

LEEDS AND YORK PARTNERSHIP NHS FOUNDATION TRUST

**Minutes of the Public Meeting of the Board of Directors
held on Thursday 28 January 2021 at 9:30 am.
This meeting was held virtually via teleconference facilities**

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
Mrs D Hanwell	Chief Financial Officer and Deputy Chief Executive
Mr C Henry	Non-executive Director
Mrs C Holmes	Director of Organisational Development and Workforce
Dr C Hosker	Medical Director
Mr A Marran	Non-executive Director
Dr S Munro	Chief Executive
Mrs S White	Non-executive Director (Deputy Chair of the Trust)
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	Deputy Trust Board Secretary
Mr John Verity	Freedom to Speak up Guardian (for minute 21/007)
Three members of the public (one of whom was a governor)	

Action

	Prof Proctor opened the public meeting at 9.30 am and welcomed everyone.
21/001	Apologies for absence (agenda item 2) There were no apologies received.
21/002	Declaration of interests for directors and any declared conflicts of interest in respect of agenda items (agenda item 3) Prof Proctor reported that since the last meeting she had been appointed to the role of Chair of the charity 'Day One Trauma Support', noting that this had been added to the declaration of interests table. Mrs Holmes also noted that her partner's role had been updated in the table, but that this should show that he was an 'Acting' Area Director. This was noted by the Board and Mrs Hill agreed to make this amendment. It was noted that no other director had any change in their declarations of interest and no director advised of any conflict of interest in any agenda item scheduled for the meeting.

CHill

21/003

Minutes of the previous meeting held on 26 November 2020 (agenda item 4)

Mr Wright and Mrs Woffendin highlighted a number of minor typographical errors which were noted by the Board. Mrs Hill agreed to make these changes.

CHill

The minutes of the meeting held on 26 November 2020 were **received** and **agreed** as an accurate record subject to the amendment of the minor typographical errors.

21/004

Sharing stories (agenda item 1)

Rachel Pilling from the Patient Experience Team and Aya Khalid joined the meeting to talk about Ms Khalid's experience of the Child and Adolescent Mental Health Service (CAMHS) including her experience of transitioning from the CAMHS service provided by another Trust into adult mental health services. She noted that the transition had not been well managed and that there hadn't been a plan in place for her move between these services which had created a gap in treatment and had caused her some problems.

Ms Khalid then talked about her experience of the different adult mental health services she had used within this Trust and the way in which staff had supported her. She also talked about the way in which she had been involved in contributing to the development of these services and her involvement in the Trust's service user network, noting that it was important for service users to have their voice heard and to feel valued.

The Board was concerned to hear about the gap in treatment due to her transitioning between services and noting that this had been due to a lack of communication. Mrs Woffendin was interested to learn more about how service users can be supported when transitioning between CAMHS and adult mental health services and suggested that she contacts Ms Khalid to talk to her about this further.

The Board was pleased that Ms Khalid would like to become a volunteer in the Trust noting that this would allow her to share her experiences with other service users. Dr Munro also encouraged her to use volunteering as a pathway into paid employment

The Board **thanked** Ms Khalid for sharing her experiences with the Board noting that it used these to inform how services could be developed in the future.

21/005

Matters arising (agenda item 5)

The Board **noted** there were no matters arising that were not either on the agenda or on the action log.

21/006

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

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.

With regard to an update on the new arrangements for the completion and submission of Mental Health Act paperwork, Dr Hosker reminded the Board that this had been brought about by a recent change in mental health legislation. He added that the new system had presented a number of issues relating to the use of the new electronic forms, but that a policy had been agreed with partners across the city which was making its way through a process of authorisation and would be communicated to staff very shortly.

Dr Hosker also updated the Board on the guidance issued by NHS England for remote assessments relating to the Mental Health Act, noting that a recent ruling had deemed these to be illegal. In light of this, Dr Hosker advised that the Mental Health Legislation Team would be revisiting all detentions made since March to ascertain if there was a problem with any of these. The Board asked for an update on progress with this review to be brought back to Board in March as part of the Mental Health Legislation Committee's Chair's report.

AM

The Board **received** a log of the actions. It **noted** the details, the timescales and progress.

21/007

Freedom to Speak up Guardian Report (agenda item 14)

Mr Verity presented the Freedom to Speak up Guardian's report and outlined the main details in the document. He noted that Freedom to Speak up Ambassadors had now been appointed and were being inducted into the role, adding that as part of this induction Alix Bennett and Robin Ellis were observing the Board meeting, and that other Ambassadors would be observe future Board meetings.

Miss Grantham sought assurance that the Freedom to Speak up Guardian was linked into Staffside. Mr Verity noted that there were formal meetings that he attended and there was also an open-door policy to facilitate a good working relationship between him and Staffside.

Mr Wright noted that he meets with the Guardian on a monthly basis and that relevant information is shared, particularly that relating to any areas of benchmarking and good practice which had been highlighted through reports from the National Guardian's Office.

Mr Henry asked if remote working was having a detrimental impact on people accessing the Guardian as a result of him not having a regular physical presence on wards and in departments. Mr Verity advised that in the past people mostly made contact through email or telephone so there hadn't been a huge impact on staff's access. Mrs Holmes also noted that the success of the Guardian's role was Mr Verity's ability to work flexibly to ensure staff had the right level of access at the times they need this. She added that Mr Verity would be sufficiently flexible with his working arrangements to ensure he was able to attend key meetings and remained available for staff when they need him.

Mr Verity noted that he had some questions around the process of Whistleblowing. It was agreed that he would speak to Mrs Holmes about these. He also agreed to bring an update to the Board in his next report.

JV / CHol

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

21/008

Chief Executive's report (agenda item 7)

Dr Munro provided a verbal Chief Executive's Report. She firstly advised there would be no planning guidance issued for the financial year 2021/22; that contracts would be rolled forward and funding made on that basis. She added that Mrs Hanwell would provide a more detailed update in her report later in the meeting.

With regard to the national funding of £500m for mental health services, Dr Munro noted that further details on this were still awaited. However, she noted that across West Yorkshire a combination of 'Place-based' plans had been submitted to access the transformation money; that these were in relation to community mental health teams; and that this would result in several million pounds of additional investment.

With regard to the GP contract for the coming year, Dr Munro reported that there would be a requirement for every GP practice to have a mental health professional in their premises. She noted that Leeds had made significant progress in relation to these arrangements and that as part of the wellbeing agenda practitioners were already in place in GP practices. Dr Munro commented that despite the challenges around managing the pandemic, there had been a significant amount of work undertaken to strengthen mental health services across the city.

Dr Munro then drew attention to the consultation on the future ICS governance framework noting that this had now closed and that the outcome was awaited. She also outlined the work to influence the discussions and the framework for provider collaboratives in particular the discussions to ensure the role of governors was taken account of in relation to public accountability.

With regard to COVID-19, Dr Munro reported on the rate of infection in West Yorkshire including the data relating to its spread and the number of hospital admissions. Dr Munro then updated the Board in relation to the West

Yorkshire vaccination programme. She noted that whilst a large proportion of the local population in the first four priority groups had been vaccinated there was still a large amount of work to do to reach those people who had not yet taken up the offer of a vaccine. She also noted that there had been discussions at a West Yorkshire level to look at family units and households being vaccinated rather than vaccinating only those who were vulnerable in the household. She added that by doing this it would help to alleviate any concerns around potential infection.

The Board recognised the huge amount of work that had been undertaken by the Trust's Vaccination Team and also noted that 70% of staff in both Leeds and York services had now received their vaccination. It also recognised that there would be a greater proportion of effort needed to reach the smaller percentage of staff not yet vaccinated and noted the work being undertaken to understand and track which groups were still to come forward and to look at what targeted action might be required.

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

21/009

Report from the Chair of the Quality Committee for the meetings held on 8 December 2020 and 12 January 2021 (agenda item 8)

Prof Baker presented the Chair's report from the Quality Committee for the meetings that had taken place on 8 December 2020 and 12 January 2021. In particular he drew attention to:

- The discussion which highlighted the actions taken in the first wave of the pandemic around the redeployment of staff and the increase of therapeutic activities on inpatient wards. He noted that this had been seen to have a positive impact on the ward environment and that it was learning that shouldn't be lost.
- The continuing focus on clinical supervision, noting the important role this had on staff safety.
- The receipt and consideration of the Ockenden review of maternity services, noting that from a mental health perspective the Trust was doing all it could in relation to the recommendations where they related to any of the Trust's services. However, Prof Baker noted that the committee had considered the recommendation for there to be a non-executive director (NED) champion for Perinatal Services and that it had been agreed that this would not be remitted to one NED, but that the Quality Committee would take on this role.

The Board considered and agreed the proposal that the Quality Committee would subsume the role of NED champion for Perinatal Services and that it would seek assurances on aspects of the service on behalf of the Board.

Mrs Forster Adams spoke about the impact of the second wave on therapeutic activities on wards, and noted that circumstances had led to these being more constrained than in the first wave. However, she noted that the position had now been recovered and that meaningful activities were taking place on the inpatient wards. She added that this had been

achieved through the re-deployment of staff, the use of volunteers and also support from third sector organisations.

Mrs Woffendin then drew attention to the Patient Experience Report that had been presented to the committee, noting that this had outlined the significant amount of work undertaken with service users and carers during previous months. She agreed to circulate this report to Board members.

CW

The Board **received** the report from the Chair of the Quality Committee.

21/010

Ratification of the Terms of Reference for the Quality Committee
(agenda item 8.1)

The Board considered and approved the changes that had been made to the Terms of Reference for the Quality Committee.

It also noted that in addition to these changes reference should be made to the committee having assurance oversight of the Perinatal Service as agreed in the previous agenda item. It was also suggested that the Terms of Reference for other committees which take on oversight roles should be amended to reflect this.

KM / CHill

In addition Mrs Holmes asked for the wording in relation to equality and inclusion to be made wider and agreed to provide amended wording to Miss McMann.

CHol / KM

The Board **received** and **ratified** the Terms of Reference for the Quality Committee subject to the amendments agreed by the Board.

21/011

Report from the Chair of the Audit Committee for the meeting held on 19 January 2021 (agenda item 9)

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

- A change in the date for the completion and submission of the Annual Report and Accounts, noting that this would likely result in a change in the dates for both the Board and the Audit Committee meetings.
- The Head of Internal Audit Opinion, noting that at the meeting there had been assurance provided that despite the number of audits that had been deferred the Internal Auditors were expecting to have completed sufficient work to be able to issue an opinion at the end of the year.
- The suggestion that Internal Audit could use spare audit days created by deferred audits to look at benchmarking information in relation to various aspects of Trust governance.
- The advisory audit report on the 'Escalation of Estates Issues', noting all the good work that takes place within the Estates Directorate and outlining the discussions relating to the report's recommendations

and a wider review of structures within the department.

- The appointment of a Health and Safety Manager, noting that the committee would be meeting with them later in the year.

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

21/012

Report from the Chair of the Workforce Committee for the meeting held on 1 December 2020 (agenda item 11)

Miss Grantham presented the report from the Workforce Committee for the meeting that had taken place on 1 December 2020. In particular she drew attention to:

- The assurances relating to the findings of the Pattinson Inquiry and the monitoring and managing any issues relating to the Trust's clinicians.
- The discussions that had taken place about the arrangements relating to the health and wellbeing of the workforce.

Miss Grantham also advised the Board that due to the deferral of the audit of the work of the Trust's Workforce Committee, Internal Audit had been asked to look at benchmarking data around the role of comparable Workforce Committees in other organisations in order to inform the continuing development of the role of the Trust's committee.

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

21/013

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

The Board **considered** and **ratified** the updated Terms of Reference for the Workforce Committee, subject to the inclusion of its oversight role for Wellbeing.

CHill / KM

21/014

Report from the Chair of the Finance and Performance Committee for the meeting held on 26 January 2021 (agenda item 10)

Mrs White presented the report from the Finance and Performance Committee for the meeting that had taken place on 26 January 2021. In particular she drew attention to:

- The cyber security dashboard, noting that the Board would be receiving a report on this at a future meeting. She also noted that due to the new remote ways in which staff were working, new issues and risks had been encountered which the IT department was

working to address.

- The pressures on the IT team brought about by these different ways of remote working and delivering services, noting that IT staff were providing help and support on a number of different technical issues which would not have arisen had staff been working at Trust sites.
- Reporting of key data through CareDirector, noting that there had been a delay in implementing these fully due to a change in focus for the Data Information team brought about in part by reporting on COVID-19 and the vaccination programme.

With regard to the increasing demand on the IM&T team, Prof Proctor asked if this had been adequately reflected in the Trust's COVID-19 planning. Mrs Hanwell assured the Board that there was a focus on restructuring and recruitment to the teams to take account of the additional workloads brought about not only by COVID-19, but also by a change in the geographical area from which services were now being provided and also by the new ways of delivering services to service users. Mr Henry noted that there was a need to look at the estate which would be required for the emerging digital landscape. Mrs Hanwell added that this was an important strategic issue for organisations across the city and that early discussions had started in relation to how this might be addressed.

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

21/015

Combined Quality, Performance and Workforce Report (agenda item 12)

Mrs Forster Adams reminded the Board that all aspects of this report had been looked at in the various Board sub-committees and that some of the issues reported on were contained in the Chairs' reports which had already been received by the Board.

Mrs Forster Adams drew attention to one particular issue relating to there being a potential to restrict the admission of female service users into inpatient services, noting that where people had to be placed out of area this would wherever possible be done locally and that work was ongoing on a mutual aid basis with mental health partners in West Yorkshire.

Prof Proctor asked about Out of Area Placements and what the arrangements were for the repatriation of people back into Leeds. Mrs Forster Adams outlined the arrangements to support these service users on an individual basis and explained how staff manage the transition of care back in the Trust's services from out of area. Mrs Forster Adams also noted that commissioning Psychiatric Intensive Care services across West Yorkshire also helped to support the care of people with complex needs at a more local level.

Mr Marran asked about the level of demand for Psychiatric Intensive Care services and where the extra capacity would come from. Mrs Forster Adams noted that a decision had been taken to commission additional capacity from the independent sector.

The Board **received** and **noted** the Combined Quality and Performance Report.

21/016 **Safe staffing report** (agenda item 13)

Mrs Woffendin presented the Safe Staffing Report. She outlined the main points, in particular noting that this was a more detailed six-monthly update and that it drew on the requirements of the National Quality Board's (NQB) Safe Staffing requirements. She added that it contained a high-level overview of data and analysis providing the Board with information on the position of ward staffing against safe staffing levels for the six month period 1 May 2020 to 31 October 2020.

Prof Baker noted that the Quality Committee had received the report and had discussed the Forensic Service in some detail and that it had understood and supported the reasons for the uplift in headroom.

Mr Wright asked if there was any benchmarking data for length of stay in Forensic Wards and how the Trust compares with other organisations. Mrs Woffendin acknowledged that this was not included in the report. However, it was also noted that this was an area that the Joint Quality, Finance and Performance, and Workforce Committee had undertaken to look at. Mrs Hanwell then explained that going forward differences in length of stay within Forensic Services was one of the issues that would be picked up and addressed through the Provider Collaborative arrangements.

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

21/017 **Guardian of Safe-working Quarterly Report** (agenda item 15)

Dr Hosker presented the Guardian of Safe-working Quarterly Report and gave a brief overview of the content. He assured the Board that during the period there had been one exception report, but that it had not led to any patient safety issue.

Miss Grantham asked about the position relating to medical trainees who in the recent months had been diverted to work in other medical specialties due to the impact of the pandemic. Dr Hosker noted that this was not now happening and that core trainees were now working within their normal training programmes.

The Board **received** the assurance report and **noted** the content.

21/018 **Report from the Chief Financial Officer** (agenda item 16)

Mrs Hanwell drew attention to a number of points in her report. She noted that the Trust was in a favourable position against its financial plan and

outlined the factors that had contributed to this. However, she explained that the Trust's financial position would play into the ICS system's plan with Place-based organisations working in partnership to deliver a minimum balanced position overall. Mrs Hanwell indicated that this may result in some redistribution of system resources to ensure all organisations would be in balance or surplus at the end of the year. She added that it was likely that the Trust would remain in surplus and that there was little risk of a deficit position being reported.

Mrs Hanwell then advised that the planning process had been paused to enable organisations to continue to focus on the response to the pandemic. She explained that for financial planning purposes this had resulted in a decision to roll forward the current financial arrangements and that organisational financial planning for the first quarter of 2021/22 would be based on adjusted 2020/21 information. She added that it was expected that information on the planning process would be available from the second quarter of 2021/22 when it was anticipated that arrangements would return to a more normal position.

Prof Baker asked about the redistribution of resources. He noted that the Mental Health Investment Standard had been put in place due to an identified gap in funding for mental health services and expressed some concern that resources would now be diverted into acute trusts. Mrs Hanwell assured the Board that the overall level of funding for mental health had not been reduced but that some of the planned expenditure had not taken place due to the pandemic. She assured the Board that the Trust was sighted on the Mental Health Investment Standard and the base-line allocation would grow against that. She also noted that there was a sum of £500m for transformation that was being ring-fenced for mental health services.

Prof Proctor asked about the redistribution of funds and whether this would be used to benefit other non-NHS organisations that provide health and social care. Mrs Hanwell clarified the position noting that there was a large proportion of redistribution relating to the COVID funding where organisations might have needed less than anticipated. However, she advised that discussions were taking place with other partners in the city, including non-NHS partners, to look at how the provision of mental health can be supported more widely.

The Board **received** and **noted** the report from the Chief Financial Officer.

21/019

Proposal to change the Constitution: Partner Governor seat (agenda item 17)

Mrs Hill reminded the Board that at the November meeting it had approved a number of changes to the Constitution and that it had also been asked for suggestions as to which organisation might be invited to take up the partner governor seat left vacant by Equitix.

She added that a proposal had been made to offer this to the West

Yorkshire and Harrogate ICS (WY&H ICS), in particular the Director for Children and Families Programme. Prof Proctor explained that by making this addition to the Council of Governors it would further enhance the partnership working arrangements between the Trust and the WY&H ICS and it would also bring to the Council knowledge and expertise in the area of children at a point where the Trust was about to take on the Tier 4 inpatient CAMHS services in Leeds and establish a new CAMHS unit on the St Mary's Hospital site.

Mr Marran asked whether this was an opportunity to review other partner governor seats to ensure the Trust had the right stakeholders on the Council of Governors. Prof Proctor suggested there might be an opportunity to look at this again once the ICS statutory framework had been confirmed and was in place.

The Board **approved** a change to the Constitution in relation to partner governors and the appointment of the Director for Children and Families Programme within the West Yorkshire and Harrogate ICS as a partner governor. The Board also **noted** that this change to Constitution would be proposed to the Council of Governors at its meeting on 4 February and if approved this change would come into being.

21/020 Board Assurance Framework (agenda item 18)

Dr Munro presented the latest version of the Board Assurance Framework, noting that this had been seen at all relevant Board sub-committees. She noted that the impact of COVID had been reflected in the risk scores for each of the strategic risks. She also noted that there was work to do to look at the wording for the workforce risk and that this was being considered by the Workforce Committee.

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

21/021 The use of the seal (agenda item 19)

It was **noted** that the seal had not been used since the last Board meeting.

21/022 Any other business (agenda item 20)

Prof Proctor noted that this was the last meeting for Mrs White as Deputy Chair. She thanked her for all her valuable help and support over her period of appointment. She also noted that Miss Grantham would be taking over as Deputy Chair with effect from 1 February 2021.

21/023

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 11:55 and thanked members of the Board and members of the public for attending.

The Chair then resolved that members of the public 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.