

Item 3 Council of Governors (in Public)

Minutes of the Meeting of the Council of Governors held on Tuesday 19th September 2023 at 1pm (in the Conference Room and via Microsoft Teams)

Val Davies	Chair
Michelle Beaver	Staff Governor – Registered and Non Registered Nurses
David Bromilow	Public Governor - Merseyside
Dorothy Burgess	Public Governor - Merseyside
Joan Burgen	Public Governor – North Wales
Terence Comerford	Public Governor - Merseyside
Ray Davis	Public Governor - Cheshire
Sharon Faulkner	Staff Governor – Registered and Non Registered Nurses
Dr Neil French	Nominated Governor – University of Liverpool
Elaine Holme	Public Governor - Merseyside
Peter Humphrey	Public Governor - Merseyside
Denis McAllister	Public Governor – Cheshire (part of meeting)
Allan Pemberton	Public Governor – Cheshire
Dorothy Price	Staff Governor – AHP, Technical and Scientific
Princey Santhosh	Staff Governor – Registered and Non Registered Nurses
Stephen Storey	Public Governor - Cheshire
Dusty Rhodes	Public Governor – North Wales
Peter Wareham	Public Governor – North Wales
Trevor Wooding	Senior Governor/Public Governor - Merseyside
Wendy Caulfield	Nominated Governor – Friends of Robert Owen House

In attendance:

Ian Balmer	Public Member - Merseyside
Nicholas Brooks	Non Executive Director
Jonathan Develing	Director of Strategic Partnerships
Margaret Carney	Non Executive Director
Ian Ferguson	Public Member – Merseyside
Lynsey Jackson	Staff Member – Non Clinical
Dr Jonathan Kendall	Staff Member – Registered Medical Practitioners
Jonathan Mathews	Chief Operating Officer
Karen Nightingall	Chief People Officer
Sue Pemberton	Director of Nursing, Quality & Safety
Louise Robson	Non Executive Director
Jane Tomkinson	Chief Executive Officer
Karan Wheatcroft	Director of Risk & Improvement
Karen Edge	Chief Finance Officer
Gill Donnelly	Communications and Membership Officer (minutes)

Apologies for absence:

Julian Farmer	Non Executive Director
Karen Higginbotham	Nominated Governor – LJMU

Lynne Addison
Megan Cromby
Rachael McDonald
James Roberts
Kate Warriner

Public Governor – Rest of England & Wales
Staff Governor – Non Clinical
Staff Governor – Non Clinical
Nominated Governor – Liverpool City Council
Chief Digital Officer

Opening Matters

The Council of Governors meeting was conducted using a hybrid approach where governors could attend in person or via video conferencing to ensure ease of access. In order to conduct this meeting efficiently, the papers were produced as usual and in accordance with the business cycle and distributed on 8th September 2023 by e-mail, and post to those who had requested this.

A template was circulated in advance for each Governor to complete individually. This gave each participant the opportunity to record comments and questions as they reviewed each paper prior to the meeting. Responses were collated and those questions/comments were raised by the Chair or referred to the Governor to raise during the course of the meeting. This pre-work had been particularly helpful for virtual meetings and enabled the Council of Governors meeting to be conducted efficiently given the number of participants. Governors also received the opportunity to attend a pre meeting for 30 minutes prior to the meeting. The Chair also invited governors to make contributions during the course of the meeting. Governors attending virtually posed questions and made comments using the 'raise hand' or 'chat' functions on the video conferencing facility.

1. Apologies for absence

Noted above.

2. Declarations of interest relating to Agenda Items

There were no conflicts of interests declared.

3. Minutes of the Council of Governors (CoG) held on 6th June 2023

The Council of Governors agreed the minutes were an accurate reflection of the meeting and **approved** these for the meeting held on 6th June 2023.

4. Action Log

Action 1 – Progress continues to be made on reducing acronyms and remains standing on the action log.

Action 2 – Completed and closed

Action 3 – Completed and closed

Action 4 – Open – consultation with Staff Governors planned for autumn 2023

Action 5 – Completed and closed

Action 6 – Completed and closed

Action 7 – In progress and open – work underway to resolve and improve compliance

Action 8 – Completed and closed

Action 9 – Completed and closed

Action 10 – Completed and closed

5. Patient Story

The Director of Nursing, Quality & Safety shared a video of a patient who was brought to Liverpool Heart and Chest Hospital following emergency lifesaving CPR by his wife and the ambulance service. The patient received treatment at the trust and will receive rehabilitation in the community. The patient and his wife praised the hospital for the life-saving care he received.

This story was well **received** by the Council of Governors.

6. Organ Donation

Dr Tim Ridgway presented an update on Organ Donation and noted he had been appointed as the Clinical Lead for Organ Donation at the Trust in 2009 and the Organ Donation committee was established in 2010.

It was added that in 2022-23 the Trust received 33 referrals to organ donation. Of those referrals, consent for donation was gained from 5 families and from these at least 7 lives were transformed by the gift of organ donation from LHCH patients.

It was highlighted that there was an Organ Donation Memorial situated within the Critical Care Garden. In addition to this, many colleagues had signed up for race for recipients during national Organ Donation week. This had the overall aim of promoting organ donation and the team had been performing very highly in this race. Team LHCH were currently the top trust in England.

Plans for the future included continuing our excellent record in potential donor referral and optimising all potential donors to maximise their donation potential.

The Chair thanked Dr Ridgway for his presentation and the Council of Governors **received** the update.

7. Chair's Briefing

New governors, commencing at the end of the Annual Members' Meeting 2023, Dr Jonathan Kendall, Lynsey Jackson and Ian Ferguson who attended in person were welcomed to observe the meeting.

The Chair highlighted that the Trust had been rated one of the top two trusts in the country for Overall Patient Care in the National Inpatient Survey results. This was testament to the hard work and care provided by the team at the Trust every day.

The Chair assured the Council of Governors, following the recent conclusion of the Lucy Letby trial, that this Trust would be looking closely at any lessons learned to ensure anything similar could not happen again at this trust. It was added that the Board of Directors would shortly be considering this and governors would be kept updated.

It was added that the Trust was still faced with the challenge of industrial action and was working through this. Further updates would follow.

The Chair noted that executives from NHS England had visited recently to consider the work underway by the Trust to drive collaboration and improvements for patients. It was highlighted that this had been opportunity to share some work being

undertaken with Liverpool University Hospital Foundation Trust to improve Acute Coronary Syndrome (ACS) pathway. This had been well received.

It was added that the Trust currently attended two committees focused on collaboration. These included the Liverpool Trust Joint Committee and also the Broadgreen Site Committee focusing on improvements onsite for patients and staff.

Val Davies, Chair added that the Welsh Chair at Betsi Cadwaladar Health Board visited the Trust recently to build links between the trust and North Wales.

There was a question from governors around the progress of setting up a possibility around a partnership with University of Chester Medical School. The CEO explained that a meeting was being set up to build this partnership and explore this further.

The Council of Governors **received** the briefing.

8. CEO Report

Jane Tomkinson, CEO presented the CEO report and highlighted that the Trust was part of the Cheshire and Merseyside Acute Specialist Trust Collaborative (CMAST).

The CEO explained that industrial action continued to impact trust activity. It was noted that patient safety was paramount and was more than maintained. The impact of this was also being monitored on a regional level.

It was explained that NHS England had published a new Fit and Proper Persons Test Framework on 2nd August 2023. This meant enhanced requirements around the fit and proper persons test and a revised policy would be considered by the Board of Directors in September 2023.

The CEO noted that there had been key learnings from the Lucy Letby case at the Countess of Chester Hospital. An independent inquiry would follow. There were some immediate learnings and these had been shared with the National Director for Patient Safety. These will be considered by the Trust's Board of Directors later this month.

The Chief People Officer highlighted that the Trust had been shortlisted for national HSJ Patient Safety Awards as a result of work undertaken by education and international nurse programme. Congratulations was offered for this excellent work.

In addition to this, the CEO and Director of Nursing and Quality thanked the staff for their outstanding work which had led to the Trust being highly rated in the recent CQC National Adult Inpatient Survey Results.

There was a discussion from governors about the importance of applying the learning from the Lucy Letby case. This was confirmed by the CEO as a priority for the Trust and the wider NHS.

The Council of Governors offered their congratulations to all staff at the Trust who made a difference resulting in excellent CQC National Inpatient Survey results.

Following a question by governors, it was highlighted that a People strategy was currently being developed by the Cheshire and Merseyside Integrated Care System (ICS).

There was a question from governors around when the national Outpatient survey results would be published. The Director of Nursing confirmed that she would look into this and update (SP).

The Council of Governors **received** the update.

9. Senior Governor Update

Trevor Wooding, Senior Governor provided an update to highlight:

- Lead Governor Network Meetings he had attended for networking purposes and to ensure there was a LHCH presence at this forum.
- Champs meeting he had attended which promoted the Marmot approach to health inequalities.
- Disability Awareness Day on 17th July where LHCH governors exhibited
- Cheshire and Merseyside Healthcare Partnership Meeting he had attended via youtube. It was noted that the terms of reference for this committee didn't seem to be agreed yet.
- It had been pleasing to see more Trust Governors attending to observe the Board of Directors meeting on 26th July.
- Patient and Family Engagement event that he had attended. It was confirmed this had been an excellent day where feedback was provided by patients and families. It was noted that it was evident from this event as to why the trust had done so well in the national inpatient survey.

The Council of Governors **received** the update.

10. Board of Directors

Committee Updates:

10.1 Audit Committee

Margaret Carney, Non Executive Director presented the presentation circulated before the meeting on the Audit Committee which had met on 11th July 2023. It was explained that this was a key assurance committee and there was strong assurance that good compliance and arrangements were in place and internal audit plans were on track. The update included compliance with risk management key performance indicators and good progress on the delivery of the clinical audit programme and baseline review of the new Provider Licence. It was added strong arrangements were in place to protect against cyber security threats and ensuring a strong anti-fraud culture across the Trust.

It was added that actions were in place to address issues arising from the review of the consultant job planning arrangements and e-rostering system.

The presentation was **noted**.

10.2 People Committee

Margaret Carney, Non Executive Director and Chair of the People Committee GMC Survey presented an update from the People Committee which had met on 5th September 2023.

It was highlighted that the Standard Operating Framework (SOF) was being developed and would be developed in time for the December meeting.

The People Committee had focused on the experience that trainees get in terms of trainee medical education and the feedback received from the General Medical Council (GMC) survey in 2022. There has been significant improvement in this with some areas receiving excellent responses however, this was not across the board and there was still room for improvement. People committee will continue to monitor and ensure progression.

Equality, Diversity, Inclusion and Belonging was a focus for the committee at the last meeting and there was positive assurance around the Key Performance Indicators.

There was a question from governors as to whether membership diversity was considered by the committee. Margaret Carney, Non Executive Director took this away as an action (MC).

Finally, it was added that positive assurance was received around key performance issues of turnover, sickness and general mandatory training.

The Governors **noted** the excellent progress.

10.3 Quality Committee

Nick Brooks, Non Executive Director and Chair of the Quality Committee presented the report from the Quality Committee held on 11th July 2023. It was noted that most indicators on the quality dashboard were performing well. There were continuing issues to documenting the responses to radiology alerts, referral of high risk patients to dietitian, complaints responded within 25 days, VTE risk assessments and call to balloon time for treatment of heart attacks.

It was added that the introduction of the closed loop system had reduced administration errors. In addition to this, it was noted there had been a significant increase of referrals to the mental health liaison team and a review was being undertaken of service requirements.

There was a question from governors around the patient experience if another condition was found on a routine scan. Nick Brooks, Non Executive Director explained it would be the responsibility of the patients consultant to discuss this with them and support them with receiving the relevant care.

There was a question from governors as to whether the dramatic increase in referrals for mental health liaison team had been escalated to the mental health trust. Nick Brooks, Non Executive Director confirmed discussions were ongoing regarding activity and the team were employed by the mental health trust.

The Governors **noted** the update.

10.4 Charitable Funds Committee

Bob Burgoyne, Non Executive Director presented the report from the meeting on 11th July 2023. It was highlighted that the Committee had approved the commencement of capital campaigns to raise substantial funding for the hospital charity. It was added that the financial position of cash in hand agreed to be healthy with significant reserves remaining for future bids after all liabilities were met (£776k).

It was added that the Consultant Fundraising Group continued to meet to discuss opportunities for future capital campaigns.

The Council of Governors **received** the update.

10.5 Integrated Performance Committee

Louise Robson, presented an update from the Integrated Performance Committee that met on 19th June 2023. It was noted that the financial performance for the first two months of the financial year was a surplus of £1,283k. This represented a £355k adverse variance to plan. The key risks to achieving the plan were undelivered CIP, achieving the activity plans in elective care and the risk of inflation. The Finance Performance Group would continue to monitor financial performance of divisions and track CIP delivery.

It was highlighted that the risks associated with delivery of the surgery long waiter management included industrial action, theatre ventilation, scrub nursing vacancies and anaesthetic capacity. Weekly performance and Finance Performance Group will continue to monitor capacity.

Terms of reference had been approved by the committee for a new Safer Waiting List Management Group which would report into Operational Board and monitor progress.

There was a question from governors around the indication within the report that the Trust are not doing so well at delivering cost improvement programme. Louise Robson, Non Executive Director explained this gets more and more difficult as time moves on. There was a continued focus on CIP and the divisional teams were having to look differently at the way they work in order to make these cost savings.

The Council of Governors **received** the update.

11. Strategy and Service Improvement

11.1 LHCH System Support: Primary Care

Jonathan Develing, Director of Strategic Partnerships presented the report and provided an update on the work of the respective groups that specifically supported primary care networks. Primary care being defined as the whole primary care team not solely general practice.

This included the extensive work of the CVD Prevention Group and Cardiac Board. It was noted that the Trust provided much support across the system and specifically in relation to primary care.

The Governors **received** the update.

11.2 Update on LHCH strategy refresh

Jonathan Develing, Director of Strategic Partnerships presented an update on LHCH strategy and noted it is time to consider refreshing this. It was added that patients have to be very ill to reach our organisation and therefore the strategy is currently to look at prevention and increasing primary intervention.

It was noted that the Trust would be continuing to think about what our strategy will look like in next five years. Further engagement will take place with clinical leads and senior management team this month and a session will be held with the Council of Governors later this year. (JD)

There was a discussion from governors about Halton being an area that has high deprivation and this had been reported. The Director of Strategic Partnerships confirmed that there was prevention work underway in this area. For example, Targeted Lung Health Checks covered Halton.

The Council of Governors **noted** the report.

11.3 CoG Objectives

Karan Wheatcroft, Director of Risk & Improvement presented the paper and noted good progress had been made year to date. This would be discussed in more detail at the joint Council of Governors and Board of Directors development day in November, with a view to developing next year's objectives.

The Council of Governors **received** the report.

12. Performance & Operations

12.1 SOF Performance Dashboard

The Chief Operating Officer presented the Strategic Oversight Framework for July 2023. It was noted that in month four the Trust has six indicators that have shown statistically significant changes in performance, these are mainly due to continued workforce pressures with mitigation plans in place where possible.

Activity within month for patient numbers has delivered over 100% however the case mix issues were demonstrated within the finance update. Medicine activity had overperformed, however within Surgery saw a depleted number of major cases, with discharge numbers in month again reduced to industrial action, scrub staff issues and anaesthetic capacity.

Cancer Performance was reported a month in arrears and all Cancer standards have been challenging given the significant disturbance to activity in Q1. This continued to remain a priority for the Trust in 2023/24 and increased scrutiny and focus is being driven by Dr Rebecca Dobson, Lead Cancer Clinician. Improvements were expected within July, however recovery trajectories continue to be impacted by industrial action.

Waiting list size had significantly jumped in the last two months, however this was expected given some of the reporting changes in EMIS. Overall patients that are over 18 & 26 weeks had reduced from the April position. Consistent focus is being placed on reducing long waiters, taking into consideration clinical priority.

Following a discussion with governors it was requested further guidance or a training session on icons within this report may be helpful for governors to help them understand the dashboard. (JMa)

The Council of Governors **noted** the update.

12.2 Finance Report

Karen Edge, Chief Finance Office presented the finance report for the period ending 31st July 2023. The financial performance for the first four months of the year is a surplus of £3,111k. This represented a £164k adverse variance to plan. However, the last three months had shown a marginal recovery.

The key risks to achieving the plan are undelivered Cost Improvement Programme (CIP), achieving the income/activity plans in elective care with the known uptick in industrial action and the risks associated with inflation.

The Chief Finance Officer added that despite this the Trust is still forecasting to achieve our annual financial plan.

The Council of Governors **noted** the update.

12.3 Patient & Family Support Team – Q1 Complaints Report

Sue Pemberton, Director of Nursing presented the Quarter 1 complaints report. Within quarter one there had been 12 formal complaints, 82 contacts comprising of 53 informal concerns and 29 requests for information or advice and 15 compliments. It was added that the 12 formal complaints received in this quarter are all closed, 8 were partly upheld and 4 not upheld. It was confirmed that all complaints were managed as per Trust policy.

The Council of Governors **noted** the report.

13. External Review & Assurance

13.1 Regulatory Update

Karan Wheatcroft, Director of Risk and Improvement provided an update on revised regulatory guidance including the Addendum on system working and collaboration: The addendum regarding the role of foundation trust council of governors; the Code of Governance and the Provider Licence.

It was highlighted that a baseline assessment had demonstrated a strong compliance across a range of areas, with a small number of actions identified against some of the new areas within the guidance. The paper provided an update on progress against the action plans.

The Council of Governors **noted** the update.

14. Governor Issues

14.1 Feedback from Network/Engagement Events/Development Groups

The Chair invited governors to share any feedback from recent network, engagement or development groups. A forthcoming event with Liverpool Soroptomists to highlight awareness, on 14th October at the Trust, was shared by governors. This event would emphasise the steps that can be taken to reduce the risk of heart disease in women.

The update was **noted** by the Council of Governors.

14.2 Governor Elections

The Director of Risk and Improvement presented the elections report and the outcomes of these detailed in the uncontested reports and final report of voting for:

5 Public Governor seats – Merseyside

2 Public Governor – North Wales

- 1 Staff Governor – Registered and Non Registered Nurses
- 1 Staff Governor – Allied Healthcare Professionals, Technical and Scientific
- 2 Staff Governors – Non Clinical
- 1 Staff Governor – Registered Medical Practitioners

The update was **noted** by the Council of Governors.

14.3 Lead Governor Appointment

The Chair presented the report to recommend Elaine Holme as the successor for Trevor Wooding in the role of Lead Governor.

All governors had been given the opportunity to self-nominate for the role and the process had been outlined at the Council of Governors meeting on 6th June 2023.

The Council of Governors **approved** the appointment of Elaine Holme as Lead Governor with effect from the close of the Annual Members' Meeting on 25th September 2023.

The Council of Governors offered congratulations to Elaine Holme on her appointment. The Chair thanked Trevor Wooding for his outstanding contribution in the role.

15. Working Groups

15.1 Membership and Communications Sub Committee

Elaine Holme, Public Governor – Merseyside and Chair of the sub committee presented the report from the Membership and Communications Sub Committee. There had been a number of successful recruitment and engagement events as detailed within the report. For example, governors had attended Disability Awareness Day and a Freshers Fayre at Liverpool John Moores University. A partnership event with Liverpool Soroptomists was taking place on 14th October to raise awareness of the importance of heart health in women. It was added that any governors interested in joining the sub committee should get in touch.

The governors **noted** the committee update.

15.2 Governor Attendance Report

The Chair presented the governor attendance report for information. This provided assurance that the Council of Governors could effectively discharge its duties.

The governors **noted** the report.

16. Constitutional and Policy Issues

16.1 Constitution Amends

The Director of Risk and Improvement presented the outlined changes to the constitution as explained in the report. The main changes were explained to reflect the Health and Social Care Act 2022.

In line with the Code of Governance, the composition of the Council of Governors has also been reviewed and no changes are proposed at this time. This would be

kept under review as the system, collaborations and partnerships continue to develop.

The Council of Governors **approved** the recommended changes to the constitution a set out in section 3 of the report.

The Council of Governors **approved** the decision to make no changes to the composition of the Council of Governors at this time.

There was a discussion from governors about the importance of acting upon any learning for governors following the conclusion of the Lucy Letby case. The Director of Risk and Improvement confirmed that this would be brought to the Council of Governors when available (KWh).

16.2 Composition of the NEDs

The Director of Risk and Improvement presented the proposal to make a number of amendments to the Trust's composition of NEDs policy. This included:

- Addition of Associate Non executive Director as part of the NeXT Director Scheme as agreed through the Nominations and Remuneration Committee (NEDs)
- Update the Chair role and competencies to reflect national guidance

The Council of Governors **approved** the proposed changes as outlined above.

17. Date and Time of Next Meeting:

Monday 25th September 2023, 4pm – Joint CoG and AMM
Tuesday 5th December 2023, 1pm - CoG

18. Meeting Effectiveness

The Chair asked governors if anything could be done to improve the effectiveness of the meeting. It was highlighted that the terminology/acronyms included within papers could be improved. This remained on the action log as a priority as discussed earlier in the meeting.

19. Resolution: To exclude the public from the meeting at this point by reason of the private nature of business to follow.