
4. **GRO-D** - Board Secretariat
5. **GRO-D** - Private Secretary to Sir Robert
6. Rachel Forster Interim Director of Communications
7. Shainila Pradhan Interim Programme Director
8. **GRO-D**

Apologies: Gillian Fairfield - Non-Executive Director
James Quinault - DG Inquiry Response - Senior Sponsor

1. Welcome

- 1.1. The Chair welcomed everyone to the Board meeting

2. Minutes and Matters Arising

- 2.1. A re draft of the minutes was requested to Item 4 on the Cohort Sequencing to clarify the process, reflect discussion that took place at the Board meeting. The Chair requested that the minutes record that the decisions made were unanimous.

ACTION: Amended minutes to be recirculated to Board members - Governance Team

- 2.2. Board members raised a query on the briefing paper on M&C Saatchi under item 6 on the agenda and asked why the briefing did not include details of the contract and finance.
- 2.3. 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.

2.4. **Actions**

2.5. The Board discussed progress on the 4 open actions:

- **Action 26** - Following a town hall event during which colleagues provided their insights on organisational values, the proposed values will be presented to ExCo for review. Subsequently, they will come to the Board for consideration in March
- **Action 46** - EDI options will come to the Board in March - The Board commented on its public sector duty to collect EDI information.

ACTION: EDI item for the Board meeting in March to include a forward plan for data collection, data that is already available and clarification on the legal obligation to collect data and IBCA's obligations under the Public Sector Equality Duty. - Celine McLoughlin

- **Action 50** - Internal Governance Framework will be considered at the March board meeting and would include a paper on Community and Expert Panels (Legal and Medical)
- **Action 55** - The Framework Agreement is now with the Cabinet Office for final sign off.

3. **Board Matters**

3.1. The Chair informed the Board that the Internal Governance Framework required the Board to agree on the governance structure for Board Sub Committees. This would include a discussion on Expert Panels and a Community Advisory panel. Suggestions from Board members on any other sub committees would be welcomed.

ACTION: Suggestions for Board committees to be emailed to the Governance Team - Board Members

3.2. The Chair asked that as part of the agreement on internal governance, a revised set terms of reference be submitted to the next Board meeting for agreement.

ACTION: Draft a revised ToR for the Board and add to the agenda for the meeting on March 18th. - Governance Team

3.3. **ARAC Report to the Board**

The Chair of ARAC reported back to the Board on the first meeting of ARAC on the 29th January. The Committee met with GIAA as internal Auditors and NAO as the External Auditors. Both organisations were developing outline Audit Plans.

The Board was informed that the biggest concerns were round calculations and provisions for compensation. Plans were in place for the IBCA Annual Report and Accounts with an aim to lay accounts before summer recess.

The Board noted that work on risk was progressing and a workshop needed to be arranged for the Board to discuss and agree risk appetite. Ideally this should be between March - May.

The Board noted that the ARAC Chair has been invited to attend a Cabinet Office ARAC meeting by the new Chair of the Cabinet Office Audit & Risk Committee (COARC).

ACTION: Set up a Risk Appetite Workshop for the Board. - Rich Hornby/Governance Team

4. CEO Update

- 4.1. The CEO provided the Board with the latest update on key delivery figures:
 - 159 invitations sent to claimants to date:
 - 84 accepted
 - 26 offers made totalling £36.4m
 - 16 claims paid totalling £15.1m
 - Largest single payment is £2.4m
 - A further 46 invitations to be sent out this week taking the total to 205 - we are on track to invite 250 claimants to apply for compensation by the end of March
- 4.2. The CEO reflected on feedback from the sequencing announcement which went as well as expected. Feedback had been unsurprisingly negative but there had been no surge in call volumes. Work was now underway on resourcing to deliver the plan.
- 4.3. The CEO also reflected on the announcement of the 2nd set of regulations that had been laid in Parliament for discussion and agreement. It was expected that the regulations would be in place by the end of March. The community reaction to the announcement of the regulations was that it was not moving fast enough. An organisational teach in on the 2nd set of regulations was being planned.
- 4.4. The Cabinet Office had noted an error in the 1st set of regulations and were currently in the process of seeking legal advice from GLD. This is an ongoing risk. It was likely that as a result of the error potential underpayments could occur rather than overpayments. There would be no clawback of any overpayment.
- 4.5. Current financial and legal support for claimants was due to continue until the end of March. Options for support post March would be brought to the Board as the right commercial agreement needs to be in place to meet the needs of an increased number of people needing support.
- 4.6. It was expected that the current support would be extended and potentially expanded but this would need Ministerial approval.

ACTION: Paper on Financial and Legal Support Procurement Strategy to come to the Board in either April/May - Rich Hornby

- 4.7. The CEO informed the Board that the attraction package for recruitment of staff was dealing with issues about tenure and pensions. 144 provisional offers had been made in the Claims Managers recruitment campaigns to start in March and April. Further discussions with GRS were being held about another recruitment drive.
- 4.8. The Calculator was due to launch in private beta in early March when a small number of applicants would test it.

- 4.9. The Board were informed that the Supplementary Estimate had been submitted, reflecting the £272m contingency fund advance approved by HM Treasury at the end of December. IBCA is in the process of arranging to return the advance. Future requirements will be submitted as part of the Spending Review.

5. Communications Strategy

- 5.1. The Director of Communications provided the Board with an overview of progress on the communications strategy to date and outlined the approach for Q4 with
- a dedicated response to social media - facebook
 - expanding channels and engagement opportunities, based on community survey feedback, including a toolkit & Q&A
 - Continuation of the webinars
 - Teach in for MP's
 - Development of case studies
- 5.2. Board members asked questions around the use of other social media channels such as TikTok and Instagram and were informed that those platforms were not well used by the community. The Board noted the potential for Instagram when the time was right.
- 5.3. Board members raised the importance of building capability to reach out to any non native English speaking groups and other hard to reach audiences as this was not covered by the Public Inquiry. This would need a proactive approach. The Communications Director agreed that help and expertise from Board members on this would be greatly appreciated.

6. Presentation by IBCA's creative agency M&C Saatchi

- 6.1. IBCA has appointed M&C Saatchi to develop a new creative concept aimed at effectively reaching all individuals entitled to compensation and the development of IBCA's brand identity and positioning.
- 6.2. GRO-D from M&C Saatchi gave a presentation on the creative strategy and shared the creative work developed to date, which had followed an initial consultation with the IBCA User Consultants.
- 6.3. Board members discussed how this would land with the community. The approach would be to work with the community with all elements signed off by them. The language used would need to speak to IBCA's values and everything would be tested before being released.
- 6.4. Board members expressed some nervousness about creating a brand identity for a public sector organisation and questioned the need to do so and to what extent a brand would build trust and establish an authoritative voice.
- 6.5. The contract value was also discussed. It was clarified that £1.2m did not include media costs. The Board was invited to have oversight on the budget and how it was spent.

- 6.6. The Board stated that it wanted more time to think about the proposal and its implications. However this should not stop M&C Saatchi testing their approach.

AGREEMENT: The Board agreed that the language should only be used in specific user testing and not in general communications. The results of the user testing should come back to the Board for decision along with a robust programme for delivery.

ACTION: Share the full M&C Saatchi presentation pack with Board members - Governance Team

ACTION: Governance Team to schedule a further session on Creative Strategy in the Board forward look.

7. Business Case - Scenario Planning

- 7.1. The Board was informed that the next business case would be submitted in May. The paper for this meeting covered an update on scenario planning and the Board were invited to discuss and ask questions.
- 7.2. Board members thought it would be helpful to see the commercial decisions set out.
- 7.3. The Board were informed that the Business Case would be based on the central planning assumptions and modelling options for going faster or slower. The timetable for submission of the Business Case did not align with Board meetings but the team would keep the Board updated on progress and there would be opportunities for Board members to get involved in more detail.
- 7.4. Key points of the Business Case would be shared with the Board at their April meeting before submission in May.

ACTION: Arrange a page turning session on the Business Plan for Board members - Shainila Pradhan

8. Programme Update

- 8.1. Board members noted that the delivery confidence was Amber/Red. Work was continuing on:
- pay/grading
 - Civil Service Pension
 - Business Case - Scenario/Modelling
 - Developing capability around risk management
- 8.2. Still to do:
- Organisation design
 - Workforce planning
- 8.3. Delays on shared services: **Status red**
- 8.4. Professional Services contract - under resourcing in the team: **Status red**

- 8.5. Progress on a critical path approach would be included for the next Board meeting. The path to the end of March was clear. IBCA is working in a way that is informed by the people it is working with.
- 8.6. Board members asked if there was anything they could do to help or anything they could escalate.
- 8.7. The CEO stated that IBCA was keen to access Business Partnering particularly in the Commercial space as there were commercial issues to resolve.
- 8.8. The Board were informed that delivering the multiple priorities at the same time:
 - Paying people quickly
 - Standing up an organisation
 - Delivering a servicepresented challenges for RAG ratings as they all carried high levels of risk.
- 8.9. The Board noted that the short term is clear but the longer term is less clear. Most attention had been focused on getting payments out and now the focus was shifting to setting up the organisation, whilst accepting the high level of risk.
- 8.10. It was suggested that the Board may need a sub committee to look at performance. This would be discussed at the next Board meeting in March.
- 8.11. The Board briefly touched on the need for KPI's. It was suggested that a Balanced Scorecard approach without targets may be a way forward as KPIs would need to be developed as the service develops and it was important to build the service before setting firm targets.

ACTION: The CEO Update for the next Board meeting will include a section on where the Board can help - Catherine Webster

ACTION: Procurement Plan to be included at next Board meeting with details on contracts; when agreed; purpose; and headroom. - Rich Hornby

9. Finance Update

- 9.1. The Board noted that IBCA was expected to underspend its budget for 24/25 and planning was underway for the NAO to carry out a financial audit.
- 9.2. The Finance Director informed the Board that an error had occurred and the budget had been transferred to DWP twice. This was done via an intergovernmental banking service and funds had not left the Exchequer.
- 9.3. Controls had now been put in place for the Finance Director to authorise all payments.
- 9.4. The Finance team were now looking at how best to make any overseas compensation payments. The Government Banking Service were keen to help to put something in place for any large payments.

9.5. A concern was raised by Board members that DWP guidance on IBCA payments not affecting benefits had not yet been updated. Reassurance was given by the Director of Operations that guidance had been updated and procedures were in place. Examples where this did not appear to be the case can be sent to the Interim Director of Operations

10. AOB

10.1. **AGREEMENT: The Board agreed on the frequency of Board meetings in Newcastle. These should be held once a quarter, with a morning session for the Board ahead of the formal Board meeting.**