

Minutes of the meeting of the York Hospitals NHS Foundation Trust Council of Governors held on 21 April 2010, in the White Cross Social Club, White Cross Court, York.

Present: Chairman of the meeting, Alan Rose

Public: Mrs D Appleby, Public Governor, Hambleton
Mr P Baines, Public Governor, City of York
Mr E Benson MBE, Public Governor, City of York
Mrs H Butterworth, Public Governor, City of York
Dr J Dalton, Public Governor, Hambleton
Mrs H Mackman, Public Governor, City of York
Mr N Parkinson, Public Governor, Selby District
Mr J Porteous MBE, Public Governor, City of York
Mr S Ruff, Public Governor, City of York
Mr R Thomas, Public Governor, Selby District
Mr R Towner, Public Governor, City of York
Councillor S Wiseman, Public Governor, City of York

Patient/Carer: Mr Phil Chapman, Patient/Carer Governor
Mr G Rennie MBE, Patient/Carer Governor
Mr B Thompson, Patient/Carer Governor

Partner: Councillor M Kirk, Partner Governor, City of York Council
Mrs A Moreton-Roberts, Partner Governor, North Yorkshire & York Primary Care Trust
Mr M Moran, Partner Governor, York CVS

Staff: Dr L Bond, Staff Governor, Medical
Mrs A MacDonald, Staff Governor, Nursing and Midwifery
Mrs A McGale, Staff Governor, non-clinical
Mrs A Penny, Staff Governor, Nursing
Mr M Skelton, Staff Governor, Clinical Professional

Apologies: Councillor S Fraser, Partner Governor, City of York Council
Mrs J Moreton, Patient/Carer Governor
Mrs C Patmore, Partner Governor, North Yorkshire County Council

Attendance: Andrew Bertram, Director of Finance
Lucy Brown, Communications Manager
Patrick Crowley, Chief Executive
Cheryl Gaynor, Secretary/Board Administrator
Penny Goff, Member Development Manager
Linda Palazzo, Non-Executive Director
Anna Pridmore, Foundation Trust Secretary
Mike Proctor, Deputy Chief Executive
Michael Sweet, Non-Executive Director

Members of the public:

Three representatives of the Pain Management Support Group.

One member of the press.

City of York LINK- Annie Thompson

10/17

Chairman's Introduction

The Chairman welcomed the newly elected and reappointed Governors to the meeting and congratulated them on standing and being elected.

The Chairman announced the appointment of Professor Dianne Willcocks as a new Non-executive Director and the reappointment of Linda Palazzo. The appointments were approved at the private meeting.

10/18

Apologies for absence

Council of Governors noted the apologies.

10/19

Oral questions from the Public

Julie Fleming (a representative of the York Pain Management Support Group) proposed a question in relation to York NHS Foundation Trust being urged to reverse a decision to stop giving spinal injections to some back pain sufferers. She enquired whether the withdrawal of pain relieving spinal injections was because of the financial considerations and if so, did this mean that the pain clinic would be receiving substantially less funding. With extra funding would they be reinstated or will the funding be used for extra treatment for patients of the pain clinic as stated by Dr Geddes (Medical Director of the North Yorkshire and York Primary Care Trust (PCT)).

Mr Proctor advised that the Trust is a provider of the service and does not make decisions about which services to fund. He reported that the commissioner, North Yorkshire and York NHS, have limited resources and have a right to commission services which they believed provided best value for money. The commissioner had withdrawn the injections after guidance issued by National Institute for Clinical and Healthcare Excellence (NICE). Clinical evidence showed that the injections were not an effective treatment for patients with long term chronic pain and negotiations with the Trust and the commissioners were currently taking place to consider alternative treatments.

10/20

Declaration of interest

The Chairman reminded the new governors that they were required to submit their declarations of interest to the Foundation Trust Secretary as soon as possible.

Governors requested not to receive the full declaration of interests at each meeting. It was discussed and noted that it was a Monitor guideline that it should be received. It was agreed that the Council of Governors would

receive an updated report on a change to the declarations being made. Declarations are already published on the website.

Action: The declarations of interest be included on the Trust website and all future Council of Governor agendas receive an update (if necessary) in place of a report.

10/21

Minutes of the meeting held on 16 March 2010

Mr Towner requested an amendment to the minutes:

Mr Towner referred to minute 10/12 (Car Parking Issues) and stressed that it was important that the charges for hospital parking mirrored those of the City Council and that this was not presently the same in the evening.

Mr Towner also expressed his concern that the concessionary charges were not adequately publicised; for example, there are no public signs anywhere to make members of the public/patients aware of potential concessions. He reminded Governors that it was discussed and agreed at the last meeting that the issue of publicising through signage etc. would also be considered and not solely advertised on the Trust website as noted in the minutes. Patrick advised that the Trust currently has a Travel and Transport Group and assured that Mr Towner's comments would be proposed to them to consider. A feedback report would be brought to the Council of Governors in due course.

Mrs Mackman expressed her gratitude to the Capital Planning team and Car Parking staff for their hard work on the current construction of the multi-storey car park at the hospital. She felt that the staff were managing the construction with very little disruption and appreciated their helping of directing patients etc to parking appropriate areas.

Action: Mr Crowley to report Mr Towner's comments to the Travel and Transport Group.

Action: A feedback report to be brought back to the Council of Governors at a later date.

10/22

Matters arising from the minutes

The Chairman referred to item 5 of the agenda (minutes of the last meeting) reference 10/04. He reported that the proposal of a Trade Union membership declaration would not be appropriate, as it would be a personal interest and not of interest to the Trust.

Mrs Dalton referred to item 10/10 (Draft Governor Induction and Development Booklet) and requested an update on her suggestion of revamping the Skills Audit of Governors. Mrs Goff reported that she had discussed it with the Associate Director, Learning and Research and would raise the subject with her again.

Mr Thomas referred to item 10/07 paragraph two (Summary of the Board

Minutes - smoking on site). He expressed that there was also a need for a similar neon 'No Smoking' light to be situated at the South Entrance of the hospital. The Chairman confirmed that this would be considered in the reviewing of the smoking logistics and would report back to the Governors at a later date.

Action: Mrs Goff to liaise with the Associate Director, Learning and Research regarding Skills Audits for Governors.

Action: The Chairman to update the Governors on the logistics on smoking at a later date.

10/23

Summary of the Board of Directors minutes

Mr Ruff referred to the finance report item within the minutes and the paragraph which referred to Human Resources reporting that there was a high spend on agency staff usage and queried whether this was a result in directorates holding vacancies due to the financial situation. He commented that it may be an indication that the Trust might benefit from employing permanent staff.

Mr Proctor reported that the issue around high spend on agency staff would appear to be mainly being due to the unexpected absence of staff. It is impossible to predict the absence of any member of staff therefore it makes financial sense to implement temporary measures. This is an area where there is constant discussion. Mr Proctor stressed that there needs to be a balance between two elements and wouldn't envisage a position where the Trust would not need to rely on some level of temporary staffing.

10/24

Governor Engagement Opportunities

The Chairman reported that in the first three years of the Foundation Trust, Governors had been engaged with activities in a number of ways. As the term of office is refreshed, it is a perfect opportunity to move forward to achieving further governor, member and community engagement. He invited Governors to consider the list of groups, events, committees etc detailed in the report and requested that the Governors judge the following:

- Should all of the activities listed within the report be continuing?
- What additional activities should be considered?
- How would Governors like to 'get involved'?

When the activities have been agreed, each Governor will then be asked to put themselves forward for election where necessary and otherwise volunteer themselves to get involved in the various activities. The Chairman encouraged Governors to meet with himself, Directors and Non-Executive Directors offline and find ways of engaging.

Mrs Mackman expressed that she felt there appeared to be a lack of reporting from Governors who are/were members of activities and would like to see feedback regularly reported in the future. The Chairman suggested

that the Governors communicate with each other more, with the aim of expressing views, giving feedback etc.

Mr Ruff articulated that it appears that patient care seemed threatened by the fear of funding cuts and proposed that a Finance Scrutiny Committee be introduced, which would consider financial details and formally report back to the Governors (see 10/27 for the Finance Directors' response).

The Chairman requested that any further comments or interests to be reported directly to him.

Action: Governors able communicate with each other individually, using email group details to be circulated.

Action: Governors to submit comments/interests directly to the Chairman.

10/25 Update on the By-Election for Selby (one public member vacant)

Mr Pridmore explained the background to the by-election. She advised that nomination forms to stand for election are to be returned to the Returning Officer at the Electoral Reform Services by 12.00 noon on Monday 17th May 2010. Ballot papers will be distributed to qualifying members on Wednesday 9th June 2010 and completed ballot papers need to be returned by 12.00noon Friday 2 July 2010.

10/26 Performance Report

Mr Proctor reported that:

Performance

- 18 week performance – admitted 93.4% (target 90%)
- 18 week performance – non-admitted 98.1% (target 95%)
- 4 hour – 98.79% (target 98%)
- 14 Day Cancer – 97.58% (target 93%)
- 31 Day Cancer – 98.5% (target 96%)
- 62 Day Cancer – 90.5% (target 85%)
- MRSA – 1 case (YTD 10 against a trajectory of 16 (5 are hospital acquired))
- C.Diff – 2 cases (YTD 28 against a trajectory of 117)

Activity

- Ordinary elective -1231 (-13.61%)
- Day case +2122 (+7.47%)
- Non-Elective short stay +963 (+7.31%)
- Non-Elective long stay +1039 (+4.83%)

The Chairman advised that the Trust was in the top 10% against national targets in terms of infection control. Mr Proctor confirmed this and

expressed his gratitude to the staff for their work. He reported that he would formally be reporting the position to the Board Of Directors at its next meeting on Wednesday 28th April 2010.

The Chairman expressed, and Governors agreed, that this good reporting needs to be spread to the public wherever possible. Mr Baines suggested using the YorkTalk newsletter to publicise performance. Councillor Kirk commented that the toilets were a good place to advertise the good performance of personal hygiene and felt that a small 'Well Done – let's keep it up' poster could be useful.

The Governors appreciated receiving the detailed report prior to the meeting.

10/27

Finance Report

Mr Bertram referred back to Mr Ruff's comment regarding a Finance Scrutiny Committee (10/24) and confirmed that such committees do exist within the Trust and external auditors (Grant Thornton) are appointed to probe.

Mr Bertram advised that the actual Income and Expenditure for the period 1 April 2009 to 31 March 2010 finished with a deficit of £5,554,000.

The Trust finished the year with £6.2m income over and above its contract level, which the PCT could not afford to settle. Exceptional adjustments were made, namely PCT Impaired Debtor of £4m and £1.4m relating to Fixed Asset Impairment. These were explained.

Mr Bertram confirmed that the Trust received £2m from the PCT last year and has now received a further £4m from the SHA this year. The underlying position is now an income and expenditure deficit of £-140,000 compared with a planned surplus of £1m.

The Trust now faces a Monitor Financial Risk Rating of 2 rather than a planned 3. Mr Bertram advised that Monitor were aware that he was reporting to Governors at this meeting and confirmed that he was expecting a final decision on the risk rating shortly.

The Chairman requested feedback from the Governors with views on the financial paper.

Action: Governors to comment to the Chairman on their views of the finance paper.

10/28

Frequency of Times and Dates of Future Council of Governor Meetings

The Chairman requested the views of the Governors in relation to the potential profile of meetings for a typical year as follows:

- Council of Governors – 4, 5 or 6?
- Board to Board – 2?
- Non-Executive Directors and Governors – 2?
- Annual General Meeting – 1?

The proposal for a non-executive meeting with Governors is based upon feedback from other Foundation Trusts that this has been a valuable form of assurance for Governors.

Due to time constraints the Chairman requested that Governors submit their views to him direct for consideration.

Action: Governors to submit their comments/suggestions directly to the Chairman.

10/29

Any other business

The Chairman referred Governors to the Induction Pack that was distributed at the beginning of the meeting. He encouraged Governors to read through the packs and attend the three scheduled sessions. The sessions are as follows:

- Module 1 – Presentation from the Chairman and the Chief Executive, social lunch with Directors, Associate Directors and Non-Executive Directors, followed by a portfolio presentation of the Chief Nurse
- Module 2 – Presentations of portfolios from each of the Directors
- Module 3 – Communications and Membership details

Post meeting note submitted by Mrs Mackman - *The Foundation Trust Network for the Yorkshire and Humberside Region met in Sheffield 16 April 2010.*

This network works closely with the Foundation Trust Governors Association which produces useful learning materials and exchanges.

Apart from keeping us up to speed with NHS initiatives and developments, these events offer useful networking opportunities and a forum to share ideas and examples of good practice.

About 15 FTs were represented at the event and our Council of Governors was represented by Helen Butterworth, Phil Chapman, Paul Baines and Helen Mackman accompanied by Penny Goff.

The agenda included an overview of the NHS national perspective and a particularly useful session on NHS finance and how funding reaches our trusts.

In smaller groups, we discussed what each of our trusts is achieving six years on from the introduction of Foundation Trusts and how directors and governors are working together.

In particular, we were able to highlight the benefits of the Joint Board meetings that have taken place here over the last 3 years which other governors were enthusiastic about taking back to their own trusts.

Mrs Goff had recently received an email from the Foundation Trust Network which detailed information and copies of presentations from the conference. This email will be forwarded onto the Governors for their information.

The Chairman requested that the Governors should feel free to add any items that they wish to discuss or bring to attention, for future agendas of the Council of Governors. Requests for items should be submitted to either the Chairman (alan.rose@york.nhs.uk 01904 725087) or the Foundation Trust Secretary (anna.pridmore@york.nhs.uk 01904 721418).

10/30

Next meeting

The date, time and venue of the next Council of Governors:

- General Council of Governors – Wednesday 9 June 2010 at 4.00pm and there will be a pre meeting at 3.15pm, White Cross Social Club, White Cross, York.

10/31

Collation of written questions from members of the public

There were no written questions received from members of the public.

CLG
21/04/2010