

**AUDIT, RISK & ASSURANCE MEETING: 08 SEPTEMBER 2020
QUESTIONS RECEIVED IN ADVANCE OF THE MEETING**

ITEMS FOR DISCUSSION

AGENDA ITEM 3.2: LOSSES AND SPECIAL PAYMENTS ANNUAL REPORT 2019-20

No.	Requestor	Date Received	Question Received	Director Lead	Response
1.	Independent Member, Capital & Estates	04/09/2020	Interested on how we reach decisions on whether to defend or accept claims. I was struck by App Ai (186C4M) where on the basis of the information presented the claimants costs were around 3 times the amount of compensation? Just to clarify I am not looking for any information which may raise issues of patient confidentiality.	Executive Director of Finance, Information & IT Services	<p>Re the process followed for decisions to accept or defend claims, the approach is that the relevant solicitor from NWSSP Legal and Risk Services (who is managing the case) undertakes a review of all the evidence following their investigation in to the allegations raised against the health board and as part of the review the cost risk benefit to the health board is considered. This means that the health board is advised by our solicitors if it is economically beneficial for the health board to agree to settle damages or defend the claim based on the potential chance of success or loss by proceeding to defend a case at trial and factoring in associated costs of doing so which can be in the region of up to £20,000.</p> <p>Re the specific case, the bill of costs was not one that was considered grossly disproportionate by our solicitors given the period of time it took to bring the case to a conclusion (as the case commenced in 2017) and</p>

					there were reductions made on the initial bill that was received by the health board. The health board were advised to settle the bill up to an identified ceiling.
ITEMS FOR DISCUSSION					
AGENDA ITEM 3.4a, COVID-19 GOVERNANCE ARRANGEMENTS – ADVISORY REVIEW					
2.	Independent Member, Capital & Estates	04/09/2020	The report makes reference to decision to ventilation project (presume this is one we recently took forward under Chair's action) not being actioned following Gold Group decision (?). It later comments that the approval process for capital expenditure was not clear but this has been clarified post completion of the report. Could I have some details on this and how it was resolved?	Executive Director of Finance, Information & IT Services	There are a number of points to clarify: - <ul style="list-style-type: none"> • The original Covid FCP was primarily focused on revenue expenditure. • Capital Expenditure was subject to individual returns to Welsh Government (re forecast Covid costs) with the individual capital items then approved via existing capital approval routes (in the health Board). • The point in the Audit Report is in reference to an action being identified to complete a further paper on Ventilation, this paper was not completed within the timescale of the audit (due to completing tender exercise, ensuring appropriate level of service etc) it went to Gold on 19th August and then for Chairs Action. • The Covid FCP has been updated to ensure full clarity re Capital Process re WG returns and approval process (improving visibility on the procedures already in place)