



With all of us in mind

**Minutes of the Members' Council meeting held on 29 January 2013**

<b>Present:</b>	Marios Adamou Inara Bennett Ian Black Hilary Brearley Doug Dale Claire Girvan Nasim Hasnie John Haworth Ruth Mason Bob Mortimer Dave Rigby Michael Smith Gordon Tennant Hazel Walker Tony Wilkinson David Woodhead	Staff – Medicine and pharmacy Appointed – Staff side organisations Chair of the Trust Appointed – Barnsley Hospital NHS Foundation Trust Public – Wakefield Staff – Allied Health Professionals Public – Kirklees Staff – Non-clinical support Appointed – Calderdale and Huddersfield NHS Foundation Trust Public – Kirklees Public – Kirklees Public – Calderdale Public – Wakefield Public – Wakefield Public – Calderdale (Lead Governor) Public - Kirklees
<b>In attendance:</b>	Peter Aspinall Anna Basford Nisreen Booya Tim Breedon Bernie Cherriman-Sykes Alan Davis Alex Farrell Bernard Fee Julie Fox Jonathan Jones Sean Rayner Dawn Stephenson Karen Taylor Andrea Wilson Helen Wollaston	Non-Executive Director District Service Director, Calderdale and Kirklees Medical Director Director of Nursing Integrated Governance Manager (author) Director of Human Resources and Workforce Development Deputy Chief Executive/Director of Finance Non-Executive Director Non-Executive Director Non-Executive Director District Service Director, Barnsley Director of Corporate Development and Constitutional Affairs Director of Service Improvement and Development Acting District Service Director, Wakefield Deputy Chair
<b>Apologies:</b>	Shaun Adam Mick Burns Sue Cannon Adrian Deakin Netty Edwards David Gill Andrew Hill Grenville Horsfall Margaret Isherwood Richard Kerry Robert Klaasen Roman Logush Margaret Morgan Kath Padgett Tom Sheard Jeremy Smith Peter Walker Susan Walker	Public – Barnsley Appointed – Secure Commissioning Group Appointed – NHS Calderdale Staff – Nursing Staff – Nursing support Public – Kirklees Public – Barnsley Public – Calderdale Appointed – Wakefield Council Staff – Psychological Therapies Public – Wakefield Staff – Social care staff working in integrated teams Appointed – Barnsley Council Appointed – University of Huddersfield Appointed – NHS Barnsley Public – Kirklees Public – Wakefield Appointed – Mid Yorkshire Hospitals NHS Trust

**MC/13/01 Welcome, introduction and apologies (agenda item 1)**

Ian Black, Chair of the Trust, welcomed everyone to the meeting. The apologies, as above, were noted. A number of items were covered.

- The Chair read out a thank you message from Noreen Young for the flowers sent from the Members' Council.
- He confirmed that Tim Breedon was appointed substantively as Director of Nursing following an open and robust process. Andrea Wilson continues to provide operational cover in Wakefield. Sean Rayner is providing additional

cover in Wakefield in respect of strategic partnerships and the service transformation agenda, retaining his existing responsibilities as District Director for Barnsley Business Delivery Unit (BDU).

- The Chair also explained that Steven Michael was elected to the Board of NHS Confederation Mental Health Network and, as he is keen for the Trust to continue to enhance its national reputation and national representation, Steven was attending his first meeting in this capacity today.
- The Chair commented on the commitment of staff during the period of bad weather, which resulted in no disruption or interruption to Trust services.
- Governor appraisals are now nearly complete. Comments and suggestions made by governors will be reviewed and developed into an action plan.

The Chair then invited Anna Basford to comment briefly on services in Kirklees.

### **MC/13/02 Time to Change pledge (agenda item 2)**

The Chair formally signed the Time to Change pledge on behalf of the Trust to show commitment to fighting the stigma that so often surrounds mental health. The Trust has have pledged to continue to promote understanding of mental health issues in all areas of work. Time to Change complements and enhances the Trust's existing anti-stigma work and the Trust is proud to make this pledge.

### **MC/13/03 Declaration of interests (agenda item 3)**

There were no declarations over and above those presented to the Members' Council in January 2012 or made since.

### **MC/13/04 Minutes of the previous meeting held on 31 October 2012 (agenda item 4)**

**The Members' Council APPROVED the minutes from the meeting held on 31 October 2012.** There was one matter arising.

### **MC/12/44 Estates Strategy (page 2)**

Following the comments made by Tom Sheard that two sites in Barnsley, Mount Vernon and Keresforth, are valuable assets both in terms of finance and to the wider community, Tony Wilkinson asked if this would be considered as part of the Estates Strategy. Ian Black reiterated the response given in October that all estate is included; however, the Trust has no clear view currently on the future for individual buildings. The Strategy is a general articulation of the direction for estate that is fit for purpose to deliver high quality services. Commissioners and other stakeholders, including the Members' Council, will be consulted on the Trust's plans.

### **MC/13/05 Chair's report and feedback from Trust Board (agenda item 5)**

Ian Black commented on his review of the Trust's quarterly return to Monitor. The Trust is reporting a financial risk rating of 4.3 (where 1 is poor and 5 is good) and a governance rating of green. The focus for the Trust remains on the provision of high quality services for service users and local communities and, by doing this, the Trust will continue to achieve its targets.

He also commented on the publication of the Francis II report on 6 February 2013. The Trust's response will be shared with the Members' Council following consideration by Trust Board. There will, inevitably, be keen media interest and much coverage.

### **MC/13/06 Estates Strategy (agenda item 6)**

Alan Davis introduced this item and began by saying that the Strategy focuses on the direction of travel and a number of key themes. Any developments are robustly tested through services, consultation and engagement, and business planning. Themes emerging from the Strategy focus on the following areas.

- The Trust's current estate is mixed in terms of age, fitness for purpose, condition and utilisation.
- A better community infrastructure is needed to support service development.
- The inpatient environment needs ongoing modernisation
- A decant facility needs to be considered.
- The Strategy does not decide anything itself but provides a focus for ongoing work.
- The transfer of estate from NHS Barnsley is considered by Barnsley BDU as an important enabler for service development and transformation.

Work to date includes:

- development of community hubs with an outline business case for a hub in Pontefract presented to Trust Board today;
- transfer of estate from NHS Barnsley, involving a process of due diligence, development of a business case and review by Monitor;
- review of the Fieldhead site;
- decant facility option appraisal;
- upgrade of seclusion rooms;
- better utilisation of LIFT buildings;
- disposal of surplus properties.

Alan Davis explained what was meant by a decant facility, which would be used during a ward refurbishment or development and for emergency/business continuity purposes.

The Chair confirmed that Trust Board took the decision to transfer the estate from NHS Barnsley for the benefit of services, service users and service continuity following the transfer of services from Barnsley in May 2011. This is not the approach taken by all Trusts; however, Trust Board was of the view that, for this Trust, the benefits outweigh the risks in terms of service provision and that the estate should transfer to the Trust. A robust assessment and scrutiny of the case for transfer has been undertaken by both Trust Board and Monitor. He fully appreciated Bob Mortimer's positive comments about the environment at Kendray and commented that the Trust works hard to recognise staff contribution to maintaining and developing a good environment for service users and their carers.

Claire Girvan asked if the review of the Fieldhead site would include provision of shelter for visitors, etc. Alan Davis confirmed that this would certainly be part of the engagement and consultation process to improve the site.

Dave Rigby commented that it would be useful to have the principles behind the development of the Strategy set out, an explanation of what constitutes a community hub, a hierarchy of provision (that is, local vs. central) and principles behind the treatment of surplus buildings. Alan Davis responded that any development of Trust estate, including community hubs, is service-led. The model will be adapted to suit local needs and local services, and the detail would be worked through during engagement and consultation.

Dave Rigby asked that the location of in-patient services in Kirklees, currently in the action plan for 2013/14, considered the potential of the Acre Mill site in Huddersfield or space created in Huddersfield Royal Infirmary as a result of the Acre Mill development. Three further comments were made in relation to the location and timing of the decant facility, what services would be consolidated onto the Kendray site and the principles behind disposal of estate in 2015/16 given developments over previous years. Ian Black responded that the comments would be picked up in development of specific proposals to inform the detail of the Strategy.

As Chair of the Estates Forum, Jonathan Jones commented that much work and thought had gone into development of the Strategy so far and further development would be supported by consultation and engagement, which will include the Members' Council.

Hilary Brearley asked whether the Strategy would take a sustainable approach. Alan Davis responded that sustainability was embedded in the Trust's approach to routine maintenance and every new development will meet sustainability standards. New developments would also be informed by the 'big ticket' reviews and the plan needs to be flexible to accommodate the needs of services.

Further development of the Strategy will be shared with the Members' Council and governors will be fully involved in the consultation and engagement on the overarching Strategy and specific projects.

#### **MC/13/07 Performance report Quarter 3 2012/13 (agenda item 7)**

Alex Farrell took the Members' Council through the headlines from the quarter 3 2012/13 performance report.

Hilary Brearley asked if information governance training was the only area of training where the Trust is underperforming. Alex Farrell responded that this area had been specifically identified as significantly below trajectory. In response to the question about appraisals, she responded that the rate is currently 89%. A revised appraisal system, which is based on Trust values, will be launched on 1 April 2013.

Anna Basford explained that improving access to psychological therapies (IAPT) targets were set by commissioners based on predicted prevalence in the population as a whole in Kirklees. The Trust is unable to achieve this level; however, increased

publicity and outreach activity has improved performance. The commissioner recognises that the target represents the full district need and that the Trust is just one provider of services in Kirklees. The commissioner has indicated that it is unlikely to impose any penalty on the Trust being more interested in the affect of services in achieving recovery targets.

Dave Rigby commented on the absence of the 'You said; We did' section in 'What Matters' and asked whether it would be included in future as he thought it quite useful, giving an opportunity for dialogue groups to contribute to the report. Dawn Stephenson responded that this would be included in the next edition of the report. Ian Black commented that 'What Matters' is an excellent document; however, it needs to be consistent in its reporting, and more views and ideas on the report would be welcomed.

Michael Smith asked why 'surplus' was not referred to as 'profit'. Alex Farrell responded that this is the term used in the NHS. He also asked what would happen to the Trust's surplus. Alex Farrell explained that it converts to cash and enables the Trust to invest in additional capacity and to build reserves to fund capital projects. The Trust would not generate surpluses for the sake of it and the surplus will be used to provide services efficiently and effectively. She explained that a review is undertaken by the Director of Nursing and the Medical Director to ensure both the level of surplus and the cost improvement programme are not affecting delivery or quality of services.

Tony Wilkinson asked if the current level of vacancies was a potential efficiency saving. Alex Farrell responded that the indications are that the Trust could be leaner in delivering services and this will be explored through the 'big ticket' reviews. Tim Breedon added that there are two strands to efficiency savings. Firstly, through improvement of productivity and efficiency and there has been increased scrutiny of cost improvement plans through the Executive Management Team, peer reviews and challenge. Secondly, transformational work where equality impact assessments are important to ensure fitness for purpose. Any cost improvements have a clear plan and risks are identified and monitored. Claire Girvan added that the impact of vacancies is not necessarily on one team and Alex Farrell stressed that reviews would be done in a holistic way.

Tony Wilkinson also asked whether the non-recurrent funds from PCTs were unplanned and whether the Trust would be able to utilise the funds by the end of the year. Alex Farrell responded that the PCT money was unplanned. The Trust has identified investment areas, which will make a difference; however, the Trust recognises that some will not be spent until 2013/14 and, therefore, will appear in 2012/13 as surplus. She confirmed that the funds would be spent.

### **MC/13/08 Health and Social Care Act 2012 – changes to the Trust's Constitution (agenda item 8)**

Dawn Stephenson explained that the paper followed on from the discussion session at the October 2012 meeting. Monitor has approved the changes to the Constitution approved for implementation from 1 October 2012. The changes that apply from 1

April 2013 were approved by Trust Board at its meeting in December 2012. It was also noted that the changes were supported by the sub-group.

Tony Wilkinson commented that this was an important piece of work for the Members' Council to note and he thanked people who had turned 'legalese' into understandable language.

**The Members' Council AGREED to SUPPORT Trust Board's approval of the changes to the Constitution for implementation from 1 April 2013, including the revised structure of the Members' Council.**

Dave Rigby asked if Monitor had indicated a timescale for approval of the revised Constitution. Ian Black explained the position in the lead up to the election process. The Trust intends to run the election under the new Constitution and will ask Monitor to come back to the Trust if this is not acceptable.

#### **MC/13/09 Chair and Non-Executive Directors' remuneration (agenda item 9)**

*The Chair and Non-Executive Directors left the meeting for this item.*

Tony Wilkinson took the chair and invited Alan Davis to update the Members' Council. The sub-group (made up of Marios Adamou, Nasim Hasnie, Michael Smith and Tony Wilkinson) agreed to request Capita to undertake a review under the same terms of reference as the previous review. The sub-group meets again on 11 February 2013 and will make a recommendation to the next Members' Council meeting on 1 May 2013.

Tony Wilkinson commented that, although it is the sub-group that is formally reviewing the remuneration, he would be interested in the views of and feedback from other governors, particularly around comparators and whether the Trust should be a leader or follower in terms of Chair and Non-Executive Director remuneration. Alan Davis agreed to co-ordinate any comments.

The concerns regarding the delay to the report were noted.

*The Chair and Non-Executive Directors re-joined the meeting.*

#### **MC/13/10 Nominations Committee (agenda item 10)**

Minutes from the meeting held on 18 December 2012 (item 10.1)

The minutes were noted.

#### Re-appointment of Non-Executive Director (item 10.2)

*Jonathan Jones left the meeting for this item.*

**The Members' Council SUPPORTED the proposal from the Nominations Committee that Jonathan Jones be re-appointed as a Non-Executive Director of the Trust for a further term of three years from 1 June 2013 to 31 May 2016.**

*Jonathan Jones re-joined the meeting.*

Appointment of Lead Governor (item 10.3)

*Tony Wilkinson left the meeting for this item.*

Ian Black explained the rationale behind the proposal and **the Members' Council SUPPORTED the proposal from the Nominations Committee that Tony Wilkinson be re-appointed as Lead Governor from 1 May 2013 to 30 April 2015, subject to his re-election as a governor.**

*Tony Wilkinson re-joined the meeting.*

Chair of Co-ordination Group (item 10.4)

Ian Black explained that Dave Rigby has indicated that he wishes to stand down as Chair of the Co-ordination Group after the next meeting. He thanked Dave Rigby, on behalf of the Members' Council, for his tireless work and expertise in chairing this group. He went on to say that he had used the appraisal meetings to talk to governors about the role and he proposed that Michael Smith, publicly elected governor for Calderdale, takes the Chair of the Group. **The Members' Council SUPPORTED the Chair's proposal that Michael Smith be appointed as Chair of the Co-ordination Group, subject to his re-election as a governor.**

**MC/13/11 Date of next meeting (agenda item 11)**

The next meeting will be held in the afternoon **Wednesday 1 May 2013** in the Legends Suite, Oakwell Stadium, Barnsley Football Club, Grove Street, Barnsley, S71 1ET.

**Signed** ..... **Date** .....