



## LEEDS AND YORK PARTNERSHIP NHS FOUNDATION TRUST

**Minutes of the Public Meeting of the Council of Governors  
held at 14.00 on Thursday 21 May 2015, in the Duchess of  
Hamilton Suite, National Railway Museum, Leeman Road, York  
YO26 4XJ**

**PRESENT:**

	Frank Griffiths – Chair of the Trust		
	<b>Public Governors</b>		<b>Service User Governors</b>
	Philip Jones		Claire Woodham (Lead Governor)
	Richard Brown		Becky Oxley
	Niccola Swan		Maria Trainer
	James Morgan		
	Andrew Marran		<b>Staff Governors</b>
	Jackie Ainsley-Stringer		Dominik Klinikowski
	Jo Sharpe		Andrew Johnson
			Ruth Grant
	<b>Carer Governors</b>		Heather Simpson
	Julia Raven		
	Andy Bottomley		<b>Appointed Governors</b>
	Alan Procter		Colin Clark
			Carol Ann Reed
			Cllr Helen Douglas

**IN ATTENDANCE:**

	Chris Butler, Chief Executive
	Jill Copeland, Chief Operating Officer
	Jim Isherwood, Medical Director
	Gill Taylor, Non-executive Director
	Margaret Sentamu, Non-executive Director
	Keith Woodhouse, Non-executive Director
	Andrew Howorth, Head of Patient Experience (for agenda items 15/033, 034 and 039)
	Cath Hill, Head of Corporate Governance (secretariat)
	Keisha Allen-Dowuona, Governance Officer (minutes)
	2 members of the public

15/021	<p><b>Welcome and Introductions</b> (agenda item 1)</p> <p>The Chair opened the public session of the meeting at 14:00 and welcomed everyone in particular the newly elected governors namely: Jo Sharpe (Public: York and North Yorkshire), Ruth Grant and Dominik Klinikowski (both Staff Non-clinical Leeds and York &amp; North Yorkshire).</p> <p>Mr Griffiths also welcomed Carol Ann Reed who was the newly appointed governor representing Volition.</p>	
15/022	<p><b>Apologies</b> (agenda item 2)</p> <p>Apologies were received from Steve Howarth, David Smith, Libby Rowlands, Laura Phipp, Ann Shuter, Gary Matfin, Annie Dransfield and Ant Hanlon.</p>	
15/023	<p><b>Changes to any declaration of interests and declaration of any conflicts of interest in respect of agenda Items</b> (agenda item 3)</p> <p>No governor present at the meeting declared a conflict of interest in respect of the agenda items to be discussed.</p> <p>Mrs Hill presented to the Council a paper which set out the outcome of the annual declaration of interests' process for governors. She noted that at least once a year governors are required to complete a declaration form and that so far most had been returned. Mrs Hill advised the Council of those that were still outstanding and noted that a request had been made to those governors to submit their forms and that a follow up report would be made to the next Council meeting.</p>	CH
15/024	<p><b>Opportunity to Receive Comments or Questions from Members of the Public</b> (agenda item 4)</p> <p>There were no questions from members of the public.</p>	
15/025	<p><b>Minutes of the Public Meeting held on 18 February 2015</b> (agenda item 5.1)</p>	

	<p>The minutes of the public Council of Governors' meeting held on 18 February 2015 were <b>agreed</b> as an accurate record.</p>	
<p><b>15/026</b></p>	<p><b>Matters arising</b> (agenda item 6)</p> <p>There were two matters arising from the minutes of the previous meeting.</p> <p>With regard to an update on the fencing at the 136 Suite in York (item 6.2), Ms Copeland reported that she had considered the concerns regarding the entrance to the 136 Suite, how this impacts on the privacy and dignity of service users as they arrive at the unit and a request to look at installing a fence. Ms Copeland reported that the path near the 136 Suite is owned by York Hospitals and therefore, the Trust was not in a position to erect a fence on that land although she reported that it might be possible to attach a screen to the steps. Ms Copeland advised the Council that she had asked the team to look at whether this concern had been made by service users and that she had been informed that no complaint or issue had been raised with respect to this matter. In conclusion Ms Copeland indicated that this matter had not been taken forward as there were other priorities for the estate in York on which staff were focusing but that it may be possible to put a screen around the steps.</p> <p>In respect of the report on Agency Spend Analysis (item 6.2) Mrs Hanwell drew attention to her paper and advised the Council that to use agency staff was generally a last resort but that under some circumstances it is the most expedient way to address short-term staffing needs on a temporary basis, particularly in areas where it is hard to recruit staff such as medics. Mrs Hanwell assured the Council that approved agencies were being used and that the necessary standards were being met.</p> <p>Mr Griffiths opened the floor for discussion and a number of questions from the Council were raised. The Council noted that agency staff are more expensive than permanent staff and indicated that the use of agency staff had increased significantly. Mrs Hanwell advised the Council of some of the reasons why the use of agency staffing had increased, but assured governors that there is a commitment to recruit staff into post on a permanent basis once structures and new models of care have been agreed and implemented.</p>	

It was also noted that there appeared to be a correlation between temporary staff and the uptake of appraisals and compulsory training, noting that it would be more difficult to ensure agency staff carry these out.

A question was asked as to whether there was an impact on service user care through using more agency staff and why the Trust is not utilising its bank staff better. Mrs Hanwell noted that the executive team is concerned about the increase in the cost of agency and was looking at this in some detail. The Council was also asked whether it is possible to ensure that agency nurses are suitably qualified and DBS checked. Mrs Hanwell noted that the agencies are responsible for carrying out all the necessary checks in terms of qualifications and DBS and that the Trust only uses approved agencies to supply staff.

In respect of the difficulties around recruiting nurses Ms Copeland explained the work being carried out to try to recruit staff from outside the area. With regard to utilising Trust staff more effectively Ms Copeland advised the Council that the Workforce Directorate is supporting managers in care services to use the e-rostering mechanism and roster staff effectively.

Ms Grant reported that in her role on switchboard she had observed that it may be possible to access unapproved agencies to supply staff. Ms Copeland indicated that she would take this matter up outside of the meeting. She also noted that the recruitment process seems to be quite lengthy and that this is causing some pressure in the system. Ms Copeland added that with regard to the recruitment process it can be slow, but that a piece of work is being undertaken to expedite the process

Ms Sharpe pointed out that if there is overspend on permanent staff that there is likely to be an under-spend on permanent staff. Mrs Hanwell agreed that there is compensation between the two figures. Mr Klinikowski asked about the arrangement for covering posts such as medical consultants and asked whether higher trainees could act up in the role rather than resorting to employing agency staff.

Ms Woodham asked whether there is a correlation between an increase in staff turn-over and the number of complaints received by the Trust. Mrs Hanwell noted that the Trust Incident Review Group would pick up any correlation between these and also any incidents which involve agency staff.

	<p>Mr Procter asked whether a member of NHS staff could also be registered with and carry out work for an agency. Mrs Hanwell indicated that people are within their rights to take up a second employment, but that this must be declared to HR to ensure compliance with the Working Time Regulations; Mrs Hanwell added that if a member of staff had taken sick leave from the Trust and was then found to be working elsewhere then this was a fraudulent act.</p> <p>With regard to the comments made by the Council, Dr Isherwood reported a shortage of psychiatrists nationally but that posts are advertised regularly; and advised that there is a review being undertaken to determine the reason for the difficulty in recruiting to the psychiatrists' post. Referring to the question about trainees acting up, Dr Isherwood advised that the Royal College of Psychiatrists and the Deaneries have specific rules around this noting in particular that only trainees in their final year are permitted to act up. In terms of agencies, Dr Isherwood advised that the Trust works with a small locum provider and all doctors within the Trust including locums are accountable to a regulating body and is responsible for their training. .</p>	
15/027	<p><b>Cumulative actions – actions outstanding from previous Council of Governors’ meetings</b> (agenda item 7)</p> <p>Mrs Hill presented the action log which showed those actions agreed by the Council at previous meetings; those that had been recently completed; and those that were still outstanding.</p> <p>Mrs Hill drew attention to Log 32 noting that this had been on the action log for some time and proposed that the scheduling of this item be discussed at the Governors’ Support Group. The Council agreed this.</p> <p>With regard to Log 66, Mrs Hill confirmed that she had received an update from Mr Deery, Director of Nursing, regarding a complaint reported by a governor about the vegan food option in one of the units in the York services. Mrs Hill reported that the complaint had now been concluded and that the service user in question had received a letter confirming closure of the complaint and had been invited to the unit to taste the food and assess whether the service had been improved. The Council considered Log 66 to be closed.</p>	

	The Council of Governors <b>noted</b> the actions outstanding from previous meetings and was <b>assured</b> of progress.	
<b>15/028</b>	<p><b>Chair’s Report</b> (agenda item 8)</p> <p>Mr Griffiths presented to the Council the Chair’s Report. Mr Griffiths drew particular attention to the update on the Becklin Centre café facilities noting that work is due to begin shortly and that the tripartite agreement had been signed and sealed earlier in the day.</p>	
	The Council <b>received</b> the Chair’s Report and <b>noted</b> the content.	
<b>15/029</b>	<p><b>Strategic context in which the Trust operates</b> (agenda item 9)</p> <p>Ms Copeland presented to the Council a paper that set out the national and local strategic context in which the Trust operates, noting how these are being or could be delivered at a local level.</p> <p>Ms Copeland gave a summary of the NHS Five Year Forward View noting the financial challenges in achieving this, in particular concerns around the un-sustainability of the NHS, as demands outstrips resources. Ms Copeland also drew attention to the different models of care noting that these potential configurations could be developed independently of each other or as a selection towards an integrated system.</p> <p>In her report Ms Copeland drew attention to Multispecialty Community Providers (MCPs) and the specialised care they would provide and discussed also in detail some ambitions for dementia; the Dalton Review; The New Care Models (“Vanguard”) Programme; Parity of Esteem; the local regional development plans as well as the Conservative Party’s manifesto in respect of the NHS.</p> <p>The Council thanked Ms Copeland for this very interesting paper and discussed some of the initiatives outlined in it.</p>	
	The Council of Governors <b>received</b> the report, and <b>noted</b> the content.	

15/030

**Non-executive director presentation about performance**  
(agenda item 10.1)

Mrs Sentamu presented the performance report to the Council and commented on its content, style and format noting that work was ongoing to make this more user friendly. Mrs Sentamu then drew attention to the key areas of concern which she and the other non-executive directors have held the Board to account for and also outlined some of the other issues on which NEDs had provided challenge.

Mrs Sentamu gave a brief overview of the report and in particular drew attention to a case of C-defiicle. She outlined some of the detail regarding the management of infection within the Trust following an incident regarding a service user. Mrs Sentamu advised the Council that the service user is currently undergoing treatment and further information about the root cause of the infection was being looked at. Mrs Sentamu also gave an update in respect of the cluster Review/Mental Health Payment System; staff appraisals and compulsory training; the waiting times to access memory services; complaints and safe staffing levels and how these matters are being challenged at the Board and in the sub-committees by the non-executive directors.

With respect to the financial position of the Trust, Mrs Sentamu assured the Council that it was in a financially stabile position noting that the Trust's external auditors (PricewaterhouseCoopers) advised that the Trust still remains a going concern.

Mr Griffiths asked the Council if they had any comments to make in respect of the performance report. Ms Sharpe noted that with regard to the RAG ratings the report did not show any amber ratings, noting that this suggests that there is no monitoring of items which are moving away from being either red or amber. Mrs Simpson suggested that there should be a directional arrow included in the report.

Mr Klinikowski was concerned about the progress made to the areas in the report that are marked as red, and noted that there was very little information as to how these would be addressed.

Mrs Swan welcomed the comments on appraisals, training and safe staffing but noted there was not enough detail in the report to identify what is being measured and what the trends are. Mrs Swan also drew attention to waiting times, particularly in the dementia

	<p>service and expressed concern at this.</p> <p>Ms Grant drew attention to the out of area placements detailed in the report, noting her concern about the cost of these against the number of beds that had been closed and sought assurance that there were sufficient beds in Leeds to cope with demand.</p> <p>Mrs Sentamu responded to the comments and gave assurance of progress in respect of refreshing the content of the report to include a clearer explanation of some of the concerns indicated by the Council. Mrs Hill confirmed that a draft version of the new-style report will be presented to the Council at its next meeting in July.</p>	
	<p>The Council of Governors <b>received</b> the report, <b>noted</b> its content and confirmed that the information provided in the report provided assurance that the Trust is compliant with all regulatory requirements, contractual and local targets.</p>	
<b>15/031</b>	<b>NHS Staff Survey 2014</b> (agenda item 10.2)	
	<p>The Council of Governors <b>received</b> the NHS Staff Survey 2014 report, and <b>noted</b> its the content.</p>	
<b>15/032</b>	<b>Draft minutes from the Membership and Development Committee meeting 14 April 2015</b> (agenda item 11)	
	<p>Mr Bottomley presented the minutes from the Membership and Development Committee meeting, noting the main areas of discussion.</p>	
	<p>The Council of Governors <b>received</b> the minutes from the Membership and Development Committee meeting held on 14 April 2015 and <b>noted</b> its content.</p>	
<b>15/033</b>	<b>Part A of the Membership Report</b> (agenda item 11.1)	
	<p>The Council of Governors <b>received</b> the report and <b>noted</b> the information regarding the recruitment of members.</p>	

15/034	<p><b>Representing the Interests of members and the public (Monitor publication)</b> (agenda item 11.2)</p> <p>Mr Andrew Howorth presented the report which detailed the recommendations in respect of engagement as set out in the Monitor and Govern Well publication: <i>Representing the Interests of Members and the Public</i>. Mr Howorth reported that the paper highlighted the significance of engagement and suggested that a small task and finish group be convened, to work with him to review the paper's recommendations and to bring a set of proposals to the Council of Governors' meeting in July.</p>	AH
	<p>The Council of Governors <b>noted</b> the report and its recommendations; and agreed to set up a task and finish group to look at the recommendations.</p>	
15/035	<p><b>Ratification of the Terms of Reference for the Membership and Development Committee</b> (agenda item 11.3)</p> <p>Mrs Hill presented the revised Terms of Reference for the Membership and Development Committee noting that these had been refreshed as per the committee's comments and asked that these amendments be considered and ratified by the Council.</p> <p>Mrs Hill briefly discussed the purpose of the committee and noted that there was a need for more governors to come forward to be members of the committee in order that it remains quorate. Mrs Hill asked that if any governor has an interest in being a member they should let her know. Becky Oxley agreed to a member of the committee.</p>	
	<p>The Council <b>noted</b> the Terms of Reference for the Membership and Development Committee and <b>noted</b> the need for governors to become members of the committee.</p>	
15/036	<p><b>Proposed changes to the Terms of Reference for the Appointments and Remuneration Committee</b> (agenda item 12)</p> <p>Mrs Hill introduced the report which discussed the proposed changes to the Terms of Reference for the Appointments and Remuneration Committee. Mrs Hill noted that the main change was around the Lead Governor automatically being appointed to the Appointments and Remuneration Committee (ARC) on election as</p>	

	<p>the Lead Governor. Mrs Hill noted that this would allow for the Lead Governor to chair the shortlisting and interview panels in the event of there being interviews for the Chair of the Trust. The refreshed Terms of Reference were ratified by the Council of Governors</p> <p>Mrs Hill also noted that there was a need to hold an election from amongst the Council members to join the committee and noted that the paperwork for this would be circulated to all governors shortly.</p>	
	<p>The Council <b>received</b> and <b>ratified</b> the proposed changes to the Terms of Reference for the Appointments and Remuneration Committee. The Council also <b>agreed</b> to hold an election to fill the vacancies on the ARC.</p>	
<b>15/037</b>	<p><b>Minutes from the Strategy Committee meeting held 16 April 2015</b> (agenda item 13)</p> <p>Miss Woodham presented the minutes from the Strategy Committee meeting held on 16 April and outlined the main areas of discussion.</p>	
	<p>The Council <b>received</b> and <b>noted</b> the draft Minutes of the Strategy Committee meeting held on the 16 April for information.</p>	
<b>15/038</b>	<p><b>Minutes of the meeting of the Board of Directors held 29 January and 26 March 2015</b> (agenda item 14)</p>	
	<p>The Council <b>received</b> and <b>noted</b> the minutes of the Board of Directors for information.</p>	
<b>15/039</b>	<p><b>Patient Experience Report</b> (agenda item 15)</p> <p>Mr Howorth attended the Council to present the Patient Experience Report and advised that it had been recommended by the Quality Committee that the report could be brought to the Council for information. The Council considered the report and noted work of the Patient Experience Team and the means by which this team sought feedback from the public and from those who use our services and their carers.</p>	

	The Council of Governors <b>received</b> the report and <b>noted</b> the work that is taking place and was <b>assured</b> of the work in progress.	
<b>15/040</b>	<b>Assurance on the declarations of: interests; fit and proper persons and independence for non-executive directors</b> (agenda item 16)  Mrs Hill presented a paper to the Council which set out the declarations of interest made by each of the directors, in particular the non-executive directors and noted that each of the non-executive directors had declared that they are independent and also 'fit and proper' in accordance with the criteria laid down in legislation and guidance.	
	The Council of Governors <b>received</b> the report and <b>noted</b> the declarations of interest made by each Board member. The Council also <b>noted</b> that each of the non-executive directors had declared themselves to be independent and also a fit and proper person.	
<b>15/041</b>	<b>Any other business</b> (agenda item 17.1)  There were no items of other business	
<b>15/042</b>	<b>Question / comments from Members of the Public</b> (agenda item 20)  There were no questions from the public.	
The chair of the meeting closed the public meeting of the Council of Governors of Leeds and York Partnership NHS Foundation Trust at 16:00 and thanked governors and members of the public for their attendance.		

**COUNCIL OF GOVERNORS' ACTION SUMMARY  
(PUBLIC MEETING)  
Meeting held Thursday 21 May 2015**

MINUTE	ACTION SUMMARY (PUBLIC MEETING)	LEAD
15/023	<p><b>Changes to any declaration of interests and declaration of any conflicts of interest in respect of agenda Items</b> (agenda item 3)</p> <p>Mrs Hill advised the Council of those that were still outstanding and noted that a request had been made to those governors to submit their forms and that a follow up report would be made to the next Council meeting.</p>	CH
15/034	<p><b>Representing the Interests of members and the public (Monitor publication)</b> (agenda item 11.2)</p> <p>Mr Howorth reported that the paper highlighted the significance of engagement and suggested that a small task and finish group be convened, to work with him to review the paper's recommendations and to bring a set of proposals to the Council of Governors' meeting in July.</p>	AH