

LEEDS AND YORK PARTNERSHIP NHS FOUNDATION TRUST

Minutes of the Public Meeting of the Board of Directors held on Thursday 25 November 2021 at 9:30am. This meeting was held virtually

Board Members

Apologies

Prof S Proctor	Chair of the Trust
Prof J Baker	Non-executive Director
Mrs J Forster Adams	Chief Operating Officer
Miss H Grantham	Non-executive Director (Deputy Chair of the Trust)
Mrs D Hanwell	Chief Financial Officer and Deputy Chief Executive
Mr C Henry	Non-executive Director
Dr C Hosker	Medical Director
Dr S Munro	Chief Executive
Mr D Skinner	Interim Director of Human Resources
Mrs S White	Non-executive Director
Mrs C Woffendin	Director of Nursing, Quality and Professions
Mr M Wright	Non-executive Director (Senior Independent Director)

All members of the Board have full voting rights

In attendance

Mrs C Hill	Associate Director for Corporate Governance / Trust Board Secretary
Ms K McMann	Head of Corporate Governance / Deputy Trust Board Secretary
Mr J Verity	Freedom to Speak up Guardian (for minute 21/122)
Ms J Scott	Carer (for minute 21/123)
Ms H Thompson	Patient Engagement Co-ordinator (for minute 21/123)
Mr R Buchanan	Relationship Manager from the Care Quality Commission
Ms K Khan	Incoming Associate Non-executive Director
Two members of the public observed the meeting	

Action

21/121

Prof Proctor opened the public meeting at 09.30 am and welcomed everyone.

Chief Executive's report (agenda item 8)

Dr Munro presented her Chief Executive's report which set out the current challenges for the Trust's services in light of the increasing COVID-19 infection rates. She added that the Trust currently had no out-breaks and that this was as a result of the continued Infection Prevention Control measures that were in place.

Dr Munro then drew attention to the main points in the report, which were discussed by the Board. Mr Henry noted the information provided on the culture within the organisation, in particular that the first meeting of the Strategic Assurance Group for equality and inclusion was to take place in December and noted the importance of the Board being sighted on the work of that group.

Prof Proctor also drew attention to the work of the WREN, and the focus in their November meeting on Islamophobia Awareness Month and people's experience of Islamophobia. She added that the next phase of the Reciprocal Mentorship Programme was being shaped and suggested that these more explicit and focused themes could be used to inform the programme around equality, diversity and inclusion. Dr Munro advised that further evaluation of the first phase of the mentorship programme would be carried out in the coming months with an event taking place in March to report on the learning and impact, noting that this would be used to inform the next phase and the roll-out of the programme more widely across the Trust. Dr Munro agreed to bring a report to the March Board on the Trust's commitment for the next phase and how this would be rolled out.

SM

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

21/122

Freedom to Speak up Guardian Report (agenda item 7)

Mr Verity presented the Freedom to Speak up Guardian Report. Prof Baker observed that some of the information in the report was quite detailed and suggested that this level of detail might not be appropriate for a report that was presented in the public domain. Mr Verity accepted the comment and agreed to look at the level of detail in future reports to ensure there is a balance between advising the Board and maintaining confidentiality.

JV

Mrs White asked if he and the Freedom to Speak up Ambassadors would be involved in staff concerns about mandatory vaccinations. Mr Verity advised that this would be entirely possible and that he had routes through which any concerns such as these could be explored.

Mr Henry noted that the number of concerns raised through the Guardian had reduced significantly. He added that whilst this might be seen as a positive thing, he asked what more could be done to continue to raise awareness to ensure staff felt able to continue to contact the Guardian. Mr Verity outlined some of the actions he was looking at to encourage staff to continue to use the Guardian route.

Mr Wright reported that as the Senior Independent Director he met with Mr Verity on a regular basis. He added that in comparison to other organisations this Trust had well established and well-developed systems and processes around the Freedom to Speak up Guardian role and thanked Mr Verity for all his work in developing these processes.

Miss Grantham noted that the Trust's People Plan was being finalised and suggested that Mr Verity was linked into its development to ensure there was an opportunity for observations from his and the Ambassadors' perspective to be captured. She also suggested that Mr Verity ensured that he and the Ambassadors were appropriately linked into the People and Organisational Development governance structure.

JV

The Board **thanked** Mr Verity for his report and **noted** the content.

21/123

Sharing Stories (agenda item 1)

Prof Proctor welcomed Jackie Scott, who was a carer for someone who had used the Trust's services. She also welcomed Helen Thompson from the Patient Experience Team.

Ms Scott spoke to the Board in detail about her experience of caring for someone with a Serious Mental Illness and the difficult experiences she has had in trying to access help for them, including the approach of the various emergency services to dealing with someone experiencing episodes of severe illness and the distress this has caused.

She also spoke about the difficulties she had experienced of accessing appropriate care through the Crisis Service and her frustration at the triage questions, noting that the question around assessing risk and capacity presented a block to accessing appropriate emergency care. She also expressed frustration at the way in which other emergency and health care services assess risk and capacity and their reluctance to intervene if a person with serious illness won't accept or agree to care or intervention. She talked in detail about the distressing impact this has had on family members.

The Board was moved by the story and expressed concern at Ms Scott's experience of difficulty in accessing Trust and other emergency services. Mrs Forster Adams agreed to look at how Ms Scott's story could be used to inform staff in the Crisis Service and other services more widely, and for them to understand the impact some of the Trust's processes can have on individuals and their families. She added that this would allow them to look at how the pathway could be improved.

JFA

Mrs Forster Adams also agreed to speak to the Trust's Housing Officer so they could make contact with Ms Scott to provide an update on the position regarding the arrangements for transitional housing.

JFA

The Board **thanked** Ms Scott for sharing her powerful story and committed to following up on the actions agreed.

Dr Munro left the meeting.

21/124

Apologies for absence (agenda item 2)

It was noted that Dr Munro had attended the first part of the meeting but had then needed to leave. There were no other apologies received.

21/125	<p>Declaration of interests for directors and any declared conflicts of interest in respect of agenda items (agenda item 3)</p> <p>Mr Henry advised that he had a conflict of interest in agenda item 22.1 and the Board agreed that he would leave the meeting for that item. No other member of the Board declared a change in interests or a conflict in any agenda item.</p>
21/126	<p>Minutes of the previous meeting held on 30 September 2021 (agenda item 4)</p> <p>The minutes of the meeting held on 30 September 2021 were received and agreed as an accurate record.</p>
21/127	<p>Matters arising (agenda item 5)</p> <p>It was noted there were no matters arising.</p>
21/128	<p>Actions outstanding from the public meetings of the Board of Directors (agenda item 6)</p> <p>Prof Proctor presented the action log which showed those actions previously agreed by the Board in relation to the public meetings, those that had been completed and those that were still outstanding.</p> <p>The Board received the cumulative action log and noted the content.</p>
21/129	<p>Report from the Chair of the Quality Committee for the meetings held on 12 October and 9 November 2021 (agenda item 9)</p> <p>Prof Baker presented the Chair's reports from the Quality Committee meetings that had taken place on 12 October and 9 November 2021. In particular he drew attention to:</p> <ul style="list-style-type: none"> • Matters in respect of the Trust's estate, in particular the issues faced by the ALPS team and them having to work between the Becklin Centre and the Emergency Department in the acute Trust; the issues experienced by the Psychological Medicine Team; and the current accommodation for the Perinatal service. • People with long COVID being referred to the Chronic Fatigue Service • The annual report for restrictive interventions, noting there had been a decrease in the use of these interventions in the first phase of COVID and a slight increase in the second. • Learning from deaths and assurances about the points of learning including safety planning; family involvement; risk assessment; and communication.

- The work of the infection prevention and control team and the measures in place to protect staff and service users from infections related to COVID-19.

Mrs Hanwell spoke about the challenges related to the ALPS Team and their accommodation in Leeds Teaching Hospital NHS Trust's Accident and Emergency Department (A&E). She added that the situation remained difficult due to the current pressures in A&E, but that a solution was being sought to ensure the team had appropriate accommodation to allow them to provide services into the A&E Department.

With regard to the National Inpatient Centre for Psychological Medicine (NICPM), Mrs Hanwell noted that discussions were taking place to determine the appropriate number of beds for the service and whether it would be possible to make the necessary estates adaptations to its current location in order to ensure it provided an appropriate therapeutic environment.

Regarding the Psychological Medicine Service more widely, Mrs Hanwell reported that discussions were ongoing with commissioners to look in more detail at the pathway of care and how this works with other services to provide a more comprehensive level of care across West Yorkshire.

Mrs Hanwell then advised that in respect of the Perinatal Services she was meeting with senior staff to look at where it should be sited and when any changes might occur.

It was agreed that Mrs Hanwell would provide details of the actions being taken to address the issues regarding estates for the ALPS Team, NICPM and the Perinatal Service so this could be fed into the discussions around the Estates Strategy.

DH

Prof Proctor also asked for the issue of people with long-COVID being excluded from the Chronic Fatigue Service to be looked into. Mrs Forster Adams agreed to pick up locally how the Trust is involved in defining the pathway of care with partners and commissioners.

JFA

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

21/130

Report from the Chair of the Audit Committee for the meeting held on 19 October 2021 (agenda item 10)

Mr Wright presented the Chair's report from the Audit Committee meeting that had taken place on 19 October 2021. In particular he drew attention to:

- The Internal Audit Network (TIAN) report, noting that this provided a lot of useful information and that the committee had recommended this was circulated to all Board members.
- The draft Health and Safety Report, noting that the committee had reviewed the report and provided some feedback as to how this could

be amended. Mr Wright added that a revised report would be coming back to the committee in due course.

Mr Wright also advised that in January there would be a new Head of Internal Audit, Helen Higgs, and that members of the committee were expecting to have a one-to-one meeting with her in the coming weeks.

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

21/131

Approval of the updated Terms of Reference for the Audit Committee
(agenda item 10.1)

Mrs Hill noted that the Terms of Reference had been updated to provide clarity around the dispute resolution process for Board sub-committees. She added that it was not expected that this would be used due to the collaborative working between the committees but noted that this had been included for good governance. She also asked that if the Board approved this amendment that it also agreed for this to be included in all other Board sub-committee Terms of Reference. This request was agreed by the Board.

The Board **received** and **approved** the revised Terms of Reference for the Audit Committee.

21/132

Report from the Chair of the Workforce Committee for the meeting held on 5 October 2021 (agenda item 11)

Miss Grantham presented the Chair's report from the Workforce Committee meeting that had taken place on 5 October 2021. In particular she drew attention to:

- Compliance rates in relation to training for the Prevention and Management of Violence and Aggression (PMVA).
- The draft People Plan, noting this had been looked at in some detail and would be going to the December Board meeting for approval.
- The Psychological Professional Strategy which highlighted the priorities for the psychological professions over the coming years.
- Key areas of work around Wellbeing, including an update on the progress against the Wellbeing Framework. She added that the committee had also received an update on the West Yorkshire and Harrogate Mental Health and Wellbeing Hub from Dr Kerry Hinsby.

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

21/133

Approval of the updated Terms of Reference for the Workforce Committee (agenda item 11.1)

The Board **agreed** the updated Terms of Reference including the additional paragraph on dispute resolution as agreed in minute 21/131.

21/134

Report from the Chair of the Mental Health Legislation Committee for the meeting held on 2 November 2021 (agenda item 12)

Mrs White presented the Chair's report from the Mental Health Legislation Committee meeting that had taken place on 2 November 2021. In particular she drew attention to:

- Plans to implement the new system of Liberty Protection Safeguards, noting the Trust would have new additional responsibilities and the Board would need assurance that staff had been appropriately trained and that systems and processes were in place to support this new requirement. Mrs White added that the Committee would be reviewing a more detailed implementation plan at its next meeting.
- Assurance on the audit carried out by the Mental Health Legislation Team to look at the completion of Mental Health Act documentation, noting there had been 100% of documents audited. Mrs White commended the team for the completion of this work.
- An agreement that Mental Health Act Managers would receive an additional payment of £10 per session for those managers who are chairing remote hearings. She noted that this was a temporary arrangement and that this would be looked at in the future.

Prof Proctor noted that in regard to Liberty Protection Safeguards, this was included on the future Board Strategic Discussion / Development programme for 2022 and would be included within the legal update session.

Mrs White then outlined an issue which had been received via feedback from Mental Health Act Managers (MHAMs) about recent hearings involving asylum seekers who it was reported had no recourse to public funds and therefore were potentially unable to pay for medication should they be discharged. However, Mrs White reported that on further scrutiny of the Mental Health Act it would appear that Section 117 of the Act allowed support to be provided and that service users, staff and Mental Health Act Managers should be made aware of this provision in order to support their decisions around detentions. Dr Hosker was clear that decisions around whether a person should be discharged from a Section would not be based on access to funds or ability to pay for medication. He added that Mr Wyatt from the Mental Health Legislation Team was working on raising awareness of this provision.

Prof Proctor asked Mr Skinner and Mr Hosker to liaise with the communications Team and the Mental Health Legislation Team to look at how awareness could be raised through a Trust-wide communication.

DS / CHo

Mrs White also noted that the Mental Health Act Managers had encountered problems with the interpreting service commissioned by the Trust adding that she had asked for more information on this matter. Mrs Forster Adams noted that Mr Verity (Freedom to Speak up Guardian) had alerted her to technological solutions that were being used within the local council and vaccination centres in the city. She added that this was being explored. It was agreed that Miss McMann would check to see if an action had been agreed by the Mental Health Legislation Committee for an update on interpreting services to go back to the committee and advise Mrs Forster Adams of this.

KM

The Board received a report from the Chair of the Mental Health Legislation Committee and noted the content.

21/135

Approval of the updated Terms of Reference for the Mental Health Legislation Committee (agenda item 12.1)

Mrs Woffendin asked if the Terms of Reference should state that the committee make decisions around the remuneration of Mental Health Act Managers as it currently does, or if the committee should make recommendations which were then referred to the Board for a final decision. It was agreed that this would be picked up and discussed outside of the meeting.

CHill

The Board **agreed** the updated Terms of Reference including the additional paragraph on dispute resolution as agreed in minute 21/131.

21/136

Report from the Chair of the Finance and Performance Committee for the meetings held on 26 October and 23 November 2021 (agenda item 13)

Mrs White presented the Chair's reports from the Finance and Performance Committee meetings that had taken place on 26 October and 23 November 2021. In particular she drew attention to:

- The committee now receiving quarterly reports from the Clinical Environments Group and the Estates Steering Group where estates work had an impact on the quality of service provided to service users. She noted that this was a helpful report and that the committee looked forward to receiving further reports and updates in the future.
- The recent cyber security penetration test, noting that the committee had been advised of three key actions that had arisen from the testing. She added that these were to strengthen the arrangements already in place and that no major weaknesses had been identified. The committee had been assured on the steps being taken to address these actions.
- The Green Plan, noting that this would be received by the Board at its meeting in December.
- The impact of the additional investment in the Gender Identity Service, noting that alongside the Trust's own investment, NHS England had

also committed additional funding to the service. However, Mrs White noted there were still staffing challenges despite the extra money and that it would take time to recruit these extra staff.

Prof Proctor asked about the financial rebasing exercise across the ICS, when this would be completed and when the outputs from this work would be available. Mrs Hanwell advised the timeframe was for this to be completed by the end of the calendar year. Mrs White noted that an update on this would come to the committee in January.

Prof Baker asked about the consequences for breaching the agency cap. Mrs Hanwell reported that as a result of the staffing difficulties arising from the COVID-19 pandemic any consequences from breaching the cap had been paused.

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

21/137

Report from the Chief Operating Officer (agenda item 14)

Mrs Forster Adams presented the Chief Operating Officer's report and noted that the key points in the report had been discussed at the Finance and Performance Committee meeting and had already been highlighted by Mrs White.

In addition to the points raised earlier in the meeting, Mrs Forster Adams highlighted some of the other key points in the report. She advised of the risks around the provision of care in the social services sector and the impact this was having on discharging some people from hospital. However, she advised that work was ongoing with partners to look at how this might be addressed. Prof Baker observed that the links to social care provision affects not just older adults, but also people with learning disabilities and long-term mental health problems and asked if the Trust was sighted on that wider social care provision. Mrs Forster Adams advised the focus of the system flow-plan was on older adults with dementia but that there was a wider piece of work looking at social care provision more broadly.

With regard to the mandatory vaccination of NHS staff, Mrs Forster Adams noted that a more detailed update on the key risks and issues for the Trust would be provided at the December Board meeting. With regard to the COVID-19 booster programme, Mrs Forster Adams reported that 67% of staff had received their booster vaccine and work was ongoing to offer vaccines and boosters to inpatients and some service users in the community.

JFA

Miss Grantham asked that in light of the winter plan and the pressures being experienced by staff that the executive directors consider whether there was any more the Trust could do to support staff and for this to be fed back through the Workforce Committee within the wellbeing agenda item.

Execs

Mr Wright noted the high degree of narrative in the report and also in reports from other executive directors. He suggested that the 'triple A' style reports

used by the Chairs of the Board sub-committees could be adopted to reframe the executive summary to the directors' reports, noting this would allow them to set out the issues the Board needed to be sighted on. The executive directors agreed to consider how this style of reporting could be used.

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

21/138

Chief Financial Officer's Report (agenda item 15)

Mrs Hanwell presented the Chief Financial Officer's Report advising that the Trust remained in a strong financial position at Month 7. She added that the H2 plan had been submitted in the context of the wider system plan.

Mrs Hanwell added that work was ongoing across the organisation to understand revenue requirements for 2022/23 in the context of the financial framework which, she noted, was still to be fully clarified. She reported that it was anticipated that the 2022/23 planning guidance would be published in mid-December and a more detailed report would then be made to the Board on its requirements and impact.

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

Mr Wright left the meeting.

21/139

Director of Nursing Quality and Professions Report (agenda item 16)

Mrs Woffendin presented the report noting that this provided assurance on the work that was ongoing. She then drew attention to a number of key points including the changes in the professional leads structure, noting that this would strengthen the systems processes and procedures around the vision for how professional leads would link to other governance structures in the Trust.

She then reported on the work that had been achieved over the past 12 months in regard to patient experience and involvement with the reinstatement of the three subgroups for Experience, Carer and Involvement, noting that each had started to identify and achieve key priority areas for the forthcoming year.

Mrs Woffendin then highlighted the outcome from the Community Mental Health Service User Survey detailing the areas that had been improved on, noting there had been an action plan developed to address those areas that need further focus.

The Board **received** the Director of Nursing Quality and Professions Report and **noted** the content.

21/140

Safe staffing report (agenda item 17)

Mrs Woffendin presented the safe staffing report noting there were challenges with the levels of staffing, not just in the Trust but across the system and the report highlighted these pressures through August and September. She added there had been one breach which had been due to an issue with the eRostering system which had now been rectified.

Prof Baker noted that he was pleased the process for newly qualified nurses entering the Trust had been streamlined, however, he observed there was intelligence that the number of students in their second and third years were lower and there had been attrition in the numbers due to the COVID-19 pandemic, adding that this would need to be taken into account in terms of the intake of qualified nurses in the coming years. Mrs Woffendin indicated she was aware of this intelligence and outlined some of the steps being taken, noting there would be more information in the 6-monthly report that would come to the January Board.

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

21/141

Medical Director's Report (agenda item 18)

Dr Hosker presented the Medical Director's Report. He drew out two main points in the report. Firstly, in relation to the Pharmacy Team, noting the pressure the team had experienced throughout COVID-19 including the team's ongoing involvement with the vaccine programme. Secondly, Dr Hosker reported on medical staffing and a reduction in the number of psychiatrists nationally which was having an impact on the Trust, particularly in acute inpatient services, CONNECT and the forensic service. Dr Hosker gave a brief overview of these two areas and outlined the steps being taken to address the issues. Dr Hosker then gave a brief overview of the main functions within the directorate as outlined in the report.

Prof Baker referred to the Research and Development function and noted the potential adverse impact on funding that would be brought about by the retirement of one of the consultants. He asked what steps were being taken to rectify the situation. Dr Hosker advised that recruitment was underway, and the team was looking to appoint someone with a similar profile in R&D to try to maintain a similar level of funding.

Miss Grantham commended the work in regard to recruitment and acknowledged the challenges in the system. She referred to international recruitment and suggested that the Workforce Committee could look at how international recruits were supported. Dr Hosker advised that the package in place was not only about recruitment but also that it helped to support individuals with settlement.

Miss Grantham also referenced the Medical Workforce Strategy and asked what the timings were for its completion and presentation to the Workforce Committee. Dr Hosker advised that it was expected this would be going to the February meeting.

The Board **received** the Medical Director's report and **noted** the content.

21/142

Guardian of Safe Working Hours – quarterly report (agenda item 19)

Dr Hosker presented the Guardian of Safe Working Hours quarterly report, noting there had been a small number of exception reports in the last quarter and advised that the Guardian had explored the reasons for these reports being made and that there were no specific areas of concern which needed to be advised to the Board.

The Board **received** and **noted** the Guardian of Safe Working Hours report.

21/143

Board Assurance Framework (agenda item 20)

The Board noted the Board Assurance Framework was scrutinised by the Board Sub-committees and had been brought to the Board for information.

The Board **received** and **noted** the Board Assurance Framework.

21/144

West Yorkshire and Harrogate Integrated Care System Mental Health, Learning Disability and Autism Committee-in-Common Assurance report for the meeting held 21 October 2021 (agenda item 21)

The Board **received** the minutes from the Committee in Common and **noted** the content.

Mr Henry left the meeting due to a conflict of interest in agenda item 22.1.

21/145

Appointment of the Senior Independent Director (agenda item 22.1)

The Board **considered** and **agreed** to appoint Cleveland Henry as the next Senior Independent Director with effect from 1 May 2022.

	Mr Henry re-joined the meeting.	
21/146	<p>Terms of Reference for the Board of Directors (agenda item 22.2)</p> <p>Mrs Hill noted that the Terms of Reference had been reviewed and several changes made. She reported that the dispute resolution paragraph that was to be added to the Board Sub-committees' Terms of Reference would be referenced in the Board's own Terms of Reference, but that a full dispute resolution process specifically with the Council of Governors was set out in the Constitution.</p> <p>It was also agreed that the paragraph relating to Associate Non-executive Directors attending the Board would be added to the Board Sub-committees' Terms of Reference.</p> <p>The Board received and approved the revised Terms of Reference and noted that reference would be made to the dispute resolution processes.</p>	<p>CHill</p> <p>CHill</p>
21/147	<p>Future meeting dates and cycle of business (agenda 22.3)</p> <p>It was noted that the date of the meeting on which the Annual Accounts and Report would be presented would be governed by the national year-end close-down timetable and that should this date move from May 2022, as anticipated in the cycle of business, members of the Board would be advised.</p> <p>Mrs Hill agreed to add in the Workforce Committee annual report to the cycle of business.</p> <p>The Board received and approved the future meeting dates for the Board of Directors and its cycle of business.</p>	<p>CHill</p>
21/148	<p>The use of the Trust seal (agenda item 23)</p> <p>The Board noted that the seal had not been used since the last meeting.</p>	
21/149	<p>Any other business (agenda item 24)</p> <p>There were no other items of business.</p>	

21/150

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 12.30 pm 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.