

NHS England
DRAFT Minutes of the Board Meeting Part 2 – Confidential
23 July 2015
Rooms 401-405, Southside, London

Present:

Professor Sir Malcolm Grant	Chairman
Simon Stevens	Chief Executive
Ed Smith	Non-Executive Director and Deputy Chairman
Lord Victor Adebawale	Non-Executive Director
Professor Sir John Burn	Non-Executive Director
Margaret Casely-Hayford	Non-Executive Director
Sir Ciaran Devane	Non-Executive Director
Dame Moira Gibb	Non-Executive Director
Noel Gordon	Non-Executive Director
Paul Baumann	Chief Financial Officer
Jane Cummings	Chief Nursing Officer
Sir Bruce Keogh	National Medical Director
Ian Dodge	National Director: Commissioning Strategy
Dame Barbara Hakin	National Director: Commissioning Operations
Tim Kelsey	National Director for Patients and Information
Karen Wheeler	National Director: Transformation and Corporate Operations

In Attendance:

Leticia Thomson	Chairman’s and Chief Executive’s Office
Rachel Cashman	Head of Clinical and Scientific Policy and Strategy (item 3)
Neil Churchill	Director - Improving Patient Experience: Domain 4 (item 4)

Apologies:

David Roberts	Non-Executive Director
---------------	------------------------

Secretariat:

Fiona Barr	Head of Corporate Governance and Board Secretary
------------	--

Ref	Minute
1.0	Opening Administration
1.1	Apologies were as set out above.
1.2	There were no declarations of interest.
2.0	Minutes of Previous Meetings
2.1	The minutes of the meeting held on 28.05.15 were accepted as an accurate record. There were no matters arising.
3.0	Future Delivery of the Cancer Drugs Fund
3.1	The Chief Financial Officer, Paul Baumann, explained why it was important to revise the Cancer Drugs Fund (CDF): to minimise uncertainty and suffering for cancer patients, to manage costs for the NHS and provide certainty to the pharmaceutical industry. He emphasized that patients currently in receipt of support from the CDF would be unaffected. There had been further discussions with the National Institute for Health and Care Excellence (NICE) and he updated the Board on the current position.
3.2	The Board supported the proposed CDF process outlined in the paper, accepting that it remained subject to further legal assurances and negotiation with the Department of

IN CONFIDENCE – NOT FOR PUBLICATION

	Health (DH) and NICE.
3.3	The Board discussed the need to undertake a public consultation in September 2015 on the proposals; this would allow sufficient time for responses to be analysed, an orderly transition from the existing scheme to be implemented and the new CDF to be operational from 1 April 2016.
3.4	The Board recognised the importance of involving stakeholders in the plans for the future delivery of the CDF as early as was practicable. To this end, the National Medical Director, Sir Bruce Keogh, resolved to arrange an early meeting with Baroness Delyth Morgan of Drefelin, Chief Executive of Breast Cancer Now and hold meetings with key charities in advance of the start of the public consultation.
3.5	The Board agreed to delegate authority to the Chair and to the Chief Executive, who could act jointly or individually (where either of them was unavailable) for approval of the public consultation document on the proposals for future delivery of the CDF and the future process post-consultation.
3.6	The Board resolved to receive a further update at a future meeting, including a clearer indication of the management costs associated with the new arrangements.
ACTION CB.23.07.15/07	Provide an update to the Board on progress with the new CDF, including a clearer indication of the management costs associated with the new arrangements. LEAD: Sir Bruce Keogh, National Medical Director
3.7	The Board accepted the recommendations in the paper.
4.0	Whistleblowing in the NHS – Implementing <i>Freedom to Speak Up</i>
4.1	The Chief Nursing Officer briefly introduced the item and invited the Director - Improving Patient Experience: Domain 4, Neil Churchill, to brief the Board further. He outlined the commitments NHS England was making towards implementing <i>Freedom to Speak Up</i> , the Robert Francis report on whistleblowing, and how NHS England was likely to be affected – particularly if it became a prescribed organisation under the terms of the Employment Rights Act 1996 for primary care whistleblowing cases.
4.2	The Board considered the arrangements required to fulfil Francis’ expectations, noting that whilst the National Director: Transformation and Corporate Operations, Karen Wheeler, was the <i>Whistleblowing Guardian</i> for the organisation, NHS England did not have an identified Non-Executive Director (NED) to take a lead role on whistleblowing. Recognising the importance of the process, the Chairman agreed to take on the role of lead NED for whistleblowing personally. In setting up the new arrangements, NED Margaret Casely-Hayford agreed to give the benefit of her experience of introducing whistleblowing procedures at John Lewis.
4.3	The Board accepted the recommendations in the paper and agreed to receive an update on progress in six months’ time.
ACTION CB.23.07.15/08	Update the Board on progress with implementing the recommendations of <i>Freedom to Speak Up</i> at the 28.01.16 meeting. LEAD: Jane Cummings, Chief Nursing Officer
5.0	Consideration of Draft Agendas for Board Meetings in September 2015
5.1	The Board agreed the draft agendas for the Board meetings in September 2015 which would be held in London. It was noted that a report on the Mental Health Taskforce should be scheduled for the November 2015 Board meeting.
ACTION CB.23.07.15/09	Provide a report on the Mental Health Taskforce to the PB.20.11.15. LEAD: Sir Bruce Keogh, National Medical Director
6.0	Any Other Business
6.1	There were no items of any other business and the Chairman thanked the Board for two constructive days of meetings.
Date of Next Meeting: 24 September 2015, Southside, London	

Agreed as an Accurate Record of the Meeting	
Date:	
Signature:	
Name:	Professor Sir Malcolm Grant
Title:	NHS England Chairman