

LEEDS AND YORK PARTNERSHIP NHS FOUNDATION TRUST

**Minutes of the Public Meeting of the Board of Directors
held on Thursday 28 September 2023 at 9.30 am
in Inspire@ room, Horizon Leeds, 3rd Floor, 2 Brewery Wharf, Kendall Street, Leeds,
LS10 1JR**

Board Members

Apologies

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|---------------------|--|
| 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 |
| Ms K Khan MBE | Non-executive Director |
| Dr S Munro | Chief Executive |
| Mr D Skinner | Director for People and Organisational Development |
| Miss N Sanderson | 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

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|-------------------------|---|
| Mrs C Hill | Associate Director for Corporate Governance / Trust Board Secretary |
| Miss K McMann | Head of Corporate Governance |
| Mr K Betts | Corporate Governance Officer |
| Mrs C Bamford | Head of Diversity and Inclusion (for minute 23/106) |
| Mr S Angus | Cultural Inclusion Ambassador (for minute 23/106) |
| Mrs R Pilling | Carer Coordinator, Patient and Carer Experience Team (for minute 23/0106) |
| 2 members of the public | |

Action

Miss McRae opened the public meeting at 09.30 am and welcomed everyone. She noted this was the last public Board meeting that Miss Grantham would be attending, although her term of office would not be ending until 14 November, adding she would still be carrying out her role until then.

23/099 Apologies for absence (agenda item 2)

No apologies were received from any member of the Board.

23/100 Declaration of interests for directors and any declared conflicts of interest in respect of the agenda items (agenda item 3)

The Board noted there was a change to Dr Healey's declaration of interest as she had been appointed as a Trustee of The National Confidential Enquiry into Patient Outcome and Deaths (NCEPOD). No other Board member had a change in declaration and no member had declared a conflict of interest in any agenda item.

23/101 Minutes of the previous meeting held on 27 July 2023 (agenda item 4)

The minutes of the meeting held on 27 July 2023 were **received** and **agreed** as an accurate record.

23/102 Matters arising (agenda item 5)

It was noted there were no matters arising.

23/103 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.

It was agreed the action relating to the National COVID Inquiry could be removed from the log and that updates would be brought to the Board as they occurred.

In regard to the action relating to a discussion with Dr Wendy Neil about the refresh of the policy for Managing Concerns, Mr Skinner advised that the refresh would be programmed into the People and Organisational Development governance processes and that Dr Neil's comments would be picked up as part of a future review. It was agreed this action should be closed.

Miss McRae advised the Board that the annual one-to-one meetings with governors were still ongoing and the matter of when and how the Organisational Priorities would be reported to governors would be discussed with the governance team as part of the overall outcomes and actions from these one-to-one meetings. Miss McRae also suggested there was a session on the Board Strategic Discussion programme to look at how the Board worked with governors going forward. Mrs Hill agreed to put this onto the forward plan.

CHill / CE

The Board **received** the cumulative action log and **noted** the content.

23/104 Report from the Chief Executive (agenda item 7)

Dr Munro presented her Chief Executive's report drawing particular attention to the forthcoming strike action, noting there were no discussions being undertaken on a national level and as such it was expected there could be further disruption in the lead up to Christmas.

Dr Munro also drew attention to the 'NHS 75 Big Thank You' events that had taken place over recent months which had reached a large number of staff in the Trust, recognising the huge amount of work undertaken by the Staff

Engagement and Experience Team to arrange these events, for which she thanked the team.

With regard to the independent review that had been undertaken in the Forensic Services, following a number of concerns that had been raised through the Freedom to Speak up Guardian, Dr Munro reported that a number of events had been undertaken over summer to engage with staff from the service to advise of the findings and recommendations. She added the improvement plan to come out of this review would be overseen by a group led by the Medical Director.

Dr Munro then advised the Board of the National Inclusion Week running from 25 September to 1 October, adding this was an opportunity to run a communications and engagement campaign to promote the role of the Trust's staff networks. She added this would allow staff to share their personal reasons for supporting inclusion and the impact this had, thereby encouraging more colleagues to get involved.

Miss Grantham noted the work of the People and Organisational Development team and commented on the way the function had developed during her time on the Board and the importance of them being able to take time out and celebrate as part of the NHS 75 events.

Mr Wright drew attention to the independent review of Forensic Services and asked how the Board would be kept informed of progress with the improvement plan. Dr Hosker acknowledged the importance of keeping the Board informed and suggested updates could be provided through the Medical Directors' report to the Board. Dr Munro suggested the Attain report could be shared with members of the Board for information. Dr Hosker also suggested the latest draft of the improvement plan was about to be shared with staff and this could also be circulated to members of the Board.

CHos

The Board agreed that non-executive directors should visit the Forensic Service wards at the Newsam Centre as part of their programme of service visits. Mrs Hill agreed to ensure this was added to the programme of visits.

CHill

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

23/105

Report from the Chief Operating Officer (agenda item 8)

Mrs Forster Adams presented her Chief Operating Officer's report, noting this had been discussed in detail at the Finance and Performance Committee earlier in the week. She highlighted some of the key areas of concern including workforce availability particularly in the Community and Mental Health Teams, adding the staff who had been deployed into these teams as part of the recovery plan had now returned to their substantive posts and work was ongoing to recruit to the vacancies in the team which was contributing to an improving picture. However, Mrs Forster Adams noted that as we move into winter the added pressure of flu and COVID would add to the variability in workforce levels.

With regard to patient flow, Mrs Forster Adams noted this had been discussed at length in the Finance and Performance Committee meeting and the impact this was having on Out of Area Placements (OAPs), adding these were currently at a high level. However, she explained that most of the Leeds OAPs had been admitted into the Middleton St George's facility and as such this gave an opportunity to provide in-reach to those service users and for Trust staff to continue to support them.

Mrs Forster Adams then drew attention to other matters outlined in the report, including the continued improvement in meeting the Crisis 4-hour target through July and August; the six additional perinatal beds which had been commissioned for the Yorkshire and Humber region; the chemical decontamination live exercise which was carried out at the Becklin Centre with operational staff and the significant amount of EPRR Training for directors and senior managers which will commence in November 2023.

In regard to industrial action, Mrs Forster Adams advised the Board of the preparations being carried out by the tactical team to minimise the impact of the forthcoming round of industrial action, noting that staff were working hard to ensure any disruption to services was minimal and the safety of service users was at the forefront of those plans.

Mr Wright noted the Finance and Performance Committee focused on the areas of concern outlined in the report with the impending industrial action and the Out of Area Placements being two key issues that were the focus of the discussion. With regard to flow and OAPs, Mrs Forster Adams explained that whilst previous work had indicated the Trust had the right number of inpatient beds overall, what was emerging was a different presentation of illness which was impacting on how those beds were used, and that going forward there needed to be more work to understand what the medium-term demand would look like from a pathway and system perspective.

The Board discussed the issue of flow, delayed transfers of care and Out of Area Placements, noting there were issues not just for this Trust but for the system as a whole and system partners were looking at this in various forums.

Miss Grantham asked if firstly there was sufficient capacity for staff with data analytics skills. She also asked what assurance there was to ensure the Trust had the capacity to develop and therefore retain staff, particularly nursing staff, thereby ensuring there were a sufficient number of staff with the right development to deliver services. In terms of staff retention and development, Miss McRae noted it would be helpful for the Workforce Committee to look at this and understand why people might leave.

With regard to data analytics, Dr Hosker noted the executive team had agreed to have a discussion about the potential to use AI to develop and interpret predictive data which would free up some capacity for staff. Mrs Forster Adams also noted that whilst the Trust had the right people to do the analysis and support the work around flow and OAPs, there was often an issue with freeing up those staff to carry out the work given the workforce challenges the Trust faced. In response to a question about what the Board could do to support this, Mrs Forster Adams noted that just bringing in more people

wouldn't solve the issue and asked the Board to be clear about what the key priorities were, so staff could maintain focus on those matters.

Mr Henry joined the meeting.

Mr Wright noted that Out of Area Placements had been looked at in some detail by the Board at a previous discussion session, that it was not an easy problem to solve and it might be helpful to spend time understanding the complexity and the underlying issues that impact on this across the Trust and wider system. Mr Wright suggested this could be something added to the Board Strategic Discussion programme. Mrs Forster Adams welcomed this as a suggestion.

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

23/106

Sharing stories – (agenda item 1)

Miss McRae welcomed Caroline Bamford, Head of Diversity and Inclusion and Samual Angus, Cultural inclusion Ambassador to the meeting. Mrs Bamford firstly outlined the role of the Cultural Inclusion Ambassador, noting the role was voluntary and had been introduced to help bring about a shift in culture at the Trust ensuring a fair experience for all. She explained they will be tackling issues such as employee relations and our disciplinary procedure, ensuring that fewer staff face formal investigation unnecessarily and tackling the disparity between white and black and minority ethnic candidates when it comes to recruitment and promotion.

Mr Angus then explained why he had decided to become an Ambassador and the way in which he carried out the role alongside his substantive duties in the Trust. He explained something of the demands of the role, including making time to read and digest the documentation, maintaining impartiality and curiosity, challenging the decisions taken, bringing a different perspective to the discussion, and ensuring the process had been fair. Mr Angus also spoke about the support he provided to staff through the process and also about the support he received from his line manager should a case be particularly difficult. Mrs Bamford then outlined the support structure in place for the Ambassadors to ensure their well-being.

Mr Henry then asked about what was being done to ensure managers were increasing their cultural inclusion awareness. Mr Skinner referenced the ongoing 360 manager training programme which picked this up. He also thanked Mr Angus for the support and challenge he brought to processes on behalf of colleagues.

Miss Grantham spoke about the benefits of volunteering for roles such as this and the career development opportunities they offered. She suggested that Mr Angus' experience might be used as a way of promoting such opportunities.

Ms Khan suggested the role should not be voluntary and have to be carried out alongside a substantive role, but could be remunerated or have sufficient time allowed away from their substantive role to carry out these extra duties. Mr Angus acknowledged that preparation is sometimes carried out in his personal time and occasionally meetings run over his normal finish time, but he indicated he was usually given sufficient time to carry out the role without an adverse impact on his personal life. He also noted that his manager supported the time needed for his Ambassador role as it was seen as something that enhanced his wider role in the Trust.

Ms Khan left the meeting.

The Board **thanked** Mrs Bamford and Mr Angus for attending the Board and raising awareness of the role of the Cultural Inclusion Ambassadors.

23/107

Chief Financial Officer's Report (agenda item 9)

Mrs Hanwell presented her Chief Financial Officer's report noting the Trust was on plan with the revenue and capital targets at month 5 and was forecasting delivery overall for the year, despite there being a level of volatility in the system which would likely impact the Trust going forward.

She explained that whilst the Trust was focusing on the right four thematic areas, there remained a number of risks to the revenue position which would impact planning going forward into 2024/25. Mrs Hanwell advised the position needed to be taken with consideration of the wider system's financial challenge which could further impact on the Trust. She also explained that enhanced financial governance controls were now in place across the system to help manage the emerging picture.

Mrs Hanwell then highlighted some of the key information in the report, including the impact IFRS 16 (relating to the treatment of capital leases) would have on the Trust's financial plan going forward, noting that mid-year an allocation had been made and this would need to be managed within the West Yorkshire ICB capital envelope and that partners were being asked to review their lease position in order to manage the overall impact of this.

With regard to the six additional in-patient beds in the Perinatal Service, Mrs Hanwell reported the Trust had been notified of its successful bid for funding to support the development of the beds for the Yorkshire and Humber Provider Collaborative at the Mount. She added that a design brief and business case were being developed to support this, and that part of the criteria for the decision was the ability of the provider to expedite this scheme in-year as the capital was only available for use in 2023/24, she also noted that work was required at pace to ensure this was completed in the timescale. However, Dr Munro noted that expectations were being managed as to when the unit would be fully functioning, noting April 2024 may be too soon for this.

Mrs Hanwell then outlined a new national initiative for the NHS to make inroads to procurement and reduce the number of frameworks being operated. She outlined the impact this would have on the Trust, but also the

impact for the North of England Commercial Procurement Collaborative (NoECPC) in needing to be accredited in order to be able to manage any of these frameworks; explaining the risk and opportunities this poses to the operation of the Collaborative.

With regard to the five-year PFI Expiry Health Check which was undertaken in July by the Infrastructure and Projects Authority on behalf of the Cabinet Office, Mrs Hanwell reported that a feedback report had been received with an overall rating of red/amber which signalled major additional work was required to achieve target readiness. She explained there was an acknowledgement that the Trust had been delayed in progress due to uncertainty and delayed decision making in relation to the Strategic Outline Case. She added the report set out a series of recommendations which had been incorporated into a workplan for the PFI Concession Steering Group, and that progress would be monitored through the Finance and Performance Committee.

With regard to the future of the PFI estate, Miss McRae asked whether this had been communicated to staff. Mrs Hanwell confirmed there had been a number of communications to staff. She also noted the decisions around the PFI estate would inform the refresh of the Estates Strategy.

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

23/108

Safer Staffing Report (agenda item 10)

Miss Sanderson presented the Safer Staffing Report noting this provided a high-level overview of data and analysis and which gave the Board information on the position of the staffing on all wards against safer staffing levels for the retrospective periods from the 1 May to 30 June 2023. With regard to the exceptions, Miss Sanderson indicated the report identified one Registered Nurse (RN) non-compliant duty where there was no RN on duty within the Forensic Service due to the late notification of sickness absence. However, Miss Sanderson assured the Board of the steps taken to mitigate this, advising there were no patient safety issues as a result.

Miss Sanderson then drew out some of the key themes from the report including the high number of vacancies which impacted on staffing levels overall.

The Board **received** and **considered** the Safer Staffing Report.

23/109

Guardian of Safe Working Q1 Report (agenda item 11)

Dr Hosker then presented the Guardian of Safe Working Quarterly Report. He noted this covered the months of April, May and June and that during that period there were three exception reports with no safety issues recorded in the period.

The Board **received** and **noted** the Guardian of Safe Working Quarterly Report.

23/110

Annual Equality Diversity and Inclusion (EDI) Workforce Race and Equality Standards (WRES) / Workforce Disability and Equality Standards (WDES) and Gender Pay Gap progress update (agenda item 12)

Mr Skinner presented the WRES and WDES information, noting there was a statutory requirement to report this annually. He explained it was generally a good news story in regard to both the WRES and WDES metrics although he acknowledged there was still work to be done. In regard to WDES data, Mr Skinner also noted that the number of people reporting a disability had increased which enabled people to be better supported in the workplace.

With regard to the Gender Pay Gap data, Mr Skinner noted the Trust was required to publish the data and explained the detail behind these metrics.

Miss Grantham questioned the percentage point change as illustrated in the report and asked that this be clarified for the reader before it was published on the website. Mr Skinner agreed to do this.

DS

The Board discussed the report. In response to a question about a disparity in the report between what it states is happening and what staff perceive is happening, Mr Skinner explained a lot of the data came from the staff survey but that not all staff completed the survey. However, he added that a lot of work had been done through the WREN and DAWN staff networks to understand the experience of staff.

Dr Healey asked if the data was being interpreted correctly in the narrative, and whether the ratios reported as being positive could also be seen as negative. Mr Skinner agreed to ask the team to look at this again.

DS

The Board **received** and **noted** the WRES, WDES and the Gender Pay Gap data and **agreed** this should be published on the Trust's website.

23/111

Health Education England (HEE) Annual Self-assessment Report (SAR) (agenda item 13)

Mr Skinner presented the self-assessment report noting the guidance had now changed and there was no need for the Board to receive and sign off the

assessment and could in future be signed by the Director of People and Organisational Development.

However, having received the report the Board noted and supported the content.

Dr Munro expressed disappointment there had been a dip in medical training, suggesting industrial action might have had an impact on the uptake of this. Miss Grantham noted that Dr Sharon Nightingale had attended the Workforce Committee to talk about the training offer to students.

It was agreed that in future Mr Skinner would sign off the self-assessment and only if there was an issue for escalation would this be reported to the Workforce Committee through the People and OD report.

The Board **received** the Health Education England (HEE) Annual Self-assessment Report (SAR) and **noted** the content.

23/112

Approval of a change to the Scheme of Delegation (agenda item 14)

Mrs Hill explained that in light of the changes to the way in which NHS England was now governing the requirements for the Trust's arrangements for Emergency Preparedness Resilience and Response (EPRR), there was a need to include new information in the Matters Reserved section of the Scheme of Delegation which set out those matters that only the Board can now deal with, noting these had previously been delegated to the Finance and Performance Committee. Mrs Hill listed these items as being:

- Receive and ratify the EP-0005 - Business Continuity and EPRR Policy and Business Continuity Management System Procedure
- Receive and approve the EPRR Annual Report
- Receive and confirm the EPRR assurance declaration annually.

The Board **approved** the change in the Matters Reserved section of the Scheme of Delegation in relation to EPRR.

23/113

EPRR and Business Continuity and EPRR Policy and Business Continuity Management System (agenda item 14.1)

Mrs Forster Adams presented the EPRR and Business Continuity and EPRR Policy and Business Continuity Management System, noting this was one of the items that must now come to the Board for approval. She noted the document had been through a number of governance groups in the organisation including approval at the Policy and Procedures Group.

The Board **received** and **ratified** the EPRR and Business Continuity and EPRR Policy and Business Continuity Management System.

23/114

Report from the Chair of the Workforce Committee for the meeting held on 3 August 2023 (agenda item 16)

Miss Grantham presented her report from the Workforce Committee meeting that had taken place on 3 August 2023. The Board asked about the Oliver McGown training and whether this would be on-line. Mr Skinner confirmed it was expected this would be available on-line although he noted that further information on the training package was still awaited.

The Board **received** and **noted** the matters detailed in the chair's report from the Workforce Committee.

23/115

Ratification of the Workforce Committee Terms of Reference (agenda item 16.1)

Mr Wright noted the Finance and Performance Committee had looked at their Terms of reference in the last meeting, and in the interests of consistency suggested the quoracy for the Finance and Performance Committee and other Board committees should be reviewed to ensure they were consistent.

Mrs Hill asked the Board to approve this version of the Terms of reference ahead of the Corporate Governance Team looking across the Terms of Reference for all the committees to ensure consistency. However, it was agreed the quoracy for the Finance and Performance Committee should be three in line with other committees and this change should be made.

**Corp Gov
Team**

The Board **received** and **ratified** the amended Terms of Reference for the Workforce Committee.

23/116

Report from the Chair of the Quality Committee for the meetings held on 14 September 2023 (agenda item 17)

Dr Healey presented her chair's report for the Quality Committee meeting that had taken place on 14 September, and drew attention to the main items considered at the meeting for escalation to the Board.

Miss McRae noted the report had alerted the Board to NHS England changing the national systems used by the Trust to report patient safety incidents which would require the Trust to make changes to the patient safety incident reporting form on Datix. Dr Healy indicated this had been included as an item for alert because there were a number of changes that would occur, including how deaths were described, which may impact on the culture of how people respond to and report on incidents and deaths, which would also bring an element of complexity to the reporting regime. Dr Munro confirmed there would be changes to the Datix reporting system to meet the new requirements which were still being worked through, and that assurance would go through the Executive Risk Management Group for oversight of how the new system was being implemented and any implications for Trust processes. Dr Munro

noted that once the impact had been assessed by the risk management Team an update could be brought back to the Board for wider assurance.

The Board **received** and **noted** the matters detailed in the chair's report from the Quality Committee.

23/117

Ratification of the Quality Committee Terms of Reference (agenda item 17.1)

The Board received the Terms of Reference for the Quality Committee. Mr Henry noted these included a reference to the committee having the power to engage an external advisor with the support of the Board of Directors. It was agreed that it was good practice to have this as an option for all committees of the Board and whilst it would be rarely used, it would provide an independent route for advice and reporting should it ever be required.

The Board **considered** and **ratified** the amended Terms of Reference for the Quality Committee.

23/118

Report from the Chair of the Finance and Performance Committee for the meeting held on 26 September 2023 (agenda item 18)

The Board received the Chair's report from the Finance and Performance Committee meeting that had taken place on 26 September 2023. Noting much of the meeting was focused on the details in the Chief Operating Officer's report and the Chief Financial Officer's report as discussed in previous Board agenda items.

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

23/119

Approval of an amendment to the Trust's constitution (agenda item 19)

Mrs Hill reminded the Board that under the Health and Social Care Act 2012 the responsibility for approving changes to the Constitution and its Annexes sat with the Board of Directors and the Council of Governors. She outlined the changes noting these were mainly minor in terms of impact, which included those that would ensure consistency across a number of sections of the Constitution or that were updating information already in the document.

The Board **considered** and **approved** the proposed changes noting these would then be presented to the Council of Governors on 1 November for similar consideration and approval.

23/120

Use of emergency powers to make a change to the Constitution (agenda item 19.1)

Mrs Hill outlined the change to the Constitution which had required the use of the Board's emergency powers. She noted that a change in quoracy for the Council of Governors had already been agreed by the Governors at their July meeting and had received in-depth consideration prior to that approval. However, she noted that due to the sequence of meetings, had the emergency powers not been used it would not have been possible to appoint a new non-executive director at the September extraordinary Council of Governors' meeting due to those quoracy issues.

The Board noted the reasons for needing to use the emergency powers which had been done on behalf of the Board by the Chair and Chief Executive having consulted with two non-executive directors. The Board supported the change to the Constitution in relation to the quoracy rules for the Council of Governors.

The Board **noted** the use of the emergency powers in making a change to the Constitution, **supported** the rationale for taking this action and also **ratified** the change made to the Constitution.

23/121

West Yorkshire (WY) Integrated Care System (ICS) Mental Health, Learning Disability and Autism (MHLDA) Committee-in-Common Chair's report (AAA report) (agenda item 20)

Miss McRae presented the MHLDA Committee-in-Common chair's report. In particular she noted the Committee had discussed concerns about the changes to the NHS 111 for people in mental health crisis; noting it had been confirmed that local crisis lines would still be able to be used.

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

23/122

Use of the Trust's seal (agenda item 21)

The Board noted the Trust's seal had been used on two occasions since the last meeting which were as follows:

- Log 130 – Settlement deed for suite 5a, 5th floor of 'Platform Leeds' with Bruntwood Platform Leeds Limited – 1 September 2023.
- Log 131 – Renewal of lease for Units A and A1, Springwell Road Leeds – 1 September 2023.

The Board **noted** the seal had been used on two occasions since the last meeting.

23/123

Report from the Chair of the Mental Health Legislation Committee for the meeting held on 1 August 2023 (agenda item 15)

Ms Khan presented her Chair's report from the Mental Health Legislation Committee meeting that had taken place on 1 August 2023. In particular she noted the Committee was working well and there were no specific matters to draw to the attention to the Board.

However, she added there were some difficulties around the operation of the Mental Health Act Managers Forum and it was agreed these would be picked up outside the meeting.

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

23/124

Any other business (agenda item 22)

The Board noted there were no items of other business.

23/125

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 12:35 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.