

LEEDS AND YORK PARTNERSHIP NHS FOUNDATION TRUST

**Minutes of the Public Meeting of the Board of Directors
held on Thursday 25 May 2023 at 9.30 am
in Inspire@ room, Horizon Leeds, 3rd Floor, 2 Brewery Wharf, Kendall Street, Leeds,
LS10 1JR**

Board Members

Apologies

Miss M McRae	Chair of the Trust
Mrs J Forster Adams	Chief Operating Officer
Miss H Grantham	Non-executive Director
Mrs D Hanwell	Chief Financial Officer and Deputy Chief Executive
Mr C Henry	Non-executive Director (Senior Independent Director)
Dr F Healey	Non-executive Director
Dr C Hosker	Medical Director
Mrs K Khan MBE	Non-executive Director
Dr S Munro	Chief Executive
Mr D Skinner	Director for People and Organisational Development
Mrs C Woffendin	Director of Nursing, Quality and Professions
Mr M Wright	Non-executive Director (Deputy Chair of the Trust)

All members of the Board have full voting rights

In attendance

Mrs C Hill	Associate Director for Corporate Governance / Trust Board Secretary
Miss R Cooper	Corporate Governance Officer
Mr K Betts	Governance Assistant
Mrs N Sanderson	Deputy Director of Nursing
Mr U Khan	Co-chair of the Service User Network (for minute number 23/050)
Ms T Francis	Co-chair of the Service User Network (for minute number 23/050)
Mrs R Pilling	Carer Coordinator (for minute number 23/050)

Four members of the public observed the meeting

Action

23/050

Miss McRae opened the public meeting at 09.30 am and welcomed everyone.

Sharing stories – Update on the work of the Service User Network (SUN), presented by the co-chairs (agenda item 1)

Miss McRae welcomed Usmaan Khan to the meeting and also noted that Tessa Francis had pre-recorded her message as she was unable to attend the meeting in person. Miss McRae explained that Mr Khan and Ms Francis were co-chairs of the Service User Network (SUN) and had been invited to the meeting to give an update on the work of the network. They explained their reasons for joining SUN, noting the valuable work and connections this provides for service users and carers and the way in which they can get involved and have their voice heard.

Mr Khan then described the ways in which he would like to see the network grow, get more people involved and make connections across the city. Mr Khan then asked the Board what it wanted from the SUN.

Mrs Woffendin paid tribute to the SUN, the way it had developed over the last few years and the way in which it had contributed to the development and delivery of the Patient Experience and Involvement Strategy. Miss Grantham suggested that the work of SUN could be replicated across the West Yorkshire ICB in order to link service users and carers within the system. Dr Healey spoke about research projects and the work she was aware of, whereby service users were co-contributors and co-authors of some of the research findings and papers. She then linked this to possible routes for career opportunities.

Mr Skinner noted the comments around career opportunities and invited a more detailed discussion about what these routes might look like. Mr Khan and Mr Skinner agreed to pick this up outside of the meeting. It was agreed that Mrs Pilling would forward Mr Khan's contact details to Mr Skinner.

RP

Mrs Khan then spoke about the experience of people of colour in regard to mental health and also noted that she was able to bring this and her own experience to the Board through her appointment as a non-executive director.

In conclusion Dr Munro explained the way in which service user and carer involvement has developed over the past few years. She also noted that the Clinical Services' Strategy had genuine co-production as a priority and that Mrs Forster Adams was progressing this within the Care Services' Directorate.

Mrs Pilling then paid tribute to Mrs Woffendin, noting this was the last Board meeting she would attend and to thank her for championing service user and carer experience and involvement. Mr Khan then extended an invitation to Mrs Sanderson to attend a SUN Network meeting, which Mrs Sanderson accepted.

The Board **thanked** Mr Khan for attending the meeting and also **thanked** Ms Francis for her contribution and **noted** the important work of the SUN Network and the valuable ideas brought to the meeting. It was **noted** the Board **supported** the SUN Network being a strategic partner to the Board in order to promote genuine co-production with service users and carers.

23/051 Apologies for absence (agenda item 2)

No apologies for absence were received.

23/052 Declaration of interests for directors and any declared conflicts of interest in respect of the agenda items (agenda item 3)

The Board noted there were no changes to Board members' declarations of interest and no member had declared a conflict of interest in any agenda item.

23/053 Minutes of the previous meeting held on 30 March 2023 (agenda item 4)

The minutes of the meeting held on 30 March 2023 were **received** and **agreed** as an accurate record.

23/054 Matters arising (agenda item 5)

There were no matters arising.

23/055 Actions outstanding from the public meetings of the Board of Directors (agenda item 6)

Miss McRae 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 **received** the cumulative action log and **noted** the content.

23/056 Report from the Chief Executive (agenda item 7)

Dr Munro presented her Chief Executive's Report to the Board. She noted in particular the latest position in relation to industrial action, adding the RCN were currently balloting members with an outcome expected on 23 June 2023. Mr Skinner noted that the ballot had been reframed and that if successful, strike action would likely affect most NHS organisations. Mr Skinner also noted the consultants were being balloted and the outcome of that would be known by the end of June.

Dr Munro then provided an update on the Collective Leadership work and the engagement with senior leaders in the Trust. She also updated the Board on the developmental work with executive directors' deputies to ensure there was shared clarity around role, remit and expectations, particularly as there were new deputies who had been recently appointed into their roles.

Mrs Forster Adams and Mrs Hanwell joined the meeting.

Dr Hosker thanked Dr Munro for including a thank you to Julie Robinson, noting the excellent leadership work and role modelling she was doing for consultants in the Trust. Miss Grantham then noted that bank staff in the NHS would be paid the percentage uplift under Agenda for Change, but not the one-off pay award that substantive staff would receive. She also noted the message that had been sent to the Trust's bank staff explaining the reasons for this. The Board noted the limited control it had over national pay policy and expressed concern at the impact this would have on pay for bank staff.

Dr Munro then advised the Board on the recent Panorama programme which had highlighted concerns around some private providers of ADHD services and the methods of diagnosis, noting one of the Trust's consultants, Dr Smith,

had taken part in the programme to set out what was good practice in terms of diagnosis. She noted that as a result of the programme there had been a number of people contacting the Trust's ADHD service with concerns about the questions this had raised in respect of the validity of their own diagnosis. Dr Munro advised that the Trust fully supported the comments made by Dr Smith in the programme which were not meant to undermine the diagnosis of ADHD as a condition more widely.

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

23/057

Report from the Chief Operating Officer (agenda item 8)

Mrs Forster Adams presented her Chief Operating Officer's report, noting that she would firstly summarise the information that was discussed in detail at the last Finance and Performance Committee meeting.

Mrs Forster Adams advised the Board that over the course of April and May, the Trust had moved from winter planning and response into planning for industrial action and that this had been the main activity for the EPRR function. She noted that during this planning phase there was the opportunity to factor in any learning from previous rounds of industrial action and modify the arrangements accordingly.

Mrs Forster Adams then outlined the information provided by service lines in terms of performance, detailing the areas the Finance and Performance Committee had focused on including: out of area placements and the impact these had had both financially, and on service user experience; an improvement in the performance of Community Mental Health Teams and caseload; and staff sickness including the impact this had on the delivery of services, noting the matter of staff sickness had been remitted to the Workforce Committee.

The Board received and discussed the Chief Operating Officer's report. It firstly discussed how the Trust responds to, and carries out benchmarking against external reports, and was assured on the places these reports were received, reviewed and discussed and where assurance was received on the actions and learning to come from these.

Miss McRae asked about OPEL, noting the report indicated this system was not fit for purpose. Mrs Forster Adams explained this comment had derived from there being no nationally prescribed way of calculating the OPEL level in an organisation. However, she noted that work was ongoing with colleagues in West Yorkshire to look at how this was applied in a mental health setting to bring some consistency to the calculation of individual levels and describe what the system pressures were.

Miss McRae also drew attention to a comment in the report in relation to 'missed opportunities to intervene earlier to either avoid admission or admit earlier with a view to discharge earlier', and asked what the factors were that caused this. Mrs Forster Adams explained that the 'Getting it Right First' Team had observed that intervening earlier could lead to better outcomes and

a reduction in acuity. She added that work was ongoing to look at where services were now, and how services might be able to intervene earlier, and that an update report would be presented to the Finance and Performance Committee.

In regard to CMHT caseload, Mrs Forster Adams agreed to include more detail in the next report about what level of caseload the teams were aiming for and what good looked like.

Miss McRae then asked about the impact of individualised funding by the Local Authority and the shortfall in the learning disability budget which had occurred as tenancies have become vacant. Mrs Hanwell explained how the Local Authority (LA) was now funding places. She noted the Trust did not have a formal contract with the LA, but had an arrangement in terms of funding and that work was ongoing to move to a more sustainable model in the future. Mrs Hanwell added that discussions would be taking place in terms of this.

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

23/058

Chief Financial Officer's Report (agenda item 9)

Mrs Hanwell presented her Chief Financial Officer's report. She highlighted the main points in the report, in particular she noted the focus on the four thematic areas which were: the substantive workforce; a reduction in the use of agency staff; out of area expenditure; and efficiency savings. She added there was an executive lead for each of these areas.

Mrs Hanwell advised the Trust was in a balanced position at month one, but it was early in the year and things might change as the year progressed and the system pressures become apparent.

Dr Healey noted the challenges outlined in the report and asked when there would be greater clarity on how these were going to be addressed. Mrs Hanwell indicated there would need to be clarity on these by month six to ensure the wider ICB financial plan was on track and the system was in balance.

Miss McRae asked about initiatives such as a system-wide approach to procurement to ensure best value for money. Mrs Hanwell explained that as part of the planning process efficiency savings across the system were being looked at and systematic ways of addressing these were being developed where the system working as a whole can make a difference.

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

23/059

Safer Staffing Report (agenda item 10)

Mrs Woffendin presented the safer staffing report noting this covered the period 1 February to the 31 March 2023. She explained that during the period there had been four Registered Nurse breaches across this period which had occurred in the Forensic services at Clifton House and on Ward 2 at the Newsam Centre. Mrs Woffendin assured the Board that each of the breaches had been covered by other appropriate staff and that no patient safety issues had occurred as a result of these.

Mrs Woffendin outlined the other information in the paper, including the nursing workforce challenges and the steps being taken to attract, recruit and retain nursing staff.

Miss McRae asked about the Mental Health Optimal Staffing Tool (MHOST) and whether this would change what was recommended in terms of safer staffing levels. Mrs Woffendin explained the use of the tool had been paused during COVID and was being reintroduced. She added that due to staff changes during the COVID period, training had been undertaken with all staff who now needed to use the tool to determine safe staffing levels.

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

23/060

Freedom to Speak up Guardian Annual Report (agenda item 11)

Mr Verity presented the Freedom to Speak up Guardian Annual Report. Miss McRae asked about the training 'Speak Up, Listen Up, Follow Up' and where this could be found. Mr Verity indicated it had been agreed this would not be mandatory for all staff but was available on the e-Learning system through a simple search. Miss McRae asked the non-executive directors to seek out this training.

Mr Wright noted the report had referenced a member of staff reporting a negative consequence as a result of raising a concern. Mr Verity noted this particular feedback was linked to an ongoing external review and the executive directors would have more information on this. Dr Munro outlined the progress with the external review, noting the outcome report would be shared with the executive team.

Mr Wright then noted this would be Mr Verity's last report before he left the role and thanked him for the way in which he had carried out the role and worked with him as Senior Independent Director. Mrs Woffendin echoed Mr Wright's comments and noted the contribution Mr Verity had made to the CQC inspection which had taken place in 2018.

Mrs Woffendin also asked about the support the Freedom to Speak up Guardian role needed given the nature of the role in listening to and supporting staff. Mr Verity felt the level of support offered to him had been at the right level and that as well as internal support there was also external support through the Guardian network.

NEDs

Mr Henry noted the report indicated that the number of concerns raised had increased which was a tribute to the way in which Mr Verity had raised the profile of the role. Mr Henry also thanked Mr Verity for his honesty and integrity during the course of the meetings with him as the incoming Senior Independent Director.

Dr Munro then paid tribute to the way in which Mr Verity had carried out the role and raised the profile of speaking up. She also noted the way in which Mr Verity, as a clinical practitioner, had supported the staff vaccination programme during COVID.

The Board **received** the Freedom to Speak and **noted** the content. And **thanked** him for all his hard work and dedication during his time as the Freedom to Speak up Guardian.

23/061

Guardian of Safe Working Quarter 4 Report (agenda item 12)

Dr Hosker presented the Guardian of Safe Working quarter 4 report, noting the annual report would be presented at the July Board meeting. He noted there had been five exception reports but that none of these had led to any patient safety issues.

The Board **received** Guardian of Safe-working Hours report and **noted** the content.

23/062

Report from the Chair of the Audit Committee for the meeting held on 18 April 2023 (agenda item 13)

The Board received the Chair's report from the Audit Committee meeting that had taken place on 18 April 2023. In particular Mr Wright drew attention to:

- The discussions and assurances from the internal and external auditors in relation to the preparations for the audit of the annual accounts, noting there was an indication from both sets of auditors they would be giving clean audit opinions based on the work carried out so far.
- Internal audit reports, noting six of which had been returned with significant assurance and one of which was an advisory report.
- A recognition that internal audit reports should be referenced in the Board Assurance Framework as evidence of the level of assurance on those internal controls in place to mitigate risks, noting limited assurance reports would likely result in a gap being identified.
- A decision taken by the Audit Committee that where there was an internal audit report that had been undertaken on the recommendation of a Board sub-committee, the resulting report was not only seen by the Audit Committee but was also remitted to the committee which identified this area for audit.

Finally, Mr Wright spoke about the issue of length of papers for Board sub-Committee meetings. Miss McRae suggested that this might be something that was picked up in the Well-led conversations as part of the Board Strategic Discussion programme. Miss Grantham also suggested that as part of that session there was an assurance piece on compliance with the new Code of Governance. Miss McRae suggested there was some further thought on how this was best done.

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

23/063

Ratification of the Terms of Reference for the Audit Committee (agenda item 13.1)

The Board **considered** and **ratified** the changes to the Terms of Reference for the Audit Committee.

23/064

Report from the Chair of the Quality Committee for the meeting held on 11 May 2023 (agenda item 14)

The Board received the Chair's report from the Quality Committee meeting that had taken place on 11 May 2023. In particular Dr Healey drew attention to:

- The review of the findings from the NICHE independent investigation into Tees, Esk and Wear Valley (TEWV) NHS Foundation Trust's Children's and Young People's Mental Health Inpatient Services.
- An update on the progress made against the Patient and Carer Experience and Involvement Strategy, which launched in March 2020.
- A continuation of the discussion on self-harm, noting it had received assurance that the Trustwide Clinical Governance Group had undertaken a detailed discussion about this with a number of actions agreed.
- The Quality Report as it progressed through its production. Dr Healey added that a report would be made to the Audit Committee on 19 June to provide assurance on the process undertaken to develop the Quality Report, with the Board of Directors having final sign off on 22 June 2023.
- A report which provided a summary of the CQUIN work undertaken since summer 2022. Dr Healey noted the Trust's work relating to the CQUIN scheme had been stood down between March 2022 and summer 2022 due to the COVID pandemic but that this was now being looked at again following this pause.

The Board of Directors **received** the Chair's report from the Quality Committee and **noted** the matters reported on.

23/065

Report from the Chair of the Mental Health Legislation Committee meeting held on 2 May 2023 (agenda item 15)

The Board received the Chair's report from the Mental Health Legislation Committee meeting that had taken place on 2 May 2023. In particular Mrs Khan drew attention to:

- A discussion on the information the committee wanted to receive in regard to restrictive interventions, noting a recommendation would be brought back to the committee on the level and type of information it required.
- The lack of the number of advocates being available for Mental Health Act tribunal hearings noting this remained an issue.

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

23/066

Report from the Chair of the Workforce Committee for the meeting held on 4 May 2023 (agenda item 16)

The Board received the Chair's report from the Workforce Committee meeting that had taken place on 4 May 2023. In particular Miss Grantham drew attention to:

- An update on Health Education England's (HEE) funding noting that work was ongoing to understand the implications of the merger with NHS England and the risk this would lead to a reduction in funding stream opportunities for the Trust in the future. However, she noted the Committee had been advised the HEE Continuing Professional Development funding had come through for 2023/24 with no reduction in value.
- An update on the West Yorkshire Staff Mental Health and Wellbeing Hub which would be funded at a system-wide level going forward.
- The review of the annual refresh of the Trust's People Plan, noting the committee had welcomed the introduction of an Impact Report which captured valuable qualitative feedback from staff.

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

23/067

Report from the Chair of the Finance and Performance Committee for the meetings held on 25 April and 23 May 2023 (agenda item 17)

The Board received the Chair's report from the Finance and Performance Committee meeting that had taken place on 25 April and 23 May 2023. In particular Mr Henry noted:

- A review of the Chief Operating Officer's Report including: monitoring the risk of falls at the Mount; admission into acute wards; lessons learnt from the recent industrial action; and the risks associated with the vacant tenancies in the Specialist Supported Living Service. He added the Committee also discussed staff sickness levels in detail and agreed it would be useful if reports on the Trust's use of agency differentiated between cover for vacancies and cover for staff sickness.
- There had been an overview of financial performance which had indicated the Trust was achieving both capital and revenue plans at month 1; noting the West Yorkshire ICB forecast remains a deficit at this point in time as there were no plans in place to meet the residual financial gap, and noted the risks and challenges associated with this.
- An update on cyber security, noting the good progress being made against the key projects. The Committee discussed the upcoming rollout of the multi-factor authentication system which would 'go live' from July 2023 for all staff working remotely, and also heard that new cyber training software had been procured which could be tailored for specific groups of staff, including the Board.
- An update on progress with inpatient benchmarking, noting the committee was assured by the thorough approach being taken, and noted that it was too early to conclude findings at this stage. Mr Henry reported the committee had discussed the Trust's involvement in various benchmarking groups, and supported a move to focusing on more meaningful benchmarking with local partners at a West Yorkshire level.

The Board noted the cyber training that was being reviewed which could be tailored to the Board and that more details in regard to this would be circulated once the suite of training had been identified. The Board discussed the importance of being cyber security aware.

In terms of sustainability, Miss McRae indicated there was a further discussion to take place to identify a NED Champion for this area, but that she needed to better understand the needs of the role. She also reported that at the next Board to Board meeting there would be a further discussion about sustainability with the Board and Governors.

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

23/068

Chair's report from the West Yorkshire Mental Health Learning disability and Autism Collaborative (WYMHAC) Committee in Common held on 26 April 2023 (agenda item 18)

The Board **received** and noted the Chair's report from the WYMHAC Committee in Common and **noted** the content.

23/069

Use of the Trust's seal (agenda item 19)

The Board noted the seal had been used once since the last meeting:

- Log 129 – Lease for Clifton House, Lease for Mill lodge and License of Alteration for Mill Lodge – 4 April 2023

The Board **noted** the use of the seal since the last meeting.

23/070

Any other business (agenda item 20)

Miss McRae noted this was the last public Board meeting for Mrs Woffendin before she took early retirement. The Board paid tribute to Mrs Woffendin for all her hard work and dedication during her time on the Board and for the enormous contribution she had made in developing the Nursing, Quality and Performance Directorate.

There were no items of other business.

23/071

Resolution to move to a private meeting of the Board of Directors

At the conclusion of business, the Chair closed the public meeting of the Board of Directors at 13:10 and thanked members of the Board and members of the public for attending.

The Chair then resolved that members of the public would 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.