

Minutes of the Members' Council meeting held at 09.30 on 8 February 2022

Meeting Held Virtually by Microsoft Teams

Present:	Marie Burnham (MBu)	Chair
	Bob Clayden (BC)	Public – Wakefield
	Claire Den Burger-Green (CDBG)	Public - Kirklees
	Gary Ellis (GE)	Appointed – Mid Yorkshire Hospital NHS Trust
	Carol Irving (CI)	Public – Kirklees
	Tony Jackson (TJ)	Staff – Non-Clinical Support Services
	Debbie Teale (DT)	Staff – Nursing support
	Adam Jhugroo (AJ)	Public – Calderdale
	John Laville (JL)	Public – Kirklees (Lead Governor)
	Andrea McCourt (AMc)	Appointed – Calderdale and Huddersfield NHS Foundation Trust
	Tony Wright (TWr)	Appointed – Staff Side organisations
	Phil Shire (PS)	Public – Calderdale
	Keith Stuart-Clarke (KSC)	Public – Barnsley
	Lisa Ward (LW)	Public – Kirklees
	Beverley Powell (BP)	Public – Wakefield
	Jeremy Smith (JS)	Public – Kirklees
	Jackie Craven (JC)	Public - Wakefield
In attendance:	Mark Brooks (MB)	Interim Chief Executive
	Lindsay Jensen (LJ)	Interim Director of Human Resources & Organisational Development
	Carol Harris (CH)	Director of Operations
	Mike Ford (MF)	Non-Executive Director
	Mandy Griffin (MG)	Non-Executive Director
	Chris Jones (CJ)	Deputy Chair / Senior Independent Director
	Erfana Mahmood (EM)	Non- Executive Director
	James Sabin (JS)	Interim Director of Finance and Resources
	Darryl Thompson (DTh)	Director of Nursing, Quality and Professions
	Julie Williams (JW)	Assistant Director of Corporate Governance, Performance and Risk
	Grace Coggill (CG)	Secretary to the Chair, Non-Executive Directors and Members' Council
	Andy Lister (AL)	Head of Corporate Governance (Company Secretary)
	Asma Sacha (AS)	Corporate Governance Manager (author)
Apologies:	Bill Barkworth (BB)	Public – Barnsley (Deputy Lead Governor)
	Tony Wilkinson (TW)	Public – Calderdale
	Kate Quail (KQ)	Non- Executive Director
	Natalie McMillan (KMc)	Non- Executive Director
	Trevor Lake (TL)	Appointed – Barnsley Hospital NHS Foundation Trust

MC22/01 Welcome, introductions and apologies (agenda item 1)

The Chair, Marie Burnham (MBu) formally welcomed everyone to the meeting, apologies were noted as above. The meeting was quorate and could proceed.

The meeting is recorded to support minute taking. The recording will be destroyed once the minutes have been approved (it was noted that attendees of the meeting should not record the meeting unless they had been granted authority by the Trust prior to the meeting taking place). Attendees were requested to remain on mute, unless speaking.

It was RESOLVED to RECEIVE the Welcome, introductions and apologies as described above.

MC22/02 Declarations of Interests (agenda item 2)

Mark Brooks (MB) declared conflict for item 7.1 of the agenda and he confirmed he has not had sight of the members' council papers until such time the CEO recruitment process is complete.

Mandy Griffin (MG) and Mike Ford (MF) declared conflict for item 7.2 of the agenda and confirmed that have not had sight of the members' council papers for this item.

MC22/03 Minutes of the previous Members' Council meeting held on 16 November 2021 (agenda item 3)

Tony Jackson (TJ) attended the meeting on 16 November 2021, his name was omitted from the attendees list. Andy Lister (AL) confirmed the amendment has already been made.

It was RESOLVED to AGREE the minutes of the Members' Council meeting held on 16 November 2021 as a true and accurate record with the noted amendments.

MC22/04 Matters arising from the previous meeting held on 16 November 2021 and action log (agenda item 4)

Marie Burnham (MBu) informed the Members' Council that she will refer to items that are due today and that remain open.

Andy Lister (AL) informed that the action log has been fully updated and 2 items remain open currently and are open for comments.

MC/20/26: Bob Clayden (BC) commented that he has been liaising with AL about receiving the links in the **Headlines** newsletter. AL informed the Governors to let him know when they want access to links in the Headlines and he is happy to send this to them upon their request.

It was RESOLVED to NOTE the Action log of the Members' Council.

MC22/05 Chair's report and feedback from Trust Board (agenda item 5)

Marie Burnham (MBu) updated the meeting. She informed the Members' Council that she has been visiting different areas of the Trust to familiarise herself with the Trust and she has met with external partners.

Marie Burnham (MBu) said in relation to Non-Executive Director (NEDs) activities, she will liaise with her PA to list everything in her paper, so the Governors are aware of the work taking place.

Bob Clayden (BC) said he cannot view the names of the staff members attending the meeting today. Andy Lister (AL) informed him that he will arrange a meeting to try and resolve IT issues.

Action: Andrew Lister

MBu informed the Council that Tom Sheard (TS) publicly elected Governor in Barnsley, resigned from the Members' Council and she would like to thank Tom on behalf of the Governors for his services to this group and his valuable input to the Trust.

It was RESOLVED to NOTE the Chair's report.

MC22/06 Chief Executive's comments on the operating context (agenda item 6)

Mark Brooks (MB) provided a verbal update;

- MB highlighted the emergence of omicron and the Trust response to this. He stated staff absence due to covid has had a considerable impact upon service provision, he reiterated that the staff response has been amazing. Staff worked long hours and worked flexibly.
- There has been a rapid increase in the booster vaccination and some of our staff were involved in this programme, particularly in Barnsley. The transability of omicron has meant we have had a lot more outbreaks and this was felt across all NHS providers. Our service users tend to be quite mobile which also led to high transmission. The outbreaks have reduced over the last couple of weeks from 8 – 9 outbreaks to 2 – 3 which is positive.
- In relation to the redeployment as a condition of vaccination, we put on safe space events to enable staff to make an informed decision regarding the vaccine. There is now a temporary hold on this policy by the Government.
- The Health and Care Bill has been put back to the 1 July 2022. This will impact on the timeframe of getting staff moved from the Clinical Commissioning Groups (CCG) to the Integrated Care System (ICS).
- There has been worked carried out by Sancus Solutions who investigated a homicide in 2017, we were expecting the report to be published early December 2021. The report has now been published on the 9 February 2022. We are not allowed to share the report until it is a public document. Andy Lister (AL) will send governors a link and we will be putting this on our website as a report along with the Trust response and assurance. If governors require further information, then we can provide that from when it becomes a live publication.

Action: Andy Lister

- Performance. MB informed the governors we continue to see high levels of demand and acuity, which has been exacerbated due to the Covid 19 pandemic. We made a conscious decision to use out of area beds, especially in the Psychiatric Intensive Care Unit (PICU).
- There is currently less adherence to our training compliance. We have also put work in towards staff wellbeing and resilience. This has also had an impact on clinical supervision and appraisal.
- Staff turnover and vacancies. There has been a particular focus on registered nurses and speciality medical consultants for examples learning disabilities where there is ongoing challenge with recruitment. Staff are working hard to meet the needs of our service users.
- Financially we are strong. We are continuing to focus on “living with covid” world and what impact this has on flexible working and being digitally enabled to provide services.

Gary Ellis (GE) asked about the challenges in maintaining safe staffing levels in the organisation.

MB informed GE that we had daily meetings with the operational management teams, and we were taking risk assessed approach as to where our priorities were for service users. It was challenging but it was positive that the Trust didn't have to stand any services down. It was acknowledged that we could not meet our normal levels of demand.

Darryl Thompson (DT) informed GE that staff absence was 503 during this time. DT said staffing for inpatient areas are seen as a trust wide approach and colleagues are asked to cover different areas. We also used available bank and agency staff and acknowledged it was a difficult time.

MB asked GE whether Mid Yorkshire Hospital NHS Trust had the same challenges. GE said yes and staff felt there was lack of resources. He said there is a risk to think that staff can carry on with these pressures and he doesn't feel this is sustainable. MB said this was a valid point.

It was RESOLVED to NOTE the Chief Executive's update.

MC22/07 Trust board appointments (agenda item 7)

MC22/08 Ratification of Chief Executive Appointment (agenda item 7.1)

Mark Brooks (MB) was asked to leave the members' council meeting.

Marie Burnham (MBu) said the new Chief Executive Officer (CEO) for the Trust has been appointed and we went through a rigorous process. She asked Lindsay Jensen (LJ) to provide an update.

LJ said it was her first Members' Council and she introduced herself as the Interim Director of HR and OD. She explained the advert for the post of CEO was advertised before Christmas and we had a prolonged application stage and the offer closed on the 14 January 2022. The process was led by Marie Burnham (MBu), as the new Chair and the Trust engaged with Gatenby Sanderson, an external recruitment agency to support the recruitment process. It was overseen by the Workforce Remuneration Committee.

The Trust had 6 applications and Gatenby Sanderson helped provide us with background information and it was agreed that we would shortlist 3 candidates for interview. The Trust undertook a robust selection process; we had a stakeholder event on the 3 February 2022 which included 3 stakeholder groups. The interviews were held virtually and one face to face interview on the 4 February 2022.

There were two external assessors on the panel and it was led by MBu as Chair of the Trust. LJ and Gatenby Sanderson were there in an advisory role. The panel included Sue Proctor, the Chair of Leeds and York Partnership NHS Foundation Trust and Kathryn Singh the Chief Executive of Rotherham, Doncaster and South Humber NHS Foundation Trust. John Laville (JL) joined as Lead Governor.

It was a robust process and there was a unanimous decision by the panel that MB was the best candidate. LJ said he was a strong candidate, showed strong commitment to the organisation with great set of values, integrity, commitment to moving the organisation forward and displayed strong networking with our partners. LJ also explained that the panel had unconscious bias training prior to the interview which was insightful.

The Workforce Remuneration Committee supported the decision made by the panel that MB is appointed as Chief Executive Officer. The chair, MB asked the council whether they approve MB as Chief Executive Officer of SWYPFT from the 1 March 2022.

AL confirmed the Members' Council meeting is quorate for the decision to be made.

AL said there is an electronic vote set up if governors would like to use that option. BC informed the council members that the question to use the electronic votes should be asked at the beginning of the discussion, this was acknowledged.

No objections received. MBu thanked everyone and approved Mark Brooks (MB) as CEO of South West Yorkshire Partnership NHS Foundation Trust.

It was resolved to APPROVE the appointment of Mark Brooks (MB) as Chief Executive Officer (CEO) of South West Yorkshire Partnership NHS Foundation Trust from the 1 March 2022.

Mark Brooks was called to re-join the members' council meeting.

MC22/09 Review of Senior Independent Director (SID) and Deputy Chair (agenda item 7.2)

Mike Ford and Mandy Griffin were asked to leave the members' council meeting.

Marie Burnham (MBu) explained that Chris Jones (CJ), the current Senior Independent Director (SID) will be retiring. CJ also performed the role of the Deputy Chair.

It is proposed for the Trust to separate the roles of SID and Deputy Chair with Mike Ford (MF) to be appointed as SID and for Mandy Griffin (MG) to be appointed as Deputy Chair.

Bob Clayden (BC) explained the governors have had a discussion prior to this meeting and they were concerned that there was no reference to a review of the roles to check whether they were effective and working. He asked for a review in 12 months. MBu said she and the lead governor will be reviewing performance. BC said the proposal explains

that some neighbouring Trusts have already got separate roles in place, he asked whether they were also Foundation Trusts. MBu explained they were Foundation Trusts.

Mark Brooks (MB) stated it was normal to have two roles rather than combined roles. He stated that the governors would have an opportunity to contribute to the review of the roles via the appraisal process of the Chair. He said the Trust regularly review and update our structures.

Jackie Craven (JC) asked see photographs of the candidates as she didn't know who they were although she may have heard their names. Marie Burnham (MBu) said the profiles were included in the pack and she acknowledged it was difficult whilst we were all working virtually but we are hopefully moving to some face-to-face meetings. MB said we can consider a plan to review the structure in 12 months' time if we feel it is required.

John Laville (JL) congratulated Mark Brooks (MB) on behalf of the Members' Council and all the Governors for his appointment as CEO. In relation to the review of the SID and Deputy Chair role, JL said there was nervousness in the governors pre meeting about the structure as there are a few interim roles in the Trust and they wanted assurance as to when they will be substantive roles. JL asked for assurance that through the processes we have in place which is the appraisals of the Chair and Non Executive Directors the positions will be reviewed.

Claire Den Burger-Green (CDBG) said she would welcome the structure to be reviewed in 12 months' time. MBu explained the rationale to separate the SID role is based on the scenario of the Chair being unable to perform her duties (due to sickness or any other substantial leave period), then they would not be able to appraise themselves.

Chris Jones (CJ) stated there are no disadvantages to splitting the role but there are significant advantages in terms of broad leadership which strengthens the board. CJ said he agrees with splitting the roles and that it is continually reviewed. Erfana Mahmood (EM) explained she has held SID roles in other organisations in the past and it is about the individual skill set.

Bob Clayden (BC) said the deputy chair job description states *"has embraced and lived the values of the organisation"*, he asked whether we can appoint someone who has only been in the organisation for 4 months. Marie Burnham (MBu) explained the appointment is about having the right skill set and anyone recruited into the role will uphold those values.

Mark Brooks (MB) explained our recruitment process is around our Trust values. Although MG has only been with us for 4 months, she has been with the NHS for far longer and she was able to ratify that she demonstrated those values. MB explained we were very value driven and it is integral to the job description.

CDBG asked what is meant by *"lived"* the values. Lindsay Jensen (LJ) explained we use specific wording regarding our values in our job description. LJ explained *"lived"* can be in different forms, such as past experience, how the candidate embraces the work that they are doing and interchangeable experiences and them showing a strong commitment.

Andrew Lister (AL) explained we are adhering to job descriptions that have been set by NHS England which are integral to NHS values. MBu asked the members' council whether they approve, subject to annual review.

Carol Irving (CI) attempted to comment but due to technical issues was unable to do this. MBu asked AL to contact CI to ensure her opinion is noted.

It was RESOLVED to APPROVE the job description / person specification for the role of Deputy Chair and SID with agreement for a review in 12 months' time via the Nominations Committee

Action: Nominations Committee

It was RESOLVED to APPROVE the appointment of Mike Ford to be Senior Independent Director to the Members Council from 1st April 2022

It was RESOLVED to APPROVE the appointment of Mandy Griffin to be Deputy Chair attracting additional remuneration of £2000 from 1st April 2022

MF and MG were asked to return to the members' council meeting.

Marie Burnham (MBu) informed MG and MF their appointments were approved by council members. MB thanked MG and MF on behalf of the Members' Council for taking on these roles.

MC22/10 NED appointments including proposal for Associate NEDs (agenda item 7.3)

Appointment of Non- Executive Director

Marie Burnham (MBu) explained we will be recruiting a new Non-Executive Director.

Lindsay Jensen (LJ) stated this is being supported via the Nominations Committee and the advert closes on the 11 February 2022. She explained they are planning to short list the week after and take the proposal around the shortlist to be agreed by the Nominations Committee on the 18 February 2022.

Once agreed we have planned stakeholder assessment process on the 1 March 2022 and the governors will be involved in this process and interviews are planned for the 2 March 2022. The appointment will go back to the Nominations Committee and then to Members' Council in mid-March for approval and ratification. LJ stated we are looking for a qualified accountant in terms of skills and competencies to do the role.

It was RESOLVED to APPROVE the timetable and process for recruitment of a new NED.

Proposed appointment of two new Associate Non Executive Directors

Marie Burnham (MBu) provided background information in terms of capacity and succession planning. MBu said the proposed appointment of two Associate Non Executive roles would be an opportunity to work under the wings of the Non Executive Directors and to offer independent assurance. She explained it is not uncommon to have associate Non Executive roles in the organisation. MBu asked the Members' Council whether they were happy to approve the process of recruiting two new Associate Non Executive roles.

Phil Shire (PS) said he was not happy about this appointment as it sounds like we may have people waiting to get into the Non Executive Directors roles. There is also an additional cost to this. PS said we need to ensure we don't take any money away from

our service users unnecessarily. He asked what skills gap we are addressing by having Associate Non-Executive Directors when we have a good set of NEDs already in place.

Marie Burnham (MBu) explained we are moving into a system wide approach; our CCG Non-Executive lay members are not in position any more and more is being asked from our existing Non-Executive directors to get involved in lay member assurance in system wide work and at times this can be excessive.

Mark Brooks (MB) supported MBu that our current Non-Executive Directors are being working to capacity. He said as an example, we are asking our Non-Executive Directors to attend Trust board, members' council and committee meetings and spend time in our services.

As we develop, place-based partnerships are now asking the NEDs and the Executive Director from each organisation to be part of that partnership. In addition, we have moved to be lead provider for forensic services across West Yorkshire, so we need NED oversight on that and different skill sets.

The Nominations Committee have supported the proposal as it is about capacity rather than skill set. It is also about developing people and we have open and transparent recruitment processes. John Laville (JL) explained it was about having value for money and having the capacity to meet the ICS and place based working.

Bob Clayden (BC) stated that the job description states they will attend and contribute to the Trust Board meetings, he asked whether they will be able to vote and asked whether they will be part of the quorum.

Mark Brooks (MB) confirmed they cannot vote and are associate roles only. BC asked about the quorum. Andrew Lister (AL) said they can look at this as part of the constitutional change if approved but he doesn't believe they will form part of the quorum as this is only for Non-Executive and Executive Directors. Julie Williams (JW) confirmed the Associate Non Executives are not part of the quoracy.

Andrea McCourt (AMc) said this was positive and the roles will bring new skills and help with the capacity issues and it will allow to embed the more forward-facing roles that the NEDs will have to take on. AMc said she is part of the Nominations Committee, and they did get assurance that these posts will not automatically move into any NED vacancies that arose and there would be a robust recruitment process at that point.

Gary Ellis (GE) said he supports what AMc has said, and it is regarding capacity of the existing NEDs. GE said they had similar roles at Mid Yorkshire Hospital Trust who went onto become NEDs in other Trusts.

Tony Wright (TWr) asked about the status of the current Interim Director positions. Mark Brooks (MB) provided an update to the recruitment of the Interim Director positions in the Trust. He explained there are currently 3 directors in interim positions;

Salma Yasmeen (SY) is our Director of Strategy and Change, she has also been acting as Interim Deputy Chief Executive.

Director of HR/ Chief People Officer. MB said the advert for this post went out last week and this will be completed by 25 March 2022.

The substantive role for the Director of Finance. MD said the advert for this role will go out in a few weeks time, around end of April/early May 2022.

MB said he will be speaking to all the directors in the next 2 weeks to determine what level of interest there is to become substantive Deputy Chief Executive in addition to their core roles and we hope to confirm that by 1 March 2022.

MB thanked Chris Jones (CJ) on behalf of the Members' Council for his role and contribution to our Trust.

It was resolved to APPROVE the proposal to the Trust constitution by supporting and approving the establishment of two new Associate Non-Executive roles.

MC22/11 Members' Council Business Items (agenda item 8)

MC22/12 Governor feedback (agenda item 8.1)

Marie Burnham (MBu) explained John Laville (JL) as lead governor had to leave the Members' Council meeting and his report has been submitted. She asked members' to review the paper so she can feedback to JL. She asked comments to be emailed to Andy Lister (AL). No comments were received in the meeting.

It was RESOLVED to RECEIVE the update on governor feedback

MC22/13 Assurance from Members' Council groups and Nominations Committee (agenda item 8.2)

Phil Shire (PS) said he didn't receive this paper via paper form but did receive it by email.

Bob Clayden (BC) said he didn't have this paper either. He said Andy Lister (AL) has sent it to him by email, but he was finding it difficult to locate them.

Andy Lister (AL) acknowledged that it appears some items were omitted from the postal papers on this occasion, and he would like to apologise for this and will ensure that full sets of papers are circulated for the next meeting. AL re-circulated Members' Council papers to all governors during the meeting.

Bob Clayden (BC) said he was dyslexic and would find submitting written feedback quite difficult. He said he doesn't have any comments on this occasion.

It was RESOLVED to RECEIVE the assurance and minutes from the Members' Council Co-ordination Group, Members' Council Quality Group and Nominations' Committee.

MC22/14 Patient Experience Annual Report (agenda item 8.3)

Darryl Thompson (DT) said the patient experience annual report has been discussed in the Clinical Governance and Clinical Safety Committee and signed off, it has also been to the Board. It shows our complaint activity, our themes and response timeframes. It also shows the number of reopened complaints which can be a proxy measure as to how

satisfied our complainants are and for assurance this is holding steady compared to previous years.

The report shows themes of complaints and there is greater profile around values and behaviours and staff attitude. We have had a smaller number of complaints during the pandemic and that means by proportion it shows a higher percentage. We also need to recognise our front-line colleagues are under immense pressure and stress at the moment and this could part of that experience for them.

He said we discussed in the committee how we collected protected characteristics, at the moment we collect it from the complainant who could be service users, carers or relatives and we are also looking to collect it from the person who the complaint is about. It was also recognised this report feels complaint focused and in future reports we can look at other feedback and experiences.

Beverley Powell (BP) informed DT that this was a comprehensive report. She said from data she worked on in the past there could be challenges in reporting and sometimes reporting by gender could be by somebody else when they may be transitioning. She asked for the trans-agenda to be included as well. DT acknowledged this.

Debs Teale (DT) explained that Dawn Pearson, Communication, Involvement, Equality & Inclusion Lead is picking up the Transgender work in the LGBTQ policy.

Adam Jhugroo (AJ) said he noticed in Calderdale there are numbers of complaints about treatment in drugs, he asked whether this was regarding ADHD. He said he received a letter stating that no referrals will be accepted for Calderdale as they will not be requesting any funding as they are full.

DT asked whether he was referring to commissioned number of assessment places to undertake x number of assessment and when they are completed no further commissioned activities is available.

AJ said the letter stated they would not be applying for funding, he asked what this would mean in Calderdale in relation to complaints. DT said we could look into the data.

Carol Harris (CH) said she isn't familiar with the letter that has been sent. She said the in the Adult ADHD and ASD pathway in Calderdale we may be commissioned on the spot purchase so commissioners are buying individual assessments from us and we do let commissioners know when our referrals are greater than those commissioned and we work closely with them to try and ensure we are providing services. CH said we can look into the issue about not applying for any more funding as it is not something she is familiar with. AJ will provide CH with further details.

Action: Carol Harris

It was RESOLVED to RECEIVE the patient experience annual report.

MC22/15 Members' Council elections – update (agenda item 8.4)

Andy Lister (AL) provided a verbal update. AL said we are in the nominations stage of the election and it has been open since the 20 January 2022 and closes at 5pm on the 17 February 2022.

- Two adverts a week are being posted on Trust social media.
- E-mail and postal information has been sent out to members in the constituencies where there are vacancies.
- DP and the communications team are proactively encouraging applications from diverse networks.
- Adverts have been placed in "The Brief"
- "Headlines" are advertising every week and a further notice has been placed on the electronic payslips message board.
- As of this morning there are four public nominations awaiting verification
- One staff nomination awaiting verification
- Since the nominations stage opened on 20 January 2022 we have had 10 new members join the Trust (8 last year)

Bob Clayden (BC) thanked AL for his hard work in completing this piece of work.

It was RESOLVED to RECEIVE the update for members' council elections

MC22/16 Local indicator for Quality Accounts (agenda item 8.5)

Darryl Thompson (DT) explained this was a brief confirmation for Members Council that we do not need to choose a quality indication for review by our auditors this year and that this is not a requirement. This is the final version of the quality account. He further explained the Department of Health are maintaining a lower level of submission so it is not required for this year.

Bob Clayden (BC) said he has been on a few quality monitoring visits in the Trust and he wondered whether there was anyone on board level who had an overview of those and if there was any apparent trends.

DT said the quality visits were under his directorate and they oversee any learning points from the quality visits. DT said they also provide a summary review at the end of the year.

Claire Den Burger-Green (CDBG) asked about the format of quality monitoring visits as she has not done one yet. DT said they would be keen to get her on board for a quality monitoring visit and they do have a formal structure for on-site visits and a review of paperwork. DT explained it is also about getting staff ready to talk about their service to external regulators. DT agreed to bring this back as a development session for future Members' Council meetings.

Action: Darryl Thompson

It was RESOLVED to RECEIVE the update on the 2021/22 Quality Account

MC22/17 Update to the Trust Constitution (agenda item 8.6)

Andrew Lister (AL) said there has been a technical change in the Trust constitution. He explained it was identified when we looked at the Interim Deputy Chief Executive position that there was some ambiguity in the constitution as to who had voting rights on the board.

As set out in the paper, the Trust board holds votes and there is no distinction in contribution in terms of status of voting and non-voting members of the board. We have tried to clarify the position within the constitution.

There are four mandatory voting executive positions on the board which are the Chief Executive, the Medical Director, the Director of Finance and Director of Nursing. The wording changed in the constitution as tracked changes stipulates that those are the four voting executive positions, and it gives the Chief Executive and chair the flexibility to decide who the other two voting members will be.

In terms of the Foundation Trust code which we have to adhere to, there has to be one more Non-Executive Director voting so we can have a maximum of six Executives voting on the board. Including the Chair there will be seven Non-Executives voting for the independent view point.

AL said at the end of the paper, there is reference to the amendments to the Health and Social Care Act and this is going through parliament, in relation to the mandatory vaccination of staff as a condition of deployment legislation. The Trust will await the outcome of the parliamentary decision prior to amending the constitution on this matter. We will have to amend the constitution to include the Associate Non-Executive Director roles so we will look at amending this and presenting the paper to Members' Council in May 2022 for approval.

Bob Clayden (BC) said the paper states the Chair and Chief Executive can nominate two Executive Directors to vote in addition to the four mandatory voting positions. BC asked whether they would be appointed at a meeting or whether they are always the nominated two to vote. AL explained it is a substantive position and once confirmed as a voting member of the board it is a permanent voting position until the Chair and Chief Executive deem otherwise.

It was RESOLVED to RECEIVE the update from the Trust Board and APPROVE the updates to the Trust's Constitution as set out in the paper

MC22/18 Chair appraisal process (agenda item 8.7)

Chris Jones (CJ) explained this paper sets out to confirm the chairs objectives for the period to 31 March 2022 and beyond and to make a proposal about appraisal arrangement.

He explained the objectives are the same that have been previously agreed and amended for example to take into account we have now appointed a Chief Executive. Also, with MBu's agreement an objective has been added around health and equalities to reflect the importance of that to the Trust and NHS nationally. He said MBu is happy to pursue those objectives and to be reviewed as part of her appraisal for that period depending on the Trusts planning arrangements for 22/23.

CJ said in terms of the appraisal process, the suggestion is the appraisal to be a light touch appraisal for the period up unto the 31 March 2022. Mike Ford (MF) will be conducting the appraisal as his role as SID and he will be consulting with John Laville (JL) as part of Members' Council Lead Governor and with Mark Brooks (MB) and the Executive and Non Executive Directors to collect evidence to feedback to MBu on her

performance. For the full year appraisal of the period until 31 March 2023, it will be a full appraisal process including the relevant surveys.

It was resolved to NOTE the Chairs Appraisal process for 2021/22 and 22/23 as outlined in the paper

MC22/19 Members' Council business items (presentations) (agenda item 9)

MC22/20 Integrated Performance Report (agenda item 9.1)

Erfana Mahmood (EM) presented the Integrated Performance Report highlighting key areas;

- She explained from looking at the dashboard for children in adult inpatient wards, this has improved. The Trust is actively working to avoid this. Inappropriate out of area beds has gone up and this is to maintain safer staffing levels. We have had to use specialist beds at times in the Psychiatric Intensive Care Unit (PICU). Improving Access to Psychological Therapies (IAPT) is performing well.
- Key Performance Indicators (KPIs) patient safety incidences has gone up this quarter, she explained this is a focus for us and we have root cause analysis for each case.
- Information Governance (IG) breaches have improved and it is a good figure.
- Surplus deficit is 1.5m. There has been improvement on this as there are vacancy gaps.
- Staff turnover still high and we are working behind the reasoning and looking at deeper reasoning and not just the exit interviews.
- Covid 19 responses. Agile working is working well, we have high incidences of sickness.
- Staff vaccination, we are doing well since the December 2021 figures.
- Quality update. Agile working is working well, and we are providing important support, i.e. occupational health.
- The Trust has reinstated silver and gold command meetings and they meet regularly (twice weekly)
- Patient experience. Friends and family test - we have started doing this remotely.
- There has been a slight dip in Children and Adolescent Mental Health Services (CAMHS) and this is a small sample. It is a focus for our Trust and to look at improvements.
- Safer staffing matrix. We have resorted to temporary workforce measures.
- Incident reporting. Incidents of red and amber have gone down and there are less serious incidents such as major and serious incidents.
- Workforce – vaccination as condition of deployment, this has been paused by the Government. Safer staffing has been a priority.
- Training, supervision and appraisal had to be paused to support this work. The Trust is looking at performance in individual Business Delivery Units (BDUs)
- Covid absences – we are looking at staffing, occupational health support, there has been recruitment of staff via the charities bid to support staff, one role is the BAME wellbeing practitioner.

Phil Shire (PS) asked about vacancy levels following a recent quality visit. Mark Brooks (MB) said we have got more staff in post than the start of the pandemic. We have had huge investment in our services which have created more roles. The roles have sometimes been filled by staff moving internally which leaves gaps elsewhere, so we have

a higher number of vacancies. The other challenge is that there are national shortages, especially registered nursing and medical consultants in certain professions.

Lindsay Jensen (LJ) stated we have got vacancies and we have started doing work to reduce those numbers. She said we have achieved 20% more recruitment in the last 12 months. For nursing we have been involved in the international recruitment of nurses. The Trust are expecting 42 nurses who will join us in the next few months.

The Trust is holding virtual recruitment events with external partners. The Trust has completed work in relation to healthcare support workers and conducted regular events in local communities. There is a robust apprenticeship scheme and DT is leading new roles group. The Trust is also looking at retention and improving our exit questionnaire process. LJ reported the Trust is continuously looking at health and wellbeing and the development pathways.

EM congratulated the Trust for achieving the Healthcare People Management Association (HPMA) award for our work with staff side and HR.

Beverley Powell (BP) thanked everyone for the work that they are doing. She asked about the support the international nurses will have. LJ said the Trust has set up peer and buddy system in the teams they are joining. There is good induction and preceptorship system in place.

EM reported the Trusts financial position is a current surplus deficit of £5.5m, with a forecast of £7.1m. There hasn't been an agency spend cap due to Covid-19. Capital looks low but there are capital aspects which are still to be included and that will come to approximately £8.2m towards the end of the year. We are performing well to pay our invoices within 30 days.

MBu thanked EM for presenting the performance report.

Keith Stuart Clarke (KSC) explained he is happy with the friends and family test now that it is being done virtually and whether this can be made permanent. DT said we are struggling with the quality of the responses in that there is not much narrative to support the tick boxes.

Gary Ellis (GE) asked if they will achieve the capital spend and said that in the current climate our money buys less than what it did 12 months ago.

James Sabin (JS) stated all our capital profile is on track and will be delivered. We have got assurance from suppliers and they are monitoring it on a weekly basis. There has been a slight increase in costs and this will have an impact for next year. The capital allocation to the ICS is similar to the allocation to the previous year.

The Trust has gone out to tender for a major capital scheme which will start next year. We are continuing to monitor the situation and there will be pressure across the ICS in terms of the annual allocations and how Trusts deliver over the next 3 – 5 years.

A discussion followed in relation to the number of acronyms being used in some of the reports presented at today's Members' Council. AL agreed to review this and reduce the use of acronyms wherever possible in Members' Council reports.

Action: Andy Lister

It was RESOLVED to RECEIVE the update of the Integrated Performance Report as set out in the paper

MC22/21 Any Other Business (agenda item 10)

Andy Lister (AL) introduced Asma Sacha (AS), who has been appointed recently as the Corporate Governance Manager. AS informed the member's council she was appointed on the 1 February 2022. She explained she has worked for the Trust for 17 years in various different roles, and for the last 2 years as a case worker in the Trust complaints team. She informed the Members' Council she was looking forward to working with them and she was welcomed. Keith Stuart Clarke (KSC) asked that all new staff are introduced at the beginning so they know who is attending the meeting. This was acknowledged.

Claire Den Burger Green (CDBG) said she was happy for future meetings to be blended (virtual and face to face) to give everyone an opportunity to attend.

Action: Andy Lister

Bob Clayden (BC) agreed with blended meetings, he asked to look at different days as he struggles with Tuesdays. MB asked the governors to agree a day which was most suitable to them and to liaise with AL and his team.

Action: Andy Lister

Andy Lister (AL) explained they are looking at different technology options with a view to having blended meetings. He said he is currently reviewing the strategic meeting flow and this will be presented to the Coordination Group in March 2022.

Action: Andy Lister

Debs Teale (DT) explained it would be difficult for her to attend face to face meetings and would prefer to continue with virtual meetings.

It was RESOLVED to NOTE any other business.

MC22/ 22 Closing remarks, work programme, and future meeting dates (agenda item 11)

- Marie Burnham (MBu) thanked everyone for using the chat function
- The members' council acknowledged receipt of the work programme for future meetings. Andrew Lister (AL) said it is subject to review and change and will be presented again on 10 May 2022
- MBu confirmed she will feedback to John Laville (JL) and thanked everyone for attending

Date of next Members' Council meeting is **10 May 2022**

Members' Council meetings 2022/23:

16 August 2022

15 November 2022 (including the annual Joint Trust Board and Member's Council meeting)

14 February 2023

It was RESOLVED to RECEIVE the work programme for 2022/23

MC22/23 Development Session (optional)

Vaccination as a condition of deployment (VCOD) and the impact for governors

Marie Burnham (MBu) introduced Lindsay Jensen (LJ) and Julie Williams (JW) to present a session on VCOD and the impact for governors.

Key points:

- LJ and JW presented a paper on vaccination and provided information on the safe space sessions for staff held by the Trust.
- LJ explained the Prime Minister has announced that the Government will launch an independent Public Inquiry into the Government and public sector response to the COVID-19 pandemic. Public Inquiries take place when there is public concern about an event.
- They can ask for a broad range of documents and records, and we want to provide our fullest support and transparency to any requests for information. To enable this, we are asking all colleagues to save full records, whether they are working directly on COVID-19, recovery, or as part of our business-as-usual activities.
- We will be supporting staff and teams across our organisation as part of the management of this Public Inquiry process including information, advice and guidance in terms of the storage and preservation of data, records and documents, and what is needed to be considered and actioned if the Trust and our services are called upon to give evidence and records.
- The Trust continues to provide advice and support to those who are yet to have the Covid 19 vaccine.
- LJ informed members' council that the Trust is offering a process for managers to contact staff who left their job due to the Government mandate.

MBu thanked LJ and JW for their presentation.

Signed: 

Date: 10 May 2022