



## LEEDS AND YORK PARTNERSHIP NHS FOUNDATION TRUST

**Minutes of the Public Meeting of the Council of Governors  
held on Wednesday 9 September 2015, in the Duchess of Hamilton  
Suite, National Railway Museum, Leeman Road, 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		Ann Shuter
	James Morgan		
	Jo Sharpe		
	Steve Howarth		<b>Staff Governors</b>
	David Smith		Dominik Klinikowski
			Gary Matfin
			Ruth Grant
			Heather Simpson
	<b>Carer Governors</b>		
	Julia Raven		<b>Appointed Governors</b>
	Andrew Johnson		Ant Hanlon
	Andy Bottomley		Colin Clark
			Cllr Helen Douglas
			Cllr Josie Jarosz
<b>IN ATTENDANCE:</b>			
	Chris Butler, Chief Executive		
	Jill Copeland, Chief Operating Officer and Deputy Chief Executive		
	Margaret Sentamu, Non-executive Director		
	Keith Woodhouse, Non-executive Director		
	Gill Taylor, Non-executive Director		
	Anthony Deery, Director of Nursing		
	Cath Hill, Head of Corporate Governance / Trust Board Secretary		
	Keisha Allen-Dowuona, Governance Officer (minutes)		

15/069	<p><b>Welcome and Introductions</b> (agenda item 1)</p> <p>The Chair opened the public session of the meeting at 14:15 and welcomed everyone.</p>	
15/070	<p><b>Apologies</b> (agenda item 2)</p> <p>Apologies were received from Maria Trainer (Service user governor, Leeds); Alan Procter (Carer governor, Leeds) and Carol-Ann Reed (Appointed governor, Tenfold).</p>	
15/071	<p><b>Changes to any declaration of interests and declaration of any conflicts of interest in respect of agenda Items</b> (agenda item 3.1)</p> <p>No governor present at the meeting indicated a change to their declared interests.</p> <p>Ms Swan noted that an item relating to Health Watch Leeds was referenced in the agenda papers and informed the Council that she is a board member of this organisation. The Council noted that no other governor present at the meeting declared a conflict of interest in respect of any item on the agenda.</p>	
15/072	<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>	
15/073	<p><b>Minutes of the Public Meeting held on 15 July 2015</b> (agenda item 5.1)</p>	
	<p>The minutes of the public Council of Governors' meeting held on 15 July 2015 were <b>agreed</b> as an accurate record.</p>	
15/074	<p><b>Matters arising – Update on the complaint to Monitor</b> (agenda item 6)</p> <p>The chair deferred this time noted that it would be taken as part of agenda item 8, the Chair's report.</p>	

<p><b>15/075</b></p>	<p><b>Cumulative 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 advised the Council that following the meeting, the chair's PA (Julie Wortley-Froggett) will contact each member of the Council to arrange their appraisals with Mr Griffiths.</p>	
	<p>The Council of Governors <b>noted</b> the actions outstanding from previous meetings and was <b>assured</b> of progress.</p>	
<p><b>15/076</b></p>	<p><b>Chair's Report</b> (agenda item 8)</p> <p>Mr Griffiths presented the Chair's Report. He advised the Council of the concerns he had raised with the Secretary of State for Health and Monitor. Mr Griffiths explained that he had received a letter in response to his concerns from the Secretary of State and noted his dissatisfaction with the reply and asked for the response letter to be circulated to members of the Council.</p> <p>Mr Griffiths reminded Council members that they were sent a copy of the letter that he submitted to the new joint Chair of Monitor, Mr Ed Smith; noting that the organisation will be merging with the Trust Development Agency and is to be renamed as NHS Improvement. Mr Griffiths noted that he is as yet to receive a reply from Mr Smith to the letter that was sent on the 24 August 2015.</p> <p>With regard to the safe transfer of services, Mr Griffiths advised the Council that the matter is still in hand and that the situation at Bootham Park Hospital remains high on the Board of Directors' agenda.</p> <p>Mr Griffiths asked Mr Deery to update the Council with respect to the inspection from the Care Quality Commission (CQC). Mr Deery advised the Council that the CQC had arrived at Bootham Park Hospital earlier in the day to conduct an unannounced compliance inspection, specifically looking at the safety domain. Mr Deery noted that they had visited ward six, which is the older peoples' assessment ward and also that a CQC estates advisor was with the team and that they will be inspecting wards one and two the</p>	<p><b>CH</b></p>

following day. Mr Deery speculated on the reason for their visit noting that this was perhaps due to the slippage related to the compliance actions around the estates improvements at Bootham Park Hospital, prior to the services transferring to Tees, Esk and Wear Valleys NHS Foundation Trust (TEWV).

Mr Griffiths advised the Council that Mr Butler had drafted a letter to Monitor setting out the Trust's concerns about the tender process; noting in particular he was dissatisfied with the response received.

With regard to his report overall Mr Griffiths invited questions from the Council of Governors.

Mr Howarth referred to the letter to the Secretary of State for Health noting that it had highlighted to him issues around patient safety and that it was discourteous of Mr Hunt to not directly address this issue. Mr Howarth asked whether there was anything that could be done to achieve a better response.

Mr Morgan asked about the financial cost for the refurbishment of Bootham Park Hospital, noting that the Trust had undertaken refurbishments on the site prior to the tendering process and questioned whether the Trust will be reimbursed or compensated for the costs incurred.

Mr Griffiths suggested that had Monitor conducted a proper review of the tender process it would have concluded that there were questions to answer in respect of the bidding process. Mr Griffiths explained that both Trusts had spent a significant amount of money to undertake this exercise and this perhaps was not a best use of public funds.

Mr Butler responded to the question about patient safety and about the cost of the bid noting that regardless of the tender process there were various duties the Trust had to undertake to ensure safe, effective services for services users and carers. Mr Butler explained that money had been used to employ extra staff within the services and that this presented a good use of the Trust's income. Mr Butler referred to the tendering process as an example of poor use of the Trust money; however, he noted that both the Trust and TEWV had both incurred costs associate with this process and that the internal market uses money that should be better used in the direct care of service users.

In respect of the Trust's financial position, Mr Butler advised the

	<p>Council that the reason for the surplus is to ensure the Trust is in a good financial position to respond to service users' needs within the medium and long term.</p> <p>With regard to the Annual Members' Meeting, Mr Butler advised the Council that he will be setting out in detail the Trust's achievements, particularly within the city of York.</p> <p>Ms Sharpe noted that she represents one of the York constituencies and asked what the Trust's plans are for York going forward. Mr Griffiths informed the Council that the Board of Directors will be discussing a potential change of name for the Trust at its forthcoming meeting. He also spoke about the continuing partner relationships with organisations in York. Mr Griffiths informed the Council that if there are any further updates with respect to this matter that he will ensure the Council is notified of these.</p> <p>Mr Griffiths then advised the Council of the recent changes to the membership of the Council of Governors, in particular, Annie Dransfield, Laura Phipp and Jackie Ainsley-Stringer who had all stepped down. Mr Griffiths also welcomed Cllr Josie Jarosz to her first meeting of the Council, noting that she is the newly appointed governor for Leeds City Council.</p>	
	<p>The Council <b>received</b> the Chair's Report and <b>noted</b> the content.</p>	
<p><b>15/077</b></p>	<p><b>Non-executive director presentation about performance</b> (agenda item 9.1)</p> <p>Mrs Margaret Sentamu presented the Performance Report to the Council and drew attention to the new format of the report. Mrs Sentamu advised members of the Council that if they had any feedback with respect to the format to let Mr Deery know through Mrs Hill.</p> <p>Mrs Sentamu drew attention to the key areas of concern which she and the other non-executive directors have held the executive directors to account for. With regard to the section in the report on safety, Mrs Sentamu focused on seven-day follow-ups explaining to the governors some of the valid reasons as to why this target had not been met in the York services. With regard to the 'effective' section Mrs Sentamu focused on the target for clustering noting that</p>	

the Trust is not meeting its target in respect of this but that the Trust is not out-with performance nationally.

With regard to the 'responsive' section, Mrs Sentamu reported that members of the Board have benefited from hearing stories from service users noting that this has been incorporated into the Board's schedule for the day. Ms Sentamu suggested that having the stories come to the Council of Governors could also be very useful in understanding service user experience.

Mrs Sentamu then drew attention to the 'well-led' section and informed the Council that a high percentage of staff had completed their appraisals this year. Mrs Sentamu informed the Council that she had questioned the executives as to whether the problems concerning the completion of appraisals were being addressed and that she had been advised that by July 2016 the backlog of appraisals would have been completed.

Mr Griffiths invited the Council to discuss the report.

Mr Johnson sought confirmation as to whether the contract with FirstCare would be reviewed and what the plans are for reporting on sickness absence after the end of the contract. Mr Butler advised the Council that the Trust had contracted out sickness absence reporting to FirstCare in order to improve reporting and monitoring processes. Mr Butler informed the Council that the Executive Team had decided to extend the contract to the end of March 2016 in order to fully evaluate the system.

Mrs Sentamu drew attention to page 3 of the report, noting there was a reporting inaccuracy in that the report shows a figure of 97.4% relating to 'harm free care' which should show 98.3%. Mrs Sentamu noted that this represents no significant change in this regard.

With respect to safer staffing, Ms Sentamu advised the Council that the figure of 92% of wards not meeting the target was an internally set target and as such is not something monitored in this was externally. She noted that there are a number of possible reasons as to why a ward might not reach its planned staffing level and as such the table itself didn't necessarily show a true picture. Mr Butler also added that there is no nationally agreed position relating to what safer staffing looks like but that Jane Cunning, the chief nurse from NHS England will be conducting a review of safer staffing levels. Mr Howarth noted that the target should not look

only at safer staffing but it should also look at therapeutic staffing. He also noted that from the financial report that the Trust has a high surplus whilst at the same time it has a high number of staff vacancies. Mr Griffiths advised the Council that there is a national problem with regard to recruiting qualified staff and that just having a surplus will not guarantee that staff can be found to recruit. Mr Griffiths indicated that there is much work ongoing in the Trust around recruitment. Ms Sharpe indicated that a recruitment panel for medical staff which she was due to attend had to be cancelled due to a lack of candidates. Mr Griffiths noted the difficulties in attracting candidates, in particular medical staff, and asked that Dr Isherwood be invited to attend the next Council meeting to discuss the recruitment and retention of medical staff.

**Jl**

Mrs Simpson suggested that the report could benefit from including a model which explains what is considered a safe level of staffing. She agreed that there is a problem nationally regarding the recruitment of nurses and asked what the Trust was doing to attract qualified staff. Mrs Simpson also advised the Council that earlier in the week it had been brought to her attention that no graduate from York had applied for the vacant posts within the Trust. Mr Butler noted that all the graduates from the York courses had applied to the private sector. Mr Griffiths noted these comments and those from Ms Sharpe about the recruitment to medical posts.

**CH**

Mr Klinikowski suggested that the reason for the lack of recruitment into posts may be due to the quality of the adverts on the NHS Jobs website. Mr Griffiths noted his comments and asked that this is drawn to the attention of the Workforce Development team.

Mrs Swan commented on the report noting her appreciation for this being more concise; however, she noted a number of areas that could be added to the report. Mrs Sawn noted that under the effective care heading there was only one item and suggested other information could be added to this section, possibly around CMHT's caseloads; under the responsive care heading information about the Trust's ability to respond to service users' in crisis could be included; the number of service users that are being transferred out of area, including how many service users are being transferred within a given period or the number of nights are away from the area.

Miss Woodham drew attention to Page 8 of the report noting that she was pleased that service users' stories are being included. She spoke about her experience with respect to the CMHT service and

	<p>noted the need to ensure that the quality of care provided is improved.</p> <p>Mr Butler considered the Council’s concern regarding the difficulty of recruiting nurses and indicated some of the reasons as to why this might be. Ms Copeland also advised that HR is reviewing how the recruitment process can be speeded up and that discussions have been undertaken around implementing a more central system of recruitment. With regard to the retention of staff, Ms Copeland assured the Council that she and Mr Deery had met with ward managers to discuss a strategy for nursing including the career progression of nurses within the Trust. Ms Copeland advised the Council that the Director of Nursing is committed to implementing a nursing strategy which will set out new roles that could be attractive to nurses.</p> <p>With regard to CMHTs, Ms Copeland indicated that generally the quality of care in CMHTs is very good and had received a positive report as part of the CQC inspection last year. However, Ms Copeland noted that staff within the CMHT service are experiencing high levels of caseloads and don’t always have the time to provide the level of service they would like, she also confirmed there had been some complaints from service users about the service.</p> <p>Mr Griffiths thanked Mrs Sentamu for her report to the Council and noted the comments provided by governors and executive directors in respect of the format and content of the report.</p>	
	<p>The Council of Governors <b>received</b> the report, <b>noted</b> its content.</p>	
<p><b>15/078</b></p>	<p><b>Patient Experience Report</b> (agenda item 9.2)</p> <p>Ms Sentamu introduced the Patient Experience Report noting that the Trust routinely seeks feedback from service users, with the aim of better understanding the experience of service users in order to directly influence how the Trust improves its services.</p> <p>Ms Swan asked whether non-executive directors (NEDs) have had the opportunity to review any individuals’ complaints. Mrs Hill advised the Council that the CLIP report has information relating to complaints and that this is reported to the Quality Committee which has two NEDs on it. Ms Sentamu also explained that the Audit Committee had reviewed a batch of complaints, in particular a</p>	

	complaint about the quality of food provided by the Trust.	
	The Council of Governors <b>considered</b> the contents of the Patient Experience Report and <b>confirmed</b> that it supports the work undertaken to date and is assured that progress was being made.	
<b>15/079</b>	<p><b>Trust Incident Review Group, Lessons Learnt Report</b> (agenda item 9.3)</p> <p>Ms Sentamu presented the Trust Incident Review Group, Lessons Learnt Report noting that the issues in the report are discussed on a monthly basis to the Board of Directors.</p> <p>In response to comments from governors about the content of the report Mr Griffiths acknowledged that some of the information could be upsetting. For this reason, Mr Griffiths requested that Dr Isherwood present the report at the next Council meeting.</p>	<b>CH/JI</b>
	The Council of Governors <b>received</b> and <b>noted</b> content of the report.	
<b>15/080</b>	<p><b>Presentation by the auditors on the findings from the audit of the Annual Report and Accounts 2014/15 and the Quality Report 2014/15</b> (agenda item 10)</p> <p>Mr Fenton presented the Trust's Annual Report and Accounts 2014/15 and the Quality Report 2014/15 to the Council. He discussed the summary of findings from audit of the financial statements and the audit of the quality report; the challenges ahead; and the next steps for 2015/16.</p> <p>Mr Fenton advised the Council that the Trust had received a 'clean' audit opinion and that this was consistent with the audits carried out in 2012/13 and 2013/14 and. He also reported a higher surplus than planned for the year.</p> <p>The Council discussed the length of time PricewaterhouseCoopers had been the auditors for the Trust. It asked about the tender process for appointing the Trust's external auditors. Mr Fenton responded by stating that PricewaterhouseCoopers has been appointed by the Trust for 11 years in total. The Council asked how</p>	

	<p>it could be assured that the auditors remained independent. Mrs Hill assured the Council that even though the contract was with the same firm the audit team had been refreshed frequently.</p> <p>The Council received the Annual Report and Accounts 2014/15 and the Quality Report 2014/15.</p>	
	<p>The Council of governors <b>received assurance</b> on the audit findings and the auditors' reports on the Trust's Annual Report and Accounts 2014/15 and the Quality Report 2014/15.</p>	
15/081	<p><b>Update on membership and engagement events</b> (agenda item 11)</p> <p>Mr Howorth presented the update report on membership and engagement to the Council of Governors noting that this had been presented for information. He reported that engagement-related work and membership recruitment is continuously being reviewed and that his team welcomes any comments from governors as to how the report might provide more useful information.</p> <p>Mr Howorth also drew attention to the proposed membership campaign themes for 2016, noting that this would be discussed at the forthcoming Annual Members' Day.</p> <p>Cllr Douglas noted that the schedule didn't show any events in York. Mr Howorth apologised for this and agreed to look into it.</p>	<b>AH</b>
	<p>The Council <b>noted</b> and <b>received</b> the Membership and Engagement Report.</p>	
15/082	<p><b>Proposals for the remit of the Membership and Development Committee</b> (agenda item 12)</p> <p>Mr Griffiths informed the Council that the format of the Membership and Development Committee is to be reviewed. He noted that some of the meetings in 2015 had been cancelled due to them not being quorate. Mr Griffiths indicated that a report would be presented to the next Council meeting setting out in more detail the changes and proposals going forward.</p>	

	<p>Mr Griffiths then invited Mr Howorth to outline some of new arrangements that had been considered. Mr Howorth indicated that one positive aspect of his role is to invite service users to attend Board of Directors' meetings to share their personal stories and that it had been suggested that this would be good to share these stories with the Council of Governors. To achieve this he proposed there to be an event, at least three times a year, to which governors and non-executive directors would be invited, where they could meet with service users who could talk to them about their experiences. Mr Howorth noted that this would allow governors to engage with service users more closely and understand some of the issues and where necessary use this to inform the issues raised with the non-executive directors. The Council welcomed this approach.</p>	
	<p>The Council <b>noted</b> and <b>received</b> the verbal update with respect to restructuring the remit of the Membership and Development Committee.</p>	
<b>15/083</b>	<p><b>Minutes of the meeting of the Board of Directors held 18 June 2015</b> (agenda item 13)</p>	
	<p>The Council <b>noted</b> and <b>received</b> the minutes of the public meetings of the Board of Directors for information.</p>	
<b>15/084</b>	<p><b>Any other business</b> (agenda item 14)</p> <p>There were no items of other business.</p>	
<b>15/085</b>	<p><b>Question / comments from Members of the Public</b> (agenda item 15)</p> <p>There were no questions from the public.</p>	
<p>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.</p>		

## COUNCIL OF GOVERNORS' ACTION SUMMARY

**(PUBLIC MEETING)**  
**Meeting held 9 September 2015**

MINUTE	ACTION SUMMARY (PUBLIC MEETING)	LEAD
15/076	<p><b>Chair's Report</b> (agenda item 8)</p> <p>Mr Griffiths explained that he had received a letter in response to his concerns from the Secretary of State and noted his dissatisfaction with the reply and asked for the response letter to be circulated to members of the Council.</p> <p>Mr Griffiths reminded Council members that they were sent a copy of the letter that he submitted to the new joint Chair of Monitor, Mr Ed Smith; noting that the organisation will be merging with the Trust Development Agency and is to be renamed as NHS Improvement. Mr Griffiths noted that he is as yet to receive a reply from Mr Smith to the letter that was sent on the 24 August 2015. Mr Griffiths indicated that he will ensure a copy of this is circulated to members of the Council when it is received.</p>	<p style="text-align: center;"><b>CH</b></p> <p style="text-align: center;"><b>CH</b></p>
15/077	<p><b>Non-executive director presentation about performance</b> (agenda item 9.1)</p> <p>Mr Griffiths indicated that there is much work ongoing in the Trust around recruitment. Ms Sharpe indicated that a recruitment panel for medical staff which she was due to attend had to be cancelled due to a lack of candidates. Mr Griffiths noted the difficulties in attracting candidates, in particular medical staff, and asked that Dr Isherwood be invited to attend the next Council meeting to discuss the recruitment and retention of medical staff.</p> <p>Mr Klinikowski suggested that the reason for the lack of recruitment into posts may be due to the quality of the adverts on the NHS Jobs website. Mr Griffiths noted his comments and asked that this is drawn to the attention of the Workforce Development team.</p>	<p style="text-align: center;"><b>Jl</b></p> <p style="text-align: center;"><b>CH</b></p>

<b>MINUTE</b>	<b>ACTION SUMMARY (PUBLIC MEETING)</b>	<b>LEAD</b>
<b>15/079</b>	<p><b>Trust Incident Review Group, Lessons Learnt Report</b> (agenda item 9.3)</p> <p>In response to comments from governors about the content of the report Mr Griffiths acknowledged that some of the information could be upsetting. For this reason, Mr Griffiths requested that Dr Isherwood present the report at the next Council meeting.</p>	<b>CH/JI</b>
<b>15/081</b>	<p><b>Update on membership and engagement events</b> (agenda item 11)</p> <p>Cllr Douglas noted that the schedule didn't show any events in York. Mr Howorth apologised for this and agreed to look into it.</p>	<b>AH</b>