

ESTATE MAJOR PROJECTS AUTHORITY COMMITTEE - MINUTES**Venue:** WebEx.**Date:** 27th March 2020, 15:00 - 16:30**Members:**

Mr R Samuda (RS) Non-Executive Director (Chair)
 Mr T Lewis (TL) Chief Executive (Arr. 15:30)
 Ms R Barlow (RB) Director of System Transformation
 Mr M Hoare (MH) Non-Executive Director
 Cllr W Zaffar (WZ) Non-Executive Director
 Ms D McLannahan (DM) Chief Finance Officer

In Attendance:

Ms R Biran (RBi) Assoc. Director of Corp Governance

| Minutes | Reference |
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| 1. Introductions [for the purpose of audio recording] | Verbal |
| The Committee members provided an introduction for the purpose of the meeting recording. | |
| 2. Welcome and declarations of interest | Verbal |
| RS welcomed Committee Members to the meeting. There was no change in declarations of interest. | |
| 3. Apologies for absence | Verbal |
| Apologies were received from Mick Laverty and Harjinder Kang. | |
| 4. Minutes of last meeting held 10 December 2019 | EMPA (03/20) 001 |
| The minutes of the meeting held on 10 th December 2019 were reviewed and ACCEPTED by the Committee as a true and accurate record of the meeting. | |
| 5. Matters and actions arising from previous minutes | EMPA (03/20) 002 |
| <p>The Committee reviewed the action log. It was observed that some of the actions were now closed or would be discussed later in the meeting agenda. The following update was provided:</p> <ul style="list-style-type: none"> EMPA (10/19) 003 - Present current data on the risk assessment of service instability and impact of service instability of reconfiguration to the Committee. <p>It was agreed that this item be included on the SBAF agenda.</p> | |
| DISCUSSION ITEMS | |
| 6. Midland Met RCC Update | EMPA (03/20) 003 |
| <p>RB referred Committee members to the paper which aimed to re-familiarise members with the project, following the signing of the contract in December 2019.</p> <p>RB reported that, despite the insolvency of the cladding provider which has been mitigated and COVID-19 pressures, the overall programme progress was on track at the time of reporting. It was anticipated this status would continue at least for the next month.</p> | |

Dry lining work continued and had been risk assessed in the light of COVID-19, 2-metre social distancing restrictions. Extra staffs were being brought on site in the next 3 working days aligned to the workforce plan. Cladding would be fire tested, probably in April.

RB reported that construction company, Balfour Beatty, had been impressively responsive to COVID-19 and twice weekly planning meetings with a covid status reports and focus on mutual aid. The intention and joint commitment is to maintain the project progress. Downstream potential risks include supply chain which is being risk assessed. A joint communications approach is in place to support and promote safe construction work with social distancing and mutual aid schemes. RS commented that Balfour Beatty had offered practical, voluntary help to the Trust in the health crisis.

RS queried whether the decision to stop work on the site was legally Balfour Beatty's to take under the terms of the contract. RB confirmed this was the case however, the Trust had asked that it be involved in any such decision. RB stated that the legal advice had been sought on the contract implications in the light of COVID-19. RB offered to email the summary of the legal position to the Committee membership.

RS further queried the potential loss of Radiopharmacy from the Midland Met plan. RB reported that Radio-pharmacy was likely to be delivered elsewhere and, therefore, it had not been signed off for design. Alternative uses were being considered for the space.

Action: RB to email the legal summary about the Midland Met construction contract and the impact of COVID-19 to EPMA Committee members.

7. Hard FM – Next Steps

EMPA (03/20) 004

RB reported that the Trust had recently received a revised mobilisation report from Engie following the rejection of an initial draft. Lot 3 had not yet been mobilised. Desktop retained estate studies had been continuing and therefore, the impact of COVID-19 had not reduced the opportunity to progress on this aspect of the project. The addition of Smart building technology [within Midland Met] was a positive and innovative design element however, it was reported this would require a contract change.

Two staff engagement sessions had taken place with estates staff subject to potential TUPE. Monthly meetings would now be taking place. AK reported that the first meeting had been high-level and specifically about engaging with the workforce and feedback on the outcome of the bids. Engie led the second meeting introducing Engie as an entity. AK expressed the view that some staff were naturally uncertain about the changes but that this would pass. The next meeting would take place later in April.

WZ queried the role of trade unions. TL reported receiving a letter from the unions to which he was responding. They would be involved as much or little as they wished, but he was disappointed that an adversarial approach to the principle was being promoted, perhaps through Unite.

RB reported that discussion of Lots 3 and 4a would be brought back to the meeting in the coming months. In relation to Lot 4b [consideration of capital works outsourcing], RB reported a review of the capital programme, processes and resources had commenced and would be concluded over the next month. It would be returned to EMPA Committee for consideration. Strategic partnerships [futureproofing] work was ongoing.

Under the previous item of RCC update, MH raised the issue of external cladding options. TL reported that different claddings had been priced in and out of the contract and progress would be decided following an assessment of their fire test performance. TL noted that in one of the fire tests, one [cladding option] was expected to fail, one would likely pass and the other would also likely pass, but an added complication was that a component of the supply chain was no longer functional and for this different reason, some elements of the cladding were likely to be changed. TL reported that budgets were in place for each, given that it will be an aesthetic decision.

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| 8. Project Team: Capacity & Capability | EMPA (03/20) 005 |
| <p>RB reported that most of the Midland Met project team was in place but some roles needed to be appointed, including that of the Project Director. WZ had agreed to be on the interview panel and the recruitment process would take place over the next 4 weeks. Roles had been mapped out, but job descriptions were in the process of being completed. A new version of a 'good client' paper had been received from Engie which would help with understanding their different working methods.</p> <p>TL pointed out that there were some drafting errors in the organisational structure diagram [organogram] particularly regarding the Senior Finance Manager and the Director of Commissioning posts and their reporting lines. TL asked that a revised structure organogram be issued to staff for them to give feedback within 7-10 days.</p> <p>TL expressed the view that the Committee would need to consider whether there was enough bandwidth across the Director of Commissioning and Head of Service Improvement branches to deliver the clinical programme. This issue was fundamental and urgent because the alternative would be to shrink other branches of the budget in order to find funding. It was agreed that the topic be discussed at the next meeting. RB confirmed she would prepare a paper on that basis.</p> <p>TL emphasised the point that the structure of the team's skillset would benefit from the input of colleagues from NHSI / England. Engagement would be ongoing over the next few months.</p> <p>TL reported that representatives from both organisations had the right to attend the EPMA meeting as part of the approval process. It was still to be determined whether a representative from NHS England's Finance or Estate function would be the most appropriate. TL to enquire and clarify.</p> | |
| <p>Action: RB to circulate a revised organogram on the team structure.</p> <p>Action: The clinical programme, key appointments and funding/cashflows to be on the agenda for discussion at the April EPMA Committee meeting.</p> <p>Action: TL to clarify whether NHS England's finance function or estate function should be engaged for input into the Midland Met Project Team formation.</p> | |
| MATTERS FOR INFORMATION/NOTING | |
| 9. Strategic Board Assurance Framework: EMPA Controls | EMPA (03/20) 006 |
| <p>RB reported on 2 SBAF items:</p> <p>SBAF 6 – MMUH contractor</p> <ul style="list-style-type: none"> ○ The risk had been downgraded to 9 which was the target risk and therefore, 'adequate' assurance was proposed. This was agreed by the Committee. ○ MP raised the impact of COVID-19. TL commented that a list of overall COVID-19 risks would be brought to the Board in May and a discussion about how this would flow down to SBAFs could be discussed. <p>SBAF 19 – MMUH contractor and sustainability of services on 2 sites</p> <ul style="list-style-type: none"> ○ Acute medicine and respiratory failed to recruit in Q4. ○ There had been no progress on the 7-day dashboard which would offer assurance. ○ No change was proposed in its SBAF status of 'limited'. The Committee agreed. | |
| 10. Meeting effectiveness/matters to raise to the Trust Board | |
| <p>RS suggested the following topics be raised:</p> | |

- Update on COVID-19
- Cladding
- Hard FM
- Capacity and capability

11. Any other business

TL offered the Trust’s profound thanks to Alan Kenny on behalf of the Committee as it was his last meeting in his current role, before his retirement and return within Capital Projects.

Details of Next Meeting

- The next meeting will take place on 24th April 2020 from 11:00am - 12:30am via WebEx.

Signed

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Date