

Minutes of the Meeting of the York Teaching Hospital NHS Foundation Trust Council of Governors, in public, held on 10th December 2014 at White Cross Road Social Club, York.

Chairman of the meeting:

Mr Alan Rose, Chairman

Public Governors:

Mr Terry Atherton, Bridlington
Mr Clive Neale, Bridlington
Mr Paul Baines, City of York
Mrs Helen Fields, City of York
Mrs Margaret Jackson, City of York
Mr Robert Wright, City of York
Mrs Ann Bolland, Selby
Mr Andrew Butler, Selby
Mrs Sheila Miller, Ryedale & East Yorkshire
Mr Stephen Hinchliffe, Whitby
Dr Jenny Moreton, Ryedale and East Yorkshire
Dr Jane Dalton, Hambleton District
Mr David Wheeler, Scarborough
Mrs Sue Wellington, Scarborough
Mrs Penelope Worsley, City of York

Appointed Governors:

Councillor Caroline Patmore, North Yorkshire County Council
Councillor Michael Beckett, North Yorkshire & York Forum
Dr Rowena Jacobs, University of York
Councillor Joseph Riches, City of York Council joined the meeting at 4.50pm

Staff Governors:

Dr Andrew Bennett, Scarborough/ Bridlington
Mr Les North, Community Staff
Miss Elizabeth Jackson, York
Mr Mick Lee, York

Attendance:

Mrs Anna Pridmore Foundation Trust Secretary
Ms Libby Raper, Non-executive Director
Mr Michael Sweet, Non-executive Director
Mrs Lucy Brown, Head of Communications
Mrs Kay Gamble, Head of Patient Experience

Professor Diane Willcocks, Non-executive Director
Mr Philip Ashton, Non-executive Director
Mr Graham Nunns, Partner Grant Thornton

Apologies for absence:

Apologies were received from the following governors:
Mrs Jeannette Anness, Public Governor -Ryedale and East Yorkshire
Mrs Helen Noble, Staff Governor – Scarborough/Bridlington
Ms Dee Sharp, East Riding of York Council did not attend the meeting or send apologies.

14/35 Declaration of Interests

The Chairman asked members to ensure that their declarations of interest were up to date, as this was an important aspect of governance.

14/36 Minutes of Council of Governors Public Meeting – 9th October 2014

The minutes were approved as a true record of the meeting.

14/37 Matters Arising from the Minutes

There were no matters arising from the meeting.

14/38 Update from the Private Meeting held earlier

Mr Rose advised that the private meeting had discussed the following topics:

An increase in the boundaries covered by the Constitution for the Hambleton area. The increase was approved by the Council of Governors.

The appraisal of two Non-executive Directors – Professor Willcocks and Ms Raper. Both were very positive appraisals and the Governors agreed with the objectives that had been set for the next 12 months.

The appointment of external audit had been discussed and agreed. The decision would be publicised in due course.

The appointment of a new Chairman from 1/4/15 – Mrs Sue Symington -- had been discussed and agreed by the Council of Governors.

14/39 Lead Governor and other Governor reports

Mr Rose invited the Lead Governor, Margaret Jackson to summarise her report. She thanked all Governors for their support during the recent work around the appointment of the External Auditors and the Chairman.

Mrs Jackson reminded the Council of Governors about the two special sessions that had been arranged for Governors. One is Scarborough given by Mandy McGale on 12th January and one in York given by Brian Golding on 19th January 2015.

Mr Rose welcomed comments from other Governors.

Mr Hinchliffe commented that he would like the decision around First York Buses to be noted. Mr Rose explained that this was the decision of the bus company to allow people to use bus passes before 9am, as long as they can demonstrate they have a hospital appointment. Mrs Brown commented that a press release would be sent out before the end of the week. It was recognised that this just related to the bus company in York (First York), at least for now.

It was noted that the number of volunteers used by the Trust was increasing; for example, there will be 100% more dining companions. It was noted that Aintree Trust was an example of best practice with 700 volunteers. The Trust currently has approximately 200.

Dr Moreton commented that she had included the summary of the criteria for dementia friendly standards, this links to the PLACE inspections. The Committee discussed the link with the Fairness Forum and the work being undertaken by City without Walls. The Governors were advised that a briefing would be given to the Board of Directors in the near future. Mrs Miller commented that in the past it had been a slow process for volunteers to be able to start working with the Trust. She asked if this was changing. It was confirmed that the process was not normally slow. Dr Bennett asked if the Trust takes account of what the Friends of the Hospital do; they provide a parallel resource and is there a degree of alignment? Mr Rose confirmed that the Trust always takes into account the opportunities the Friends provide and values their support highly.

Mr Butler commented that he thought the Governors should recognise the excellent work done on the Snowdrop Appeal. The Governors agreed and congratulated Mrs Wellington.

Mr Atherton commented about the Steering Group at Bridlington Hospital. He advised that there had now been 384 elective surgery patients treated in Bridlington. He added, however, that he had a growing concern that there had been 8 managers in Bridlington in 10 years.

Mr Baines commented that he had not submitted a report around Ophthalmology because there was nothing further to report at present. He advised that there were issues around Avastin, but they could be picked up with Mr Golding when the estates session is held in January.

Mrs Worsley asked about the Lord Mayor's charity this year. She reported that he has chosen the renal unit in York as one of his charities (part of the York Teaching Hospital Charity) – along with York Against Cancer.

Ms Raper summarised the position. She was clear that decisions had been held with the Lord Mayor's office and a date has been set for the Lord Mayor to visit the unit.

Mr Crowley added that lessons had been learnt when working with a third party charity and the engagement between the two organisations is now working much better.

Chief Executive's Report

Monitor – Mr Crowley updated the Council of Governors on the outcome of the meeting held with Monitor. He advised that the Trust had provided commitments which were now being addressed. He referred to the winter pressures that exist in the system and the investment being made in the Scarborough site. He commented about workforces pressures and explained that the Trust is strengthening capacity to ensure it can engage with partners. He also referred to the CQC visit to the Trust in March 2015.

Finance - Mr Butler asked if Mr Crowley could update the Governors on the discussions being held with the CCG around the marginal tariff. Mr Crowley updated the Governors on the financial position of the Trust. He explained that the emphasis in the Trust is around efficiency and improvement, the organisation does not have the luxury of cutting services and cannot reconfigure services without engagement with stakeholders. Significant progress has been made and £15m of £24m target has been achieved. There are some underlying concerns against some schemes and the balance between non-recurrent schemes and recurrent schemes meant that next year the base 4% saving would be about £15m, which would be increased by the non-recurrent portion of savings carried-forward from this year, so the cost improvement target for the next financial year would be in the region of £25m. Mr Wright asked if Mr Crowley could describe where the bulk of the savings come from. Mr Crowley explained that it is a mix of capital spend and how the organisation uses its resources, including procurement. He added that the Trust continues to seek to broaden the base of the services provided and work with the commissioners where the commissioner is paying another provider which will improve the ratio of income against spend if we can repatriate that service. He explained that the Trust does not seek to achieve the efficiencies from a top down approach, but the Trust uses an efficiency team that supports the directorates. There are three key indicators the Trust uses to support the programme - the "Better Care Better Value" indicator, Service Line Reporting information and workforce.

Mr Butler asked what would happen if the Trust ended the year with a deficit – would the hospital have to close? Mr Crowley explained that the Trust would not close. A deficit at the year-end would add to the financial pressures experienced by the Trust. He explained that there is no safety net for the Trust and it would have to deal with any deficit. The Trust would have to manage the situation carefully and would impact on areas such as the size of the capital programme the Trust could invest in. Eventually Monitor would become interested in the Trust's position and intervene in the Trust, removing members of the Board and it would be likely that a turnaround team from Monitor would be introduced to the Trust.

In terms of the Continuity of Services, the Trust feels reasonably secure at present. At Month 7 there is a deficit of £900K and the Trust has secured £15m of a £24m cost improvement programme and there is a capital programme of £24m that has been put in place for this year. At present the marginal tariff for non-elective demand is paid at 30% and this has been raised as an issue by the Trust. In the next financial year it is expected that the marginal tariff will rise to 50% next year. The commissioners are demonstrating how they have used the income from the marginal tariff from the first quarter. The Trust is continuing to

discuss the issue with the commissioners.

Performance – Mr Crowley advised that the performance is fragile in some areas, for example – 18 week backlog. He advised that addressing the backlog has been compromised by the continued escalation in demand of acute services. In terms of the regulators, at this stage the Trust, in common with all organisations, is being allowed to fail this target.

(Mr Riches, Governor from City of York, joined the meeting.)

In terms of Monitor targets, the two key areas of concern are 4 hour target and the breast symptomatic target. In terms of breast symptomatic, the actions taken were not the preference of the Trust, but the performance has improved. The Trust would prefer to be able to provide a full service on the East Coast; the intention is that the service is reinstated as soon as possible.

In terms of the 4 hour target, the Trust is putting systems and processes in place; as Governors are aware, the community is challenged around finance and as such has received some money to invest in the services. Mr Crowley reminded the Governors that additional funding was in place this time last year, but at the end of March 2014 the funding was removed; the Trust consequently started to fail the ED target. Mr Crowley added that the position is becoming increasingly more fragile, which reflects the increasing demand and lack of growth in bed capacity. The Trust has just opened a ward in Scarborough and will be able to open Lilac (the new ward) in Scarborough in the near future. The Governors noted a ward had been closed in Bridlington; they asked, once the additional ward space is opened in Scarborough, would the ward in Bridlington open again? Mr Crowley explained that it would be kept under review, but the intention would be to reopen the beds as long as it was safe.

Mr Atherton asked about the development of the new theatre at Bridlington. Mr Crowley advised that the Trust is considering the option. Ophthalmology has moved to Bridlington and the majority of the patients are happy with the service now provided; the next step would be the provision of a new theatre. The Governors asked if the development of the orthopaedic services has generated some more income for the Trust. Mr Crowley explained that moving the service to Bridlington did provide some security to the income. The Trust is looking at developing a private patient unit in Bridlington and creating a centre of excellence. It has been recognised that there is a lack of private patient facilities in the area and this does attract higher income. He added that all specialities would be asked what aspirations they might have for Bridlington and at the end of the financial year the Trust can review and see what developments might be feasible. He added that at present the CCG is showing some resistance around the speed of any developments. Mr Crowley reminded Governors that the Trust cannot provide every service in every area, some people will have to travel and the Trust needs to make that as equitable as possible.

Mr Wheeler commented that at first he was disappointed that he had to come from Scarborough to York for treatment, but the treatment he received was excellent; he added that he thought it was important to get the right balance between access and appropriate care.

Mrs Fields asked if the Governors would receive a briefing on the CQC. It was

confirmed that Governors would receive a briefing. Mr Crowley advised that a mock-up will be undertaken on 6 January 2015 and from that there will be more clarity about what should be briefed to people. It was agreed that both performance and CQC update would be provided at the next meeting of the Council of Governors.

Action: To include an item on performance and CQC at the next Council of Governors meeting.

Mr Crowley mentioned that the new Chief Operating Officer would be joining the Trust in the New Year. Mrs Walters is currently the Chief Operating Officer at Morecombe Bay. She has also been involved in CQC inspections while at Morecombe Bay.

Urgent Care – Mr Crowley was asked what difference the (Scarborough & Ryedale) urgent care contract would have on the Emergency Department. He explained that it would make it quicker. Northern Doctors were awarded the contract and the Trust will be working with Northern Doctors. The Governors asked if staff would lose their jobs as a result of the Northern Doctors contract. Mr Crowley confirmed that there was no prospect of people losing their jobs, Northern Doctors are taking over some of the work and some staff might transfer to Northern Doctors, but if staff do not want to move they will be retained in the Trust.

Mr Hinchliffe asked if there were any developments in Whitby. Mr Crowley advised that there were no real developments to report, but the names of a number of final “bidders” will shortly be announced by the local commissioners.

14/41 Non-executive brief – Mr Michael Sweet

Mr Sweet was welcomed to the meeting and invited to give his presentation. Mr Sweet outlined his background and detailed his current role in the Trust. He outlined the committees he is involved with and the extent of his involvement across the whole organisation.

The Council of Governors noted his report.

14/42 Annual Report of the Audit Committee

Mr Ashton was welcomed to the Council of Governors by Mr Rose. He was invited to present the report. Mr Ashton explained the role of the Audit Committee in the organisation and the type of work the Audit Committee looks at. Mr Ashton referred to the report and highlighted the key meetings held during the year around the annual report and accounts. Mr Ashton also commented on the additional role the Audit Committee fulfils around data quality. The Governors enquired if Mrs Rushbrook would provide support to the Committee. Mr Ashton confirmed that all Directors could be asked to provide support to the Committee and attend a meeting to answer questions.

Mr North asked if the Committee would review any areas of concern that may become apparent, such as errors. Mr Ashton confirmed that they would review with the support of the External and Internal Auditors, systems across the Trust.

Mrs Fields asked about collaborative working between Internal and External Audit. Mr Ashton confirmed there was collaborative working between Internal and External Audit, but this is undertaken within a framework.

Mr Lee asked if there was an audit plan that is used by Internal Audit. Mr Ashton confirmed that was the case.

The Council of Governors noted the report.

14/43 Presentation from External Audit

Mr Rose welcomed Mr Nunns to the meeting and asked him to give his presentation. Mr Nunns gave a presentation that outlined the work of External Audit and the key messages from the last audit. The presentation is attached to these minutes.

The Council of Governors noted the comments made.

14/44 Any Other Business

No further business was discussed.

14/45 Time and date of the next meeting

The next meeting will be held on the 11 March 2015 the location is to be confirmed. (note the earlier item about a potential additional meeting in March to accommodate the CQC inspection visit.)