

AGENDA FOR A SPECIAL MEETING OF THE COUNCIL OF GOVERNORS

10 July 2019, 6.00pm

(Governor registration and hospitality available between 5.00pm and 5.45pm)

Holiday Inn, Scotch Corner, Darlington, DL10 6NR

Agenda:

| No | | What we will talk about | Why are we talking about this | Lead Person | Supporting Paper / Spoken report |
|--------------------------------|---|--|---|--|----------------------------------|
| 6.00pm – 6.15pm Standard Items | | | | | |
| 1. |   | Welcome and apologies for absence | <p>For information To make sure that we have enough Governors present to be quorate and introduce any new attendees.</p> <p>To advise of housekeeping arrangements</p> | <p>Miriam Harte, Chairman</p>  | Spoken |
| 2. |  | Minutes of the meeting of the Council of Governors held on 22 May 2019 | <p>To agree To check and approve the minutes of this meeting.</p> | Miriam Harte, Chairman | Attached |
| 3. |  | Public Council of Governors' Action Log | <p>To discuss To update on any action items.</p> | Miriam Harte, Chairman | Attached |
| 4. |  | Declarations of Interest | <p>To agree The opportunity for Governors to declare any interests with regard to any matter being discussed today</p> | Miriam Harte, Chairman | Spoken |

| No | | What we will talk about | Why are we talking about this | Lead Person | Supporting Paper / Spoken report |
|--|--|--------------------------|---|------------------------|----------------------------------|
| 5. |   | Chairman's activities | <p>For information To hear from the Chairman on what she has been doing since the last meeting.</p> <p>There will be an opportunity to ask any questions.</p> | Miriam Harte, Chairman | Spoken |
| 6. |  | Questions from Governors | <p>To discuss</p> <p>To consider any questions raised by Governors which are not covered elsewhere on the agenda. <i>(Governors are asked to provide the Trust Secretary with at least 24 hours written notice if they wish to receive a formal answer to their questions at the meeting.)</i></p> | Miriam Harte, Chairman | Spoken |
| <p>1. <u>Cliff Allison, Public Governor Durham</u></p> <p>Following contact from a public member, I would like to receive assurance from the Trust in relation to clinical record keeping in that case notes are being correctly documented and not falsified.</p> <p>2. <u>Keith Marsden, Public Governor Scarborough and Ryedale</u></p> <p>I have been informed that there is a high level of disquiet on the Ayckbourn Unit at Cross Lane Hospital in Scarborough after doors were removed in each en-suite room which separate the sleeping part of the accommodation from shower/toilet area. Patients have objected about lack of privacy, dignity and basic human rights. This was because it was easy for anyone immediately outside the building to see into the room and, because there was no door, into the shower/toilet area. I understand that this issue has been dealt with by placing some kind of window film on the glass, which not only prevents anyone</p> | | | | | |

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|--------------------------|---|--|-------------------------------|-------------|----------------------------------|
| | | <p>seeing in from the outside, but makes it impossible for the patient to see out and makes the room darker. There is a further problem of staff conducting observations and entering a room when the patient is in the toilet or shower area.</p> <p>I understand this action has been taken following an incident in the Trust, I presume this must be happening on all Trust wards?</p> <p>3. <u>Ann McCoy, Appointed Governor Stockton Borough Council</u></p> <p>Can you advise how many service users are currently out of area and out of locality? What is the cost incurred for each? How much do we put in the annual budget to meet this cost?</p> <p>4. <u>Christine Hodgson, Public Governor York</u></p> <p>Why is the trust not currently commissioned to provide clients with Autism or ADHD specific services? When clients with mental health difficulties do have a working diagnosis and clearly need expert care that they are not receiving.</p> | | | |
| 6.15pm Procedural | | | | | |
| 7. |  | <p>Date and Time of next meeting:</p> <p>18 September 2019, 2.00pm</p> <p>Holiday Inn, Scotch Corner, Darlington, DL10 6NR</p> | | | |
| 8. | | <p><u>Confidential Motion</u></p> <p><i>“That representatives of the press and other members of the public be excluded from the remainder of this meeting on the grounds that the nature of the business to be transacted may involve the likely disclosure of confidential information as defined in Annex 9 to the Constitution as explained below:</i></p> <p><i>Information relating to a particular employee, former employee or applicant to become an employee of, or a particular office-holder, former office-holder or applicant to become an office-holder under, the Trust.</i></p> <p><i>Information relating to any particular applicant for, or recipient or former recipient of, any service provided by the Trust.</i></p> <p><i>Information relating to the financial or business affairs of any particular person (other</i></p> | | | |

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|----|--|--|-------------------------------|-------------|----------------------------------|
| | | <p><i>than the Trust).</i></p> <p><i>The amount of any expenditure proposed to be incurred by the Trust under any particular contract for the acquisition of property or the supply of goods or services.</i></p> <p><i>Information which, if published would, or be likely to, inhibit -</i></p> <ul style="list-style-type: none"> <i>a) the free and frank provision of advice, or</i> <i>b) the free and frank exchange of views for the purposes of deliberation, or</i> <i>c) would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs.</i> <p><i>Any advice received or information obtained from legal or financial advisers appointed by the Trust or action to be taken in connection with that advice or information.</i></p> | | | |

Miriam Harte
Chairman
2 July 2019

Contact: Phil Bellas, Trust Secretary Tel. 01325 55 2001/Email: p.bellas@nhs.net

Statement of values and behaviours

Commitment to quality

We demonstrate excellence in all of our activities to improve outcomes and experiences for users of our services, their carers and families and staff.

Behaviours:

- Put service users first.
- Seek and act on feedback from service users, carers and staff about their experiences.
- Clarify people's needs and expectations and strive to ensure they are exceeded.
- Improve standards through training, experience, audit and evidence based practice.
- Learn from mistakes when things go wrong and build upon successes.
- Produce and share information that meets the needs of all individuals and their circumstances.
- Do what you / we say we are going to do.
- Strive to eliminate waste and minimise non-value adding activities.

Respect

We listen to and consider everyone's views and contributions, maintaining respect at all times and treating others as we would expect to be treated ourselves.

Behaviours:

- Be accessible, approachable and professional.
- Consider the needs and views of others.
- Be open and honest about how decisions are made.
- Observe the confidential nature of information and circumstances as appropriate.
- Be prepared to challenge discrimination and inappropriate behaviour.
- Ask for feedback about how well views are being respected.
- Consider the communication needs of others and provide a range of opportunities to access information.

Involvement

We engage with staff, users of our services, their carers and families, governors, members, GPs and partner organisations so that they can contribute to decision making.

Behaviours:

- Encourage people to share their ideas.
- Engage people through effective consultation and communication.
- Listen to what is said, be responsive and help people make choices.
- Provide clear information and support to improve understanding.
- Embrace involvement and the contribution that everyone can bring.
- Acknowledge and promote mutual interests and the contributions that we can all make at as early a stage as possible.
- Be clear about the rights and responsibilities of those involved.

Wellbeing

We promote and support the wellbeing of users of our services, their carers, families and staff.

Behaviours:

- Demonstrate responsibility for our own, as well as others, wellbeing.
- Demonstrate understanding of individual and collective needs.
- Respond to needs in a timely and sensitive manner or direct to those who can help.
- Be pro-active toward addressing wellbeing issues.

Teamwork

Team work is vital for us to meet the needs and exceed the expectations of people who use our services. This not only relates to teams within Tees, Esk and Wear Valleys NHS Foundation Trust, but also the way we work with GPs and partner organisations.

Behaviours:

- Be clear about what needs to be achieved and take appropriate ownership.
- Communicate well by being open, listening and sharing.
- Consider the needs and views of others.
- Be supportive to other members of the team.
- Be helpful.
- Fulfil one's own responsibilities.
- Always help the team and its members be successful.

MINUTES OF THE COUNCIL OF GOVERNORS MEETING HELD ON 22 MAY 2019, 6.00 PM AT HOLIDAY INN, SCOTCH CORNER, DARLINGTON

PRESENT:

Miriam Harte (Chairman)
Cliff Allison (Durham)
Gemma Birchwood (Selby)
Rachel Booth (Staff - Teesside)
Phil Boyes (Staff - Durham and Darlington)
Stella Davison (York)
Gary Emerson (Stockton on Tees)
Dr Andrew Fairbairn (Appointed – Newcastle University)
Wendy Fleming-Smith (Selby)
Chris Gibson (Harrogate and Wetherby)
Glenda Goodwin (Staff - Forensic)
Hazel Griffiths (Harrogate and Wetherby)
Dr Judith Hurst (Staff - Corporate)
Joan Kirkbride (Darlington)
Cllr Ann McCoy (Appointed - Stockton Borough Council)
Prof Tom McGuffog MBE (York)
Jacci McNulty (Durham)
Keith Mollon (Durham)
Jean Rayment (Hartlepool)
Graham Robinson (Durham)
Zoe Sherry (Hartlepool)
Cllr Helen Swiers (Appointed - North Yorkshire County Council)
Sarah Talbot-Landon (Durham)
Cllr Stephen Thomas (Appointed – Hartlepool Borough Council)
Judith Webster (Scarborough & Ryedale)
Alan Williams (Redcar and Cleveland)
Mac Williams JP (Durham)

IN ATTENDANCE:

Colin Martin (Chief Executive)
Phil Bellas (Trust Secretary)
Angela Grant (Administrator)
Dr Hugh Griffiths (Non Executive Director)
Marcus Hawthorn (Non Executive Director)
Ruth Hill (Chief Operating Officer)
Jennifer Illingworth (Director of Governance)
David Jennings (Non Executive Director)
David Levy (Director of Human Resources and Organisational Development)
Patrick McGahon (Director of Finance and Information)
Paul Murphy (Non Executive Director)
Donna Oliver (Deputy Trust Secretary – Corporate)
Kathryn Ord (Deputy Trust Secretary – Involvement and Engagement)
Sharon Pickering (Director of Planning, Performance and Communications)
Shirley Richardson (Non Executive Director)
Richard Simpson (Non Executive Director)

19/18 APOLOGIES

Lee Alexander (Appointed - Durham County Council)
Mary Booth (Middlesbrough)
Hilary Dixon (Harrogate and Wetherby)
Mark Eltringham (Stockton on Tees)
Elizabeth Forbes-Browne (Scarborough and Ryedale)
Marion Grieves (Appointed - Teesside University)
Sandra Grundy (Durham)
Ian Hamilton (Appointed - University of York)
Christine Hodgson (York)
Kevin Kelly (Appointed - Darlington Borough Council)
Dr Ahmad Khouja (Medical Director)
Audrey Lax (Darlington)
Keith Marsden (Scarborough & Ryedale)
Elizabeth Moody (Director of Nursing and Governance)
Lisa Pope (Clinical Commissioning Groups representative)
Gillian Restall (Stockton on Tees)
Dr David Smart (Appointed - Clinical Commissioning Groups representative)
Vanessa Wildon (Redcar and Cleveland)

19/19 WELCOME

The Chairman opened the meeting and noted apologies.

As this was the last meeting prior to the annual election of Governors, the following Governors were thanked for their commitment to the Council as their tenures were due to end on 30 June 2019:

- Hilary Dixon, Harrogate and Wetherby
- Jean Rayment, Hartlepool
- Vanessa Wildon, Redcar
- Elizabeth Forbes-Browne, Scarborough and Ryedale
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There were a number of Governors who tenures were also due to end on 30 June 2019 but who had nominated for re-election, those Governors were wished well in their nomination.

19/20 MINUTES OF PREVIOUS MEETINGS

The Council of Governors considered the minutes from the public meeting held on 14 February 2019.

Agreed - That the public minutes of the meeting held on 14 February 2019 be approved as a correct record and signed by the Chairman.

19/21 PUBLIC ACTION LOG

Consideration was given to the public action log.

Arising from the report:

1) Minute 18/91 – Task and Finish Group – Involvement Action Plan

It was agreed that this item be deferred to the September 2019 meeting.

2) Minute 19/04 – Access to Trust Systems and provision of equipment

The Council of Governors received a report outlining the cost and governance implications of provision of access and equipment. (see minute reference 19/28)

3) Minute 19/04 – Website workshop

It was noted that a workshop had been held for Governors.

Action - Closed

4) Minute 19/07 – Provision of information for CAMHS Hartlepool

It was noted that this information had been provided to the Governors representing Hartlepool following the meeting held on 14 February 2019.

Action - Closed

5) Minute 19/07 – Communication in relation to Shildon Crisis House

It was noted that a summary of the communication process had been provided to Mr Robinson.

Action – Closed

6) Minute 19/10 – Pathway and referral processes – Learning Disability Hartlepool

It was noted that information had been provided to the Hartlepool Governors.

Action – Closed

7) Minute 19/11 – Use of ‘RAG’ ratings

Mrs Pickering advised that the Trust was in the process of moving to a different reporting process utilising statistical process control charts. The use of ratings would be considered as part of this development.

Action - Closed

8) Minute 19/13 – Briefing session on target setting

It was noted that this was considered as part of priority setting at a Governor Development Day. It was agreed that this was no longer a priority.

Action - Closed

9) Minute 19/15 – PLACE inspections

It was noted that a response had been send to Mr Williams JP.

Action – Closed

19/22 DECLARATIONS OF INTEREST

Mrs Kirkbride declared that a close family member had been an author of the Trust's Quality Account.

Cllr McCoy declared her interest as a current Associate Mental Health Manager.

19/23 CHAIRMAN UPDATE

The Chairman advised on her activities since her appointment she had:

- 1) Worked alongside Mrs Lesley Bessant, previous Chairman during March and was grateful for the support and guidance offered by her during that time.
- 2) Visited a wide range of services and meet a range of staff during her induction.
- 3) Attended two regional Chairmen meetings which had focussed on the Integrated Care Systems (ICS).
- 4) Observed the Trust's first conference for Carers which had provided lots of information to carers and staff.
- 5) Held conversations around medical education, staffing and the importance of recruitment processes.

19/24 GOVERNOR QUESTIONS

1. Rachel Booth, Staff Governor Teesside

Following the recent concerns within CAMHS, where 'staff had used non-approved techniques to move patients'. Can I ask a few questions about training both in CAMHS and across services with in-patient units?

- *Are all groups of staff working within all inpatient units required to do both control and restraint and manual headlining training? Or is it area, profession, job specific?*
- *Is this training the same across services or developed with each service and its differences in mind?*
- *Where manual handling training is not routine for staff (like in adult acute wards) why is this?*

It was noted that a full written response had been provided which had been circulated (see Appendix A).

2. Rachel Booth, Staff Governor Teesside

Following the news last week that NHS England will be requiring all NHS Trusts to offer free sanitary products to any patient who needs them. Can I ask:

- a. *Is this a practice the Trust already does?*
- b. *How readily available are these products across all services?*
- c. *Do patients have to ask for them or are they provided in communal areas?*
- d. *Is there a variety of products available or is it one size fits all?*

It was noted that a full written response had been provided which had been circulated (see Appendix A).

3. Mary Booth, Public Governor Middlesbrough

I would be grateful if the Trust could explain its commitment to being a disability confident employer. I understand this replaced the two ticks scheme. Where are we on this journey?

I recently came across a distressed staff member who does not want to make a fuss or complain. This member of staff has a disability and applied for a post for which he/she had the professional requirements for the post. It was my and the staff members understanding that having this requirement would mean he/she should be shortlisted for an interview. This person was not. However on contacting the recruitment manager this person pointed this out to the manager. Then suddenly this person was shortlisted. However he/she had only 3 days to prepare for interview which did put him/her at a disadvantage compared with the other candidates who had longer.

Can you assure the Governors that the process should have shortlisted this individual and that all managers recruiting staff are aware of this and have regular training updates. I would also be interested in the knowing the responsibility area for overseeing the progress.

It was noted that a full written response had been provided which had been circulated (see Appendix A).

4. Gemma Birchwood, Public Governor Selby

As our local TEWV Governor I was wondering if you could help cast some light on an issue that was raised at our last Mental Health Forum in Selby. It has come to the attention of some of our members that the Community Mental Health Team in Selby no longer has social workers and that this change happened very quickly with little or no notice and with a significant impact on the remaining CPN case load.

Is this correct, and is this a permanent change?

It was noted that a full written response had been provided which had been circulated (see Appendix A).

5. Christine Hodgson, Public Governor York

I have raised at the Council of Governors meetings how important it is to use the right dialogue and use the right format (pictures) for people with autism.

Could you please let me know what the Trust is doing with this important area of communication for people with autism? I am concerned and realise that language and communication is important for people.

It was noted that a full written response had been provided which had been circulated (see Appendix A).

6. Christine Hodgson, Public Governor York

Person Centred Care Plans (PCCP) – at a previous Council of Governors meeting information was provided that these were utilised within the community, however no evidence can be found that this is the case and as a result I am not convinced that this is the case. I would like to see evidence that it is working as we should be having people in the community and not into the hospital. Can you supply evidence of the use of PCCP please.

The Chairman confirmed that as this question had been received at short notice a response would be provided directly to Mrs Hodgson outside of the meeting.

Action item – Mrs Hill

19/25 BOARD ROUND UP

Consideration was given to the Board of Directors roundup summaries from the meetings held from January 2019 to March 2019.

Arising from questions the following was noted:

1) Freedom to Speak up Guardian training

Mr Levy advised that as e-learning training for this subject was not mandatory for staff, no records were retained on its uptake. Nationally, conversations around the delivery of training on the role was being considered for front line staff. The Trust would await the outcome of those discussions prior to deploying any additional training at a local level.

2) County Durham and Darlington locality briefing

Mrs Pickering advised that in relation to the difference between performance and quality, the Trust should be measuring how well it achieved a task rather than how often it occurred. All indicators used in the Trust were to demonstrate level of quality. If there were no quality / performance indicators the Trust would be unable to determine whether it was delivering quality services.

Agreed – The Council of Governors received and noted the content of the Board feedback from the meetings held during January 2019 to March 2019.

19/26 ANNUAL BOARD CERTIFICATION

The annual Board self-certifications were presented to the Council of Governors.

Mr Bellas highlighted that the Audit Committee, at its meeting held on 19 May 2019, had undertaken an assurance review on each of the four statements and recommended formal ratification at the Board of Directors meeting held on 21 May 2019, subject to views from the Council of Governors.

All Governors agreed to support the confirmation of the statements contained in the reports:

- a) The Certification of compliance with Licence Condition 6.
- b) The Corporate Governance Statement (as required under Licence Condition FT4(8)).

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- c) The Certification on the training of Governors (as required by Section 151 of the Health and Social Care Act 2012).
 - d) The Certificate on the Availability of Resources.

Agreed - *That the Council of Governors agreed to support the confirmation of the following Certifications including the positions provided in Annexes 1 and 2 to the report.*

- a) ***The Certification of compliance with Licence Condition 6.***
- b) ***The Corporate Governance Statement (as required under Licence Condition FT4(8)).***
- c) ***The certification on the training of Governors (as required by Section 151 of the Health and Social Care Act 2012).***
- d) ***The Certificate on the Availability of Resources.***

19/27 GOVERNOR APPOINTMENTS

Nominations had been sought from Governors for the appointment to the Trust's Workforce Group. Mrs Booth and Mr Boyes had both put forward nominations for this role. An election was, therefore, held.

Nominations had also been sought to be appointed to the Council of Governors' Nomination and Remuneration Committee. As no nominations had been received by the deadline, the Chairman invited any nominations from Governors present based on meeting the criteria of having experience of appointing and appraising senior managers.

Mrs Sarah Talbot-Landon requested her nomination to be considered and advised the Council of her experience of meeting the required criteria.

Agreed –

1. ***Mr Philip Boyes to be the Council of Governors representative on the Trust's Workforce group for a period of three years.***
2. ***Mrs Sarah Talbot-Landon be appointed to the Nomination and Remuneration Committee (continuation of the appointment was subject to her nomination in the current Governor election process being successful).***

19/28 PROVISION IT EQUIPMENT

Mr McGahon presented a report outlining the implications and findings following a review undertaken around the provision of IT equipment to Governors and access to Trust electronic systems (minute 19/04 refers). He highlighted the following implications:

- 1) Requirement to undertake specific Information Governance Training.
- 2) Awareness of requirements over IT use policies.
- 3) Requirements to have any Trust issued IT equipment physically connected to Trust network to allow for security updates to be undertaken.
- 4) Cost implications of provision and associated licenses.
- 5) Required changes to Governor Code of Conduct and enforcement of non-compliance.

As a result of this, the recommendation of the report was not supported by the Council of Governors. It was suggested that in order to take forward the range of views and comments made by Governors that a group be convened to consider requirements.

POST MEETING NOTE:

Following discussion at the meeting, further considerations by the Trust has highlighted that there is a requirement to review more widely what information is required by Governors in order to fulfil their role and to review how this can be fulfilled. A workshop will therefore be convened at the Governor Development Day on 8 October 2019 to fully discuss this matter.

Action Item – Mrs Kathryn Ord / Mr Phil Bellas / Mr Patrick McGahon

19/29 CARE QUALITY COMMISSION (CQC)

Mrs Illingworth presented the following summary:

- 1) Monitoring of the Trust action plan was continuing.
- 2) All actions outstanding were on track to be achieved; however additional checks were being put in place to verify achievements.
- 3) Baysdale Unit had now been de-registered by Ofsted.
- 4) 12 unannounced Mental Health Act Inspections had been undertaken since the last update.
- 5) CQC had advised that they would be attending a number of Trust governance meetings.
- 6) Peer review inspections would continue in preparation for a Trustwide inspection which was expected late autumn onwards.

Agreed – That the Council of Governors received and noted the update in relation to compliance with Care Quality Commission requirements.

19/30 SERVICE CHANGES

The Council of Governors received the service changes report.

Arising from questions it was noted that:

- 1) The prior use of a place of safety (S136 suite) at Northallerton had been reduced as a result of the changes in the operation of the police. Monitoring of the use of places of safety across the whole North Yorkshire area was being undertaken and as a result of the transformation plans within Harrogate and Wetherby this would continue.
- 2) The downgrading of the A&E service at Northallerton was around the provision of emergency support provided by South Tees which had resulted in a change to an Urgent Treatment Centre (UTC).

The provision of a psychiatric liaison service by the Trust would continue, however a number of modifications to the service provision such as hours had taken place to ensure safety of staff including the crisis team.

- 3) In relation to the increase in waiting times for Autism in Darlington:
 - a. Different models of commissioning and delivery were in place throughout the Trust.
 - b. The model introduced and in place for Stockton, it was confirmed that Darlington were not in a position to introduce and delivery this model of working at the time it had been introduced.

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- c. As part of the evaluation of the different models in place, a comparison of outcomes was being undertaken to enable a more standardised model to be developed and implemented.
- 4) The report presented did not include any specific updates in relation to the Hartlepool area of Teesside, particularly around the implications of Roseberry Park and Sandwell Park, it had been thought previous meetings had updated on this position. Mrs Hill noted the comment made.
- 5) Mrs Hurst Staff Governor, requested her interest to be included within the work taking place to review the provision for end of life care for older people, to be noted.
- Action item – Mrs Hill**
- 6) Further information was requested around the changes to the Therapeutic Community and the closure planned for end of May 2019.

Action item – Mrs Hill

In addition, Mr Martin advised the Council of Governors of the planned schedule of a Panorama programme that was due to be shown on the BBC regarding a care home provision in County Durham where an undercover reporter had worked at the facility.

He provided assurance to Governors on the following:

- 1) The facility was not owned or staffed by the Trust, it was an NHS funded facility run by a private healthcare provider.
- 2) The Trust had received notification of the investigation from the Clinical Commissioning Group (CCG) and the Local Authority Safeguarding Board.
- 3) Staff had worked to support the CCG and the Local Authority to provide assurances on the quality of care provided and to support the transfer of patients out of the facility.
- 4) The Trust had taken a number of patients into its services as a result of the investigation.

The Council of Governors wished to acknowledge the positive response of the Trust and thank those staff who had been involved in a very difficult situation.

Agreed – That the Council of Governors received and noted the service update report.

19/31 QUALITY ACCOUNT

Consideration was given to the Trust's final draft Quality Account 2018/19.

In presenting the report Mrs Pickering highlighted that the:

- 1) Board of Directors had considered the report.
- 2) Feedback had been received from stakeholders which would be included verbatim.
- 3) Trust's external auditors had undertaken a review of the report and the key performance indicators included with a finding of no significant issues reported.

In response to questions it was noted that:

- 1) The response rate of the staff survey was lower than expected. It was thought that this was as a direct result of the way the survey had been issued.

Previously this had targeted to a sample of staff via paper survey but this year it had been issued to all staff electronically.

- 2) In relation to Priority 1 – *Improve the Clinical Effectiveness and Patient Experience in times of transition from Child to Adult Services (page 16/17)*, there was one less indicator reported in terms of what would be undertaken to what was achieved. This information would still be collected and recorded but not reported within the Quality Account report.
- 3) The proportion of deaths reported (*page 20*) this was part of the mortality review within the Trust and the increase of recording those deaths were they were ‘expected’ in terms of physical health rather than being related to those reported as unexpected.
- 4) The Trust had participated in six out of seven national clinical audits. Mrs Pickering agreed to review which one the Trust had not participated in and the reasoning for this.

Action item – Mrs Pickering

Agreed – That the Council of Governors received and noted the Trust’s final draft Quality Account 2018/19.

19/32 PERFORMANCE DASHBOARD

Consideration was given to the performance dashboard as at 31 March 2019. Mrs Pickering highlighted that:

- 1) An improvement had been seen overall during the year.
- 2) Particular challenges remained around waiting times and outcome measures.
- 3) Staff mandatory training was in a good position.
- 4) Bed occupancy rates had not been achieved; however there had been a reduction in the number of beds available during the year.

In response to questions she advised that:

- 1) Staff recruitment was still a cause of concern for the Trust and the Board was aware of the impact this could have on the staff in post covering vacant positions.

Mr Levy added that the position around recruitment was very different across all areas of the Trust. There were different reasons for vacancy rates and successful recruitment episodes depending on the geography.

- 2) The Trust noted the request to ensure that any positions advertised took into account the necessary qualifications and how those individuals with professional qualifications in other fields could be incorporated to allow people to apply for more positions.

Agreed – That the Council of Governors received and noted the Performance Dashboard as at 31 March 2019.

19/33 FINANCE REPORT

Consideration was given to the finance report for the period 1 April 2019 to 30 April 2019. Mr McGahon highlighted that:

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- 1) The Trust was currently £188k behind its planned position. This was as a result of the necessity to increase staffing levels at the Westwood Centre and increased agency staff expenditure.
 - 2) An action plan was in place to reduce agency expenditure with outcomes expected to be seen in the financial position during Quarter 2.
 - 3) The capital position was £194k ahead of plan.
 - 4) The Use of Resources Risk Rating remained as planned as '3'.

Mr McGahon also presented the end of year financial position and advised that:

- 1) The Trust had delivered an operating surplus of £10.6m against a planned £9.9m for which all staff in the Trust had been thanked.
- 2) As the Trust was now the owner of Roseberry Park Hospital, payments due under the PFI scheme had ceased.
- 3) The Trust's fixed assets had been revised downwards mainly due to the value of Roseberry Park Hospital reducing as a result of the defects.
- 4) The Trust had received a bonus payment of £2.4m for exceeding its planned financial position. In addition to this the savings made as a result of the PFI termination also attracted a bonus payment of £29.9m.
- 5) External Audit had verified the Trust's accounts and reported their findings of an unqualified position to the meeting of the Audit Committee held in May 2019 to which Mr A Williams and Mrs J Kirkbride observed representing the Council of Governors.

Agreed – That the Council of Governors received and noted the Finance Report for the period 1 April 2018 to 30 April 2019.

19/34 SELF ASSESSMENT

Agreed – That the Council of Governors received and noted their outcome of the self assessment of performance and supported the delivery of a workshop to review the results in more detail in June 2019.

Action item – Mrs Ord

19/35 INVOLVEMENT AND ENGAGEMENT COMMITTEE

Mr Allison provided the following update on the work of the Committee:

- 1) A review had been undertaken on the Trust's end of year membership position which had been found to remain broadly representative even though the public membership had declined as a result of changes in Data Protection legislation.
- 2) Consideration of the Trust's involvement register had shown that it was broadly representative in relation to the population but highlighted that some geographical areas were over represented in terms of numbers of involvement members.
- 3) A review of the targets contained within the Involvement and Engagement Framework and recommended that these remained static for the coming year.
- 4) Members of the Committee had been consulted on the brand name for the new member newsletter.

In addition to the update on the work of the Committee he wished to raise concerns on behalf of fellow Governors in relation to the pressures staff were under particularly

within the Trust Secretary's Department. This was a relatively small team with a wide and varied remit who had experienced significant staff shortages over a period of time.

Mr Bellas responded to the concern providing assurance that the reduced levels of staffing were not related to one issue, it had been unfortunate that the absences of staff had occurred at the same time. He confirmed that all staff had now returned to duty and the re-organisation of the department had concluded which would allow the department to reform and return to expected levels of service.

Agreed - The Council of Governors agreed the following recommendations which had been put forward by the Involvement and Engagement Committee:

i. The metrics for the Involvement and Engagement Scorecard for 2019/20 be:

- **An increase of 250 net public members.**
- **To maintain staff member levels.**
- **For staff opt outs to be less than 10 per year.**
- **To issue 3 member publications.**
- **To host 4 public engagement events.**
- **That the vacancy rate for the Council to be below 15%.**
- **That the % of Governors agreeing effective at representing members and partners to be equal to or greater than 85%.**
- **To maintain the current membership level of the involvement register with the following target areas of:**
 - a. Durham, Hartlepool, Redcar Stockton, York and Selby.**
 - b. Males.**
 - c. Age groups 18-22.**
 - d. Ethnicity groups representing White and Asian.**

ii. That the new member publication be called "TEWV Matters".

19/36 DATE AND TIME OF NEXT MEETING

The Chairman confirmed the next meeting would be a special meeting of the Council of Governors on 10 July 2019 which would be followed by the Annual General and Members meeting on 17 July 2019.

19/37 CONFIDENTIAL RESOLUTION

Confidential Motion

"That representatives of the press and other members of the public be excluded from the remainder of this meeting on the grounds that the nature of the business to be transacted may involve the likely disclosure of confidential information as defined in Annex 9 to the Constitution as explained below:

Information relating to a particular employee, former employee or applicant to become an employee of, or a particular office-holder, former office-holder or applicant to become an office-holder under, the Trust.

Any terms proposed or to be proposed by or to the Trust in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods or services.

The Chairman closed the public session of the meeting at 7.45pm.

COUNCIL OF GOVERNORS

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|--------------------|------------------------------|
| DATE: | 10 July 2019 |
| TITLE: | Public Action Log |
| REPORT OF: | Phil Bellas, Trust Secretary |
| REPORT FOR: | Assurance |

| | |
|--|---|
| This report supports the achievement of the following Strategic Goals: | ✓ |
| <i>To provide excellent services working with the individual users of our services and their families to promote recovery and wellbeing</i> | ✓ |
| <i>To continuously improve the quality and value of our work</i> | ✓ |
| <i>To recruit, develop and retain a skilled, compassionate and motivated workforce</i> | ✓ |
| <i>To have effective partnerships with local, national and international organisations for the benefit of the communities we serve</i> | ✓ |
| <i>To be recognised as an excellent and well governed Foundation Trust that makes best use of its resources for the benefit of the communities we serve.</i> | ✓ |

Executive Summary:

This report allows the Council of Governors to track progress on agreed actions.

Recommendations:

The Council of Governors is asked to received and note this report

Council of Governors Action Log

Item 3

RAG Ratings:

| | |
|--|--|
| | Action completed/Approval of documentation |
| | Action due/Matter due for consideration at the meeting. |
| | Action outstanding but no timescale set by the Council. |
| | Action outstanding and the timescale set by the Council having passed. |
| | Action superseded |
| | Date for completion of action not yet reached |

| Date | Minute No. | Action | Owner(s) | Timescale | Status |
|------------|-----------------------------|---|---------------------------------|---------------------------------------|-------------------------------------|
| 29/11/2018 | 18/83 | To review the role of the Staff Governor representing the staff class of North Yorkshire and York one year after their appointment. | Kathryn Ord | July 2020 | |
| 29/11/2018 | 18/91 | To submit an action plan to a future meeting of the Council of Governors on the delivery of the recommendations of the Task and Finish Group - involvement of service users and carers. | Kathryn Ord | May 2019 September 2019 | |
| 14/02/2019 | 19/11 | To review the use of the amber 'rag rating' and whether this should be consistent across all scorecards and performance reports in the Trust. | Sharon Pickering | May-19 | Closed |
| 14/02/2019 | 19/13 | To hold a session on target setting for performance at a future Governor Development Day. | Sharon Pickering Kathryn Ord | Jun-19 | Closed - agreed not required |
| 22/05/2019 | 19/24 | To respond to the outstanding question on care planning from Mrs Hodgson. | Ruth Hill | Jun-19 | Closed |
| 22/05/2019 | 19/28 (previously 19/04) | To hold a workshop at the Governor Development Day on 8 October 2019 to review information required by Governors and how this can be provided / obtained. | Patrick McGahon | Sep-19 | |
| 22/05/2019 | 19/30 | To contact Mrs Hurst in relation to supporting the work around end of life care for older people. | Ruth Hill | Jul-19 | |
| 22/05/2019 | 19/30 | To provide further information to Ms Flemming-Smith in relation to the changes to the Therapeutic Community and the closure planned for end of May 2019. | Ruth Hill | Jul-19 | Closed response provided 26/6/19 |
| 22/05/2019 | 19/31 | To review which clinical audits the Trust had not participated in. | Sharon Pickering | Jul-19 | |

| Date | Minute No. | Action | Owner(s) | Timescale | Status |
|------------|------------|---|-------------|-------------------------------------|---|
| 22/05/2019 | 19/34 | To arrange a workshop to review the outcome of the self assessment of the Council of Governors. | Kathryn Ord | 01/06/2019 October 19 | Note: this will be combined into a wider workshop with Governors on 8 October 2019. |
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