

LEEDS AND YORK PARTNERSHIP NHS FOUNDATION TRUST

Minutes of the Public Meeting of the Board of Directors
held on held on Thursday 23 May 2019 at 9:30 am
in Jimi's Community room, The Old Fire Station, Gipton Approach, Gipton, Leeds LS9 6NL

Board Members

Apologies

Prof S Proctor	Chair of the Trust	
Prof J Baker	Non-executive Director	
Mrs J Forster Adams	Chief Operating Officer	
Miss H Grantham	Non-executive Director	
Mrs D Hanwell	Chief Financial Officer and Deputy Chief Executive	✓
Mrs C Holmes	Director of Organisational Development and Workforce	
Dr C Kenwood	Medical Director	
Mr A Marran	Non-executive Director	
Dr S Munro	Chief Executive	
Mrs M Sentamu	Non-executive Director	
Mrs S White	Non-executive Director (Deputy Chair of the Trust)	
Mrs C Woffendin	Director of Nursing, Quality and Professions	
Mr M Wright	Non-executive Director (Senior Independent Director)	

All members of the Board have full voting rights

In attendance

Mrs C Hill	Associate Director for Corporate Governance / Trust Board Secretary
Mr D Brewin	Deputy Director of Finance (on behalf of Mrs Hanwell, Chief Financial Officer)
Mr J Verity	Freedom to Speak up Guardian (for minute number 19/081)
Nine members of the public (two of whom were members of the Council of Governors)	

Action

19/074

Prof Proctor opened the public meeting at 9.30 am and welcomed everyone.

Sharing Stories (agenda item 1)

Prof Proctor welcomed Dr Alison Stansfield who was attending the meeting to talk about the Leeds Autism Diagnostic Service. Dr Stansfield outlined the continuous improvement work that had been undertaken in relation to the referral process and the diagnostic pathway. She talked about the outcome of this work how it had improved processes; reduced the number of people who do not attend appointments; and the increased amount of time spent with service users.

The Board discussed the presentation in particular the positive impact the improvement work had had on both service user experience and Key Performance Indicators within the service. The Board also noted the importance of improvement being at the centre of everything staff do and ensuring learning from this work was being shared with and applied to other services in the Trust.

Prof Baker noted the importance of ensuring the improvement of quality of care is at the heart of any change. He also noted the importance of the environment in which care is provided being suitable for people with autism and suggested that all the Trust's sites should be designed with people with autism in mind, although it was acknowledged that there were a number of factors that needed to be considered in relation to this.

The Board **thanked** Dr Stansfield for the presentation on this improvement work and **noted** the positive impact it had had on the referral process and the diagnostic pathway in the Leeds Autism Diagnostic Service.

19/075 Apologies for absence (agenda item 2)

Apologies were received from Mrs Hanwell, Chief Financial Officer. It was noted that David Brewin (Deputy Director of Finance) was attending the meeting on her behalf.

19/076 Declaration of interests for directors and any declared conflicts of interest in respect of agenda items (agenda item 3)

The Board noted there were no changes to directors' declarations of interests as set out in the Board papers. It was also noted that no director at the meeting had advised of any conflict of interest in relation to any agenda item.

19/077 Minutes of the previous meeting held on 25 April 2019 (agenda item 4)

The minutes of the meeting held on 25 April 2019 were **received** and **agreed** as an accurate record and were signed by the Chair.

19/078 Matters arising (agenda item 5)

The Board **noted** that there were no matters arising.

19/079 Actions outstanding from the public meetings of the Board of Directors (agenda item 6)

Prof Proctor presented the action log which showed those actions previously agreed by the Board in relation to the public meetings, those that had been completed and those that were still outstanding. The Board discussed the actions.

In relation to the smoke-free policy and the use of e-cigarettes, Mrs Woffendin advised the Board that work was ongoing to oversee the implementation of the new policy and to consider the guidance around the use of e-cigarettes. She advised the Board that a paper would be brought to

the July Board meeting in relation to nicotine management to provide a further update.

CW

The Board **received** a log of the actions. It **noted** the details, the timescales and progress.

19/080

Chief Executive's report (agenda item 7)

Dr Munro presented her Chief Executive's report and drew attention to some of the main highlights. The Board noted and discussed the items outlined in the report.

Dr Munro drew attention to the work to tackle inequalities in the care provided to BAME communities in Leeds. Prof Baker noted that there had been an issue raised at the Quality Committee relating to the difficulty in ensuring people from some BAME backgrounds engaged with specialist services. Dr Munro agreed to ensure this was picked up by the Equality and Inclusion Group and also agreed to raise this issue with the Chief Executive of Touchstone who was involved in this cross-city work programme.

SM

The Board noted that Paul Bollom, from Leeds City Council, would be attending a future Board Strategic Discussion session to talk about the refresh of the Leeds Plan. Directors agreed to provide Mrs Hill with any thoughts or questions so these can be provided to Mr Bollom ahead of his session.

All

With regard to the recent media reports into the events at Whorlton Hall, Dr Munro outlined the work ongoing in Leeds to ensure vulnerable people are supported and cared for appropriately. She spoke about the Transforming Care Programme which was aimed at ensuring that people were not placed out of area for long periods of time. She also spoke about the work to ensure that people are supported in the community, which would help reduce the need for people to be cared for out of area.

The Board **received** and **noted** the report from the Chief Executive.

19/081

Freedom to Speak up Guardian Annual Report (agenda item 13)

Mr Verity presented the Freedom to Speak up Guardian Annual Report. The Board noted all the work that had been undertaken to raise the profile of the guardian and ensure staff know how to contact him.

Mr Wright noted that he had met recently with Mr Verity and had received assurance on his work and the issues that had been raised to him by staff. Dr Munro also praised the work carried out by Mr Verity noting the positive feedback she had received when talking to staff in the services.

With regard to the support offered to junior doctors to raise concerns, Mr Verity noted that if a concern was raised by one of the medical staff he

would speak with either the Medical Director or the Guardian of Safe Working and he described the positive working relationship he had in relation to this. Dr Kenwood noted that Mr Verity attended the Trustwide Clinical Governance Group that that this helped clinical staff gain insight into some of the issues raised through the Guardian.

In relation to the timescales for the review of the procedures relating to speaking up, grievances, and bullying and harassment, Mrs Holmes noted the comments that were to be incorporated into the refreshed documents had come through a number of different routes. The next step of the process, therefore was to consult with staff on the content of the updated documents.

The Board **received** the FTSuG Annual Report and **noted** the content.

19/082

Report from the Chair of the Quality Committee for the meeting held on 14 May 2019 (agenda item 8)

Prof Baker, Chair of the Quality Committee, presented a report on the work of the committee for the meeting held on 14 May 2019. He drew attention to:

- The annual quality and safety report received from the Perinatal Service. He outlined some of the points to come out of the discussion which were in respect of: the Leeds Plan and what was being done to support young families in crisis; the suggestion that the provision of accommodation for carers and families is considered within the plans for the new build on the St James's Hospital site; and the need to ensure equitable access to all services from within diverse communities.
- The audit that had been carried out in respect of Safeguarding noting that this had received a rating of significant assurance. Prof Baker noted that the committee had commended the improvements in this area.

The Board noted the items discussed by the committee. Dr Munro advised that the tender specification for the Primary Care / IAPT contract included specialist support for young families in crisis and that there was an expectation that this would be done in collaboration with the third sector and would link back into the Trust's services where appropriate. With regard to the potential to provide accommodation for carers in the new build, Dr Kenwood noted that this was being picked up through the Programme Board by Dr Sophie Roberts.

The Board **received** the report from the Chair of the Quality Committee and **noted** the matters raised.

19/083

Annual report from the Quality Committee for 2018/19 (agenda item 8.1)

Prof Baker referred to the annual report and noted the team approach there

had been to ensuring the committee worked effectively and noted the progress made by the committee over the past year. The Board noted the changes that had been made to the governance of the committee.

The Board **received** the Annual report from the Quality Committee for 2018/19 and **noted** the content.

19/084

Report from the Chair of the Mental Health Legislation Committee for the meeting held on 15 May 2019 (agenda item 9)

Mrs Sentamu presented the Chair's report from the meeting of the Mental Health Legislation Committee held on 15 May 2019. She drew attention to the following items:

- The increase in uptake of compulsory training in relation to the Mental Health Act;
- Improvement in the collection of data in relation to S136 detentions, noting the work with the police to increase data collection rates;
- The work undertaken in respect of restrictive interventions, noting that overall there was a downward trend in their use; and
- The outcome of the mental health legislation documentation audit noting that it had been found that there were no defective detentions.

Prof Proctor noted that she had also attended the committee meeting. She added that it had been suggested that the Board invite Emma Oldham Fox to a future Board sharing stories session in relation to the work on reducing restrictive interventions. Mrs Hill agreed to inform the Patient Experience Team.

CH

The Board **received** the report from the Chair of the Mental Health Legislation Committee and **noted** the matters raised.

19/085

Annual report from the Mental Health Legislation Committee for 2018/19 (agenda item 9.1)

The Board **received** the Annual report from the Mental Health Legislation Committee for 2018/19 and noted the content.

19/086

Revised Terms of Reference for the Mental Health Legislation Committee (agenda item 9.2)

The Board **received** and **ratified** the changes to the Terms of Reference for the committee.

19/087

Report from the Chair of the Audit Committee for the meeting held 20 May 2019 (agenda item 10)

Mr Wright presented the Chair's report from the meeting of the Audit Committee held on 20 May 2019. He drew attention to the following items:

- A private meeting had taken place with the external auditors, and that there was nothing specifically that the auditors had wanted to bring to the attention of the committee members;
- The External Audit report, noting that there was nothing of any significance or concern in the report. He commended the process for the close-down of the annual accounts, and extended the thanks of the committee to the finance team for all their work in relation to this;
- The Letter of Representation noting that this would be taken later in the meeting and that the committee had recommended that this was signed by the Board;
- The 'significant assurance' opinion from the Head of Internal Audit, noting the increase in performance in relation to timely closure and completion of agreed internal audit actions by managers; and
- The receipt of a number of year-end compliance statements, again noting that these would be received by the Board later in the meeting and that the committee would be recommending that the Board make the declarations as detailed in that paper.

The Board **received** the report from the Chair of the Audit Committee and **noted** the matters reported on.

19/088

Annual report for the Audit Committee for 2018/19 (agenda item 10.1)

Mrs Grantham noted that the auditors had been asked for a view as to whether the committee was working effectively and they had confirmed that the committee was effective and that there were no particular changes that they would seek to recommend.

The Board **received** the Annual report from the Audit Committee for 2018/19 and noted the content.

19/089

Report from the Chair of the Finance and Performance Committee for the meeting held 21 May 2019 (agenda item 11)

Mrs White presented a report on the work of the Finance and Performance Committee for the meeting held on 21 May 2019. She drew attention to:

- The risks and opportunities related to the North of England Commercial Procurement Collaborative, noting that the committee had agreed to spend more time looking at these matters given the positive contribution the CPC makes to the overall financial position of the Trust;

- The financial report, noting that the Trust was in a deficit position at month one and the financial rating had dropped to '3'. She added that assurances had been provided that the position was being monitored closely. In particular, the pressures that had contributed to this; and
- The financial aspects of the apprenticeship scheme, noting that whilst the Trust was making progress with recruiting and supporting apprentices it would be required to pay a penalty in relation to the apprenticeship levy as progress was insufficient. Mrs White noted that the committee had received assurances on the plans going forward and would continue to keep progress under review.

With regard to the apprenticeship levy, Mrs Holmes provided an update on how this was being kept under review and what plans had been put in place to support apprentices and to encourage a greater uptake. The Board discussed the importance of ensuring the Trust maximises the opportunities presented by the apprenticeship scheme.

The Board **received** the update report from the Chair of the Finance Performance Committee for the meeting that took place on 21 May 2019.

19/090

Annual report from the Finance and Performance Committee for 2018/19 (agenda item 11.1)

The Board **received** the Annual report from the Finance and Performance Committee for 2018/19 and **noted** the content.

19/091

Combined Quality and Performance Report (agenda item 12)

Mrs Forster Adams presented the CQPR and drew attention to the main points as set out in the report, noting that the main elements of the report had been discussed in detail at the Quality Committee and the Finance and Performance Committee. Mrs Forster Adams added that this report included a number of new access and quality measures in relation to the Crisis Resolution and Intensive Support Service (CRISS). She indicated that whilst performance against the measures appeared to be low this was associated with the service being new and that ongoing performance was being monitored.

With regard to communications with GPs, Mrs Forster Adams outlined the work that was on going to work with GPs to look at more effective ways of sharing information with them. She added that assurances had been provided to the Quality Committee in regard to progress with this work.

Prof Baker also outlined the areas that had been discussed in the Quality Committee and the assurances received. In particular, he spoke about the quarter 4 mortality data reported to LeDeR. He commented that the processes in relation to this within the Trust were considered to be good and the committee had received assurances on this.

The Board **received** the CQPR and **noted** the progress made and the areas currently under review.

19/092 Safe-working Guardian annual Report (including quarter 4 information (agenda item 14))

Dr Kenwood presented the report on behalf of the Guardian of Safe-working. She noted that the purpose of this report was to give assurance to the Board that doctors in training were safely rostered and their working hours were compliant with the junior doctors' contract.

Dr Kenwood noted that rota gaps had been filled with internal locums with the exception of 48 shifts that required external locum cover and 33 shifts that ran with a reduced number of doctors. She added that this equated to a 99% fill rate overall and that no patient safety issues had been raised as a result of the rosters.

The Board **received** the Annual Report from the Guardian of Safe-working and **noted** the assurances provided that there were systems in place to support the working arrangements of the junior doctors and ensure services were safely provided.

19/093 Mortality Review: Learning from deaths (agenda item 15)

Dr Kenwood presented the paper. In particular she noted that nationally there were some concerns about the speed of reporting on the deaths of people with learning disabilities via the LeDer system. However, in order to ensure the Trust is able to learn from the deaths of people with learning disabilities she explained that the Trust was part of the Northern Alliance Mortality Review Group, where sharing of findings and reviews is undertaken. In addition she added that a Structured Judgement Review is carried out for each death so that the Trust can ensure it is learning more widely from these.

The Board **received** the report and **noted** the content.

19/094 Safe staffing report (agenda item 16)

Mrs Woffendin presented the Safe Staffing Report noting that there had been no breaches in the last three months. To help with the recruitment of nursing staff she also spoke about work with local universities to look at how placement opportunities could be brought to Leeds and also how the Trust could work across West Yorkshire to look at various options together to address this issue.

The Board then discussed the tools available to the Trust to assess optimal staffing levels and assess acuity. Mrs Woffendin noted that in addition to

the Keith Hurst Tool the Mental Health Optimal Staffing Tool (MHOST) had been announced as being available to mental health organisations. The Board noted that there was a suite of tools now available and that this was being assessed by the Safer Staffing Steering Group. An update will be provided in the July report as to which tools were recommended for use by the Trust.

The Board noted that the tools available to the Trust had been developed with an emphasis on the needs of the acute sector and questioned what mental health input there had been in their development. It was agreed that Prof Proctor and Mrs Woffendin would meet to discuss how best to raise with Claire Murdoch (National Director for Mental Health, NHS England) and Ruth May (Chief Nursing Officer for England) the issue of there being sufficient representation of mental health nursing leadership on national forums.

SP / CW

Mrs Forster Adams noted the importance of the safer staffing tool as a means of providing the evidence required to support negotiations with commissioners in relation to the effect on staffing levels caused by a change in acuity and the additional investment required in core services.

Prof Baker supported the work that would be undertaken locally to look at staffing levels, but suggested that there was more that could be done across the Integrated Care System (ICS). It was agreed that Mrs Holmes would put a bid forward through the Local Workforce Action Board (LWAB) for money to develop a tool specific to mental health with support from the university.

CH

The Board **received** the Safe Staffing Report and **noted** the content.

19/095

Workforce and organisational development report (agenda item 17)

Mrs Holmes presented the workforce and organisational development report. She firstly drew attention to the data in relation to absences due to mental ill health and work related stress, noting that this continued to increase and that this is being reported on via the Quality Committee to provide assurance on the actions being taken. She also noted that the Trust was in the process of recruiting a Health and Wellbeing Manager who would provide dedicated capacity to ensure the Trust's support mechanisms for staff were both preventative and effective.

With regard to the recent Shadow Board programme, Mrs Holmes provided a summary report noting that the programme had been well received by those involved. She noted that feedback from those who had recently undertaken the programme had been provided. In particular they had suggested that it would have been useful for the programme to have been undertaken over a longer period to facilitate a greater opportunity for learning and for participants to experience presenting at an actual Board meeting. The Board supported the suggested areas for improvement. With regard to the proposal that participants present papers at Trust Board, it noted the need to ensure the right papers were chosen to facilitate a balance between appropriate experience whilst ensuring the non-executive

directors can still carry out their role of challenging the executive directors.

The Board also noted that staff had achieved the performance target of 85% for appraisals for the first time in five years and that there had been a significant improvement against the clinical supervision target with reported compliance rates almost doubling to 82%.

The Board **received** the workforce and organisational development report and **noted** the content.

19/096

Workforce governance arrangements (agenda item 17.1)

The Board received a proposal for the governance arrangements relating to workforce. Mrs Holmes asked the Board to consider two options for the way in which the Board receives assurance on workforce matters whilst ensuring there was sufficient scrutiny of workforce data and metrics. She noted that in looking at the possible options it was clear that there was no consistent way in which other NHS organisations report on workforce to their Boards.

The Board discussed the two options in detail. Mrs Grantham noted that workforce was a fundamental risk for the Trust and that it was important to ensure the Board was satisfied that it had the right arrangements in place. She and other Board members supported there being a workforce Board sub-committee to provide a greater level of scrutiny at Board level and to create a space for more strategic discussions around workforce.

Having considered the two proposed options the Board supported in principle the creation of a workforce Board sub-committee and asked that draft Terms of Reference be presented at the July Board meeting. Prof Proctor noted that this would allow the non-executive director appraisals to be completed and for there to be consideration as to who could attend the new committee.

CH

The Board **supported** in principle there being a workforce Board sub-committee and asked that the draft Terms of Reference be presented to the July Board meeting.

19/097

Report from the Chief Financial Officer (agenda item 18)

Mr Brewin presented the report from the Chief Financial Officer, noting that this had been scrutinised at the last Finance and Performance Committee in detail. The Board noted that there was a proposed change to the capital regime and asked for there to be a report to the July private Board meeting where the strategic impact of this would be considered in more detail.

DH

The Board **received** the Chief Financial Officer's report and **noted** the content.

19/098

Strategic Priorities End of Year Progress Report (agenda item 19)

Mr Brewin presented the progress report. Mrs White asked about the organisational priorities for the year ahead and whether there was one in relation to the ICS. Dr Munro advised that the priorities as listed in the paper were a sub-section of the comprehensive Operational Plan that had been to the Board previously and that this document contained the narrative around the ICS.

The Board **received** and **noted** the progress report in relation to the strategic priorities.

19/099

Approval of the refreshed strategic risks for the Board Assurance Framework (agenda item 20)

Dr Munro noted that the executive team had reviewed the strategic risks in light of the priorities going forward and that these were now presented for approval by the Board. The Board agreed that there needed to be further consideration by the committees that would oversee the individual risks before these were reviewed overall and approved by the Audit Committee in July.

Mrs White asked why there was not now a risk in relation to working in partnership. Dr Munro advised that based on the work already done and the position of the Trust in the Leeds system, significant progress had been made and this was not now a risk, but business as usual.

The Board **agreed** the process for approving the strategic risks.

Prof Proctor noted that the Audit Committee had looked in detail at the documents presented at agenda items 21 through to 27 and that the Chair of the committee had provided assurance on these items in his earlier report.

19/100

Adoption of Trust's Annual Accounts 2018/19 (agenda item 21)

The Board **considered** and **adopted** the Annual Accounts for 2018/19 and agreed that the relevant statements should be signed on behalf of the Board.

19/101

Approval of the Annual Report 2018/19 (agenda item 22)

The Board **considered** and **adopted** the Annual Report for 2018/19 and agreed that the relevant statements should be signed on behalf of the Board.

CH

19/102 Approval of the Annual Governance Statement (agenda item 23)

The Board **considered** and **approved** the Annual Governance Statement and **agreed** that this should be signed by the Chief Executive.

Compliance with NHS Improvement's NHS Foundation Trust Code of Governance (agenda item 24)

The Board **considered** and **supported** the compliance statements in relation to the Code of Governance and **agreed** that the area of non-compliance, in relation to the Remuneration Committee not setting the pension rights for executive directors, should be included in the Annual Report.

19/103 Approval of the Quality Report 2018/19 (agenda item 25)

The Board **considered** and **adopted** the Quality Report for 2018/19 and **agreed** that the relevant statements should be signed on behalf of the Board.

19/104 Declarations required by the NHS Provider Licence including the Corporate Governance Statement (agenda item 26)

The Board **considered** and **supported** the compliance statements in relation to the Provider Licence.

19/105 Letters of Representation (agenda item 27)

The Board **considered** and **adopted** the Letters of Representation for the Annual Accounts and the Quality Report and **agreed** that the relevant statements should be signed on behalf of the Board.

19/106 Glossary (agenda item 28)

The Board received the glossary.

19/107

Resolution to move to a private meeting of the Board of Directors
(agenda item 29)

At the conclusion of business the Chair closed the public meeting of the Board of Directors and thanked members of the Board and members of the public for attending.

The Chair then resolved that members of the public be excluded from the meeting having regard to the confidential nature of the business transacted, publicity on which would be prejudicial to the public interest.

Signed (Chair of the Trust)

Date