

## Item 4

minutes

### Council of Governors

**Minutes of the Meeting of the Council of Governors held on Tuesday 2nd June 2020  
(via Microsoft Teams)**

#### **Present:**

Neil Large  
Lynne Addison  
Mark Allen  
Peter Brandon  
Joan Burgen  
Dorothy Burgess  
Wendy Caulfield  
Terence Comerford  
Charlie Cowburn  
Elaine Holme  
Ian Jones  
Allan Pemberton  
Dorothy Price

Ruth Rogers  
Dusty Rhodes  
Lindsey Van Der  
Westhuizen  
Peter Wareham  
Trevor Wooding  
Rachel Glynn Williams

#### **In attendance:**

Nick Brooks  
Bob Burgoyne  
Gill Donnelly  
Julian Farmer  
Mark Jones  
Lucy Lavan  
Jane Tomkinson

#### **Apologies for absence:**

Cllr Sharon Connor  
Dr Rebecca Dobson  
Lynn Trayer Dowell  
Sharon Faulkner  
Sharon Hindley  
Hollie Swann

Chair  
Public Governor – Rest of England and Wales  
Public Governor - Cheshire  
Public Governor - Cheshire  
Public Governor – North Wales  
Public Governor - Merseyside  
Nominated Governor – Friends of Robert Owen House  
Public Governor - Merseyside  
Staff Governor – Registered and Non Registered Nurses  
Public Governor - Merseyside  
Nominated Governor - LJMU  
Public Governor – Cheshire  
Staff Governor – Allied Healthcare Professionals, Technical &  
Scientific  
Public Governor - Merseyside  
Public Governor – North Wales  
Public Governor - Cheshire  
  
Public Governor – North Wales  
Senior Governor/Public Governor - Merseyside  
Public Governor - Merseyside

Non Executive Director  
Non Executive Director  
Membership and Communications Officer (Minutes)  
Deputy Chair/Senior Independent Director  
Non Executive Director  
Director of Corporate Affairs  
Chief Executive Officer

Nominated Governor – Liverpool City Council  
Staff Governor – Registered Medical Practitioners  
Staff Governor – Registered and Non Registered Nurses  
Staff Governor – Registered and Non Registered Nurses  
Staff Governor – Non Clinical  
Nominated Governor – University of Liverpool

**1. Opening Matters**

In accordance with the Trust's response to Covid 19, the Council of Governors meeting was conducted remotely via video conferencing to maintain social distancing. In order to conduct this meeting efficiently, the papers were produced as usual and in accordance with the business cycle and distributed on 19<sup>th</sup> May 2020 by e-mail.

A template was produced for each Governor to complete individually. This required each participant to record comments and questions as they reviewed each paper, and where a decision was needed, to record whether or not they supported the recommendation. The responses were collated and summarised by the Director of Corporate Affairs in advance of the virtual meeting. This pre-work enabled the Council of Governors meeting to be conducted efficiently and facilitated the production of a minute for each agenda item, supplemented by discussion and clarification via the video conferencing call. Given the number of participants, Governors were asked to utilise the chat function during the meeting and to note that the Chair would invite each Governor in turn to speak at the end of the agenda to make any comments or seek further clarity.

Whilst it was not possible to hold the meeting in public, it was noted that all papers would be published on the Trust's website in the normal way.

**2. Apologies for absence**

Noted above.

**3. Minutes of the Council of Governors (CoG) held on: 3<sup>rd</sup> March 2020**

The Council of Governors approved the minutes of the meeting held on 3<sup>rd</sup> March 2020.

**4. Chair's Briefing**

Neil Large, Chair opened his briefing by offering his sincere thanks to all staff for their hard work, commitment and team work during the Trust's response to Covid 19 pandemic. He also paid tribute to the work of the leadership team for their exceptional work throughout the period of the crisis.

The Chair noted that Karen Edge had taken up post as Chief Finance Officer on 1<sup>st</sup> April 2020 and thanked Frankie Morris for her excellent contribution during her time as Acting Chief Finance Officer.

It was noted that a new LHCH Staff App had been launched as an additional communication channel for staff. Content for the app continues to be developed on an ongoing basis and staff governors had been engaged and involved in this work.

The Chair added that in light of the ongoing situation with Covid 19 the Employee of the Month scheme had been suspended for this current time. In addition to this the Executive Team had taken the decision to cancel this year's 'Best of the Best' LHCH Outstanding Awards evening which is usually held on an annual basis. An alternative way of recognising staff was being considered.

It was noted also in relation to Council of Governor business, that all

community events, Governor walkabouts and face to face meetings had been suspended due to the need to avoid non essential travel and maintain social distancing. This would be kept under review and in line with government guidelines. Otherwise, Council of Governor business would continue remotely, through regular fortnightly communication bulletins, and use of Microsoft Teams videoconferencing. It was noted that the planned biennial review of the Membership Strategy would be deferred until 2021.

It was highlighted that the business case for the redevelopment of the Cath Lab Suite was nearing completion and due to come to the Board of Directors for approval in July 2020. It was noted the current Cath Lab equipment was nearing the end of its useful life and must be replaced; also that the configuration was designed prior to the introduction of the Primary PCI pathway and did not offer the best patient and family experience, as there was no means of separating the elective and emergency pathways. The new design would offer greater privacy and dignity and provide 'state of the art' facilities/equipment. Clinical staff had led the design and project plans. The Chair advised that Governors would be kept informed on the Board's decision and updated as the project developed.

The Chair updated on Board business, noting that there continued to be regular and effective communication between Non Executive Directors and Executive Directors via a weekly call which enabled regular review of the Covid 19 dashboard and latest guidance. In addition to this the Board of Directors meetings had also been held virtually using Microsoft Teams.

A communications campaign had been launched to raise awareness that LHCH was now open for non-covid treatment and procedures and provide reassurance and confidence in the measures in place to make the hospital COVID secure for patients attending for outpatient or inpatient care.

It was highlighted that the current situation had impacted upon the work of LHCH Charity, in that community fundraising events had been suspended. However the Charity had benefitted from the generosity of online donations along with successful bids to NHS Charities Together. A new charity website was in the final stages of development and it was expected that this would be a great asset when 'live'. The Chair paid tribute to the generosity of local businesses and the community for the extensive gifting of meals, treats and many other items to support LHCH staff and patients during the pandemic crisis.

## **5. Covid 19 Update**

Jane Tomkinson, Chief Executive Officer provided an update on the Trust's Coronavirus/Covid 19 response. It was highlighted that the Trust was in Week 12 of the emergency response and currently the Trust was treating two patients with Covid 19 within POCCU 3. The Critical Care Unit had supported the regional Critical Care Network to treat a number of patients with Covid 19 during the height of the pandemic.

It was added that the Trust was moving forward cautiously and safely with a slow increase non- COVID work and that the suspension of elective activity in response to the pandemic had impacted adversely on waiting times for both

diagnostic tests and elective procedures. However, patients waiting had been continually monitored by their clinical teams to minimise risk to patients. Throughout the pandemic, the Trust had maintained the provision of cancer services and supported the health system by providing Upper Gastrointestinal surgery and by playing the key role as designated emergency heart centre for the North West.

The Chief Executive Officer offered her thanks to the Liverpool Clinical Laboratory for supporting the Trust's response and ensuring a quick turnaround of the Covid 19 tests. It was explained over 1,000 staff had been tested for Coronavirus/Covid 19. The Trust had taken part in a national pilot and 850 asymptomatic staff had been tested. This had identified 33 staff who had the virus without symptoms and as a result of the test they were able to self-isolate as per government guidance. Antibody testing was currently underway and at present 15% of staff had tested positive for the antibody. It was noted that less than 0.5% of staff were currently absent with Covid 19 sickness.

The Chief Executive Officer provided assurance that although there had been national pressures around Personal Protective Equipment (PPE) that the Trust had always retained stable and sufficient levels for staff. This continued to be monitored on a regular basis.

It was added that the Trust had developed a six point plan for enhanced infection prevention and control.

A communications plan was underway to reassure patients that it was safe to come into Liverpool Heart and Chest Hospital. Appropriate steps had been taken to support social distancing, staff and patient testing, enhanced cleaning and robust infection control measures.

The Chief Executive Officer highlighted that a key challenge for the treatment of Covid 19 patients had been the supply of the high volume of drugs required for critical care.

It was noted the Trust was playing a key and active role in Covid 19 research and trials within the city.

The Board of Directors was now planning for recovery following this challenging period. A virtual Board of Directors workshop had been scheduled for the end of June 2020 and the outputs of this would be discussed with Governors in the autumn at the scheduled Joint Board of Directors and Council of Governors Development Day.

The Director of Corporate Affairs highlighted the Governance and Decision making paper approved by the Board of Directors which had been circulated to Governors on 28<sup>th</sup> May 2020. This provided assurance regarding the governance and decision making process during the Covid 19 pandemic.

The Council of Governors offered their sincere thanks to the Board of Directors and the staff at the Trust for their role in the response to the Covid 19 pandemic. It was added governors had felt the Chair had communicated well and kept them updated during the course of pandemic with the fortnightly

briefing. It was noted social media communication had also been excellent and well received. There was a discussion around those staff that had concerns about safety at work during current situation in relation to the risk factors e.g. age, ethnicity and existing health conditions. The Chief Executive Officer explained all staff that had these concerns had completed a risk assessment with their manager and these had been reviewed and treated on a bespoke basis. In addition, to this engagement with BAME staff was a priority and to date there had been no concerns raised in relation to possible discrimination, via FTSU or any of the Trust's established communication channels.

Governors asked for further clarity on the follow up arrangements in place for post ventilated covid patients once they had been discharged home. It was noted that a follow up clinic had been put in place along with ongoing communications work to support and signpost patients to any help they require once they have left hospital.

Ian Jones, Nominated Governor – LJMU commended the Trust for offering index tests to those living in the same household of members of staff and added that there was currently a piece of research work underway between the Trust, LJMU and St Bartholomew's Hospital to assess whether patients should or should not attend hospital. The Chief Executive Officer added that this work would be valuable in informing the recovery phase and help in minimising the number of cancelled appointments.

There was a discussion around the use of Cherry Ward during the pandemic and it was noted that this Cystic Fibrosis Ward and had been used for a small number of Covid 19 patients and had the benefit of single use negative pressure rooms which were superior for management of infection control.

## **6. Freedom to Speak Up Annual Report 2019/20**

The Director of Corporate Affairs presented the Freedom to Speak Up Annual Report 2019/20 and noted this had been the fourth year of the FTSU role and that of the Champions Network at LHCH. The paper provided information and assurance for the Council of Governors of the progress made so far.

There was a discussion around the possibility of benchmarking the FTSU concerns per 1000 staff to aid comparison with specialist Trusts. It was noted that the numbers of concerns were small and therefore the value of this could be limited. The report included benchmarking data collated by the National Guardians Office which informed how LHCH ranked nationally.

It was noted by governors that an increase in reported bullying and harassment could suggest a greater openness within the organisation. The Director of Corporate Affairs added that any report of perceived bullying was fully investigated and resolved via FTSU process in conjunction with HR. In addition to this, it was queried if there had been any speak ups during the pandemic. The Director Corporate Affairs added there had been one in relation to concerns around social distancing which had been raised prior to the in depth risk assessment of all staff areas that had now been completed.

A further concern had been raised about the availability and use of PPE but the Trust had issued clear guidance, based on national policy and had not at any point had insufficient PPE stocks. There had been regular messaging via corporate communications to advise staff how and when to use PPE and to utilise supplies in accordance with the guidelines so as to preserve stock levels.

The Council of Governors noted the report.

## **7. Performance Updates**

### **7.1 Year End Performance Dashboard 2019/20**

The Director of Corporate Affairs highlighted the paper which presented an update on Trust performance for the period ending 31<sup>st</sup> March 2020. It was noted that the Trust had now started to increase activity in a steady, carefully planned and phased approach. Screening and enhanced infection control measures meant that the Trust had been treating a much lower volume of patients than prior to the covid crisis.

It was noted that the Trust was not suffering any financial penalty for lower activity as the interim financial regime provided for block contractual payments supplemented by top ups. All COVID related excess expenditure had been fully reimbursed.

It was noted that staff sickness remained a significant pressure for the Trust with performance still being far from plan and again influenced by the response to Covid 19. Following a discussion, it was noted that staff sickness was 4.20% for March against a target of 3.40% (4.66% YTD). Of this 0.15% related to Covid 19. Covid 19 related absence was higher in April at 1.74%.

There was a discussion around the status of mandatory performance targets in light of the operating environment imposed by the Covid 19 pandemic. The Director of Corporate Affairs explained targets had been relaxed however NHS England/Improvement continued to monitor these and oversight was ongoing as part of the system wide recovery phase. It was noted that the interim financial regime would be extended until at least October 2020. Governors would be kept up to date and informed on any insight relating to future targets.

The Council of Governors received the report.

### **7.2 Year End Finance Report 2019/20**

The Director of Corporate Affairs highlighted the Year End Finance Report. It was noted that the original financial plan for 2020/21 was to deliver a surplus of £1.0m, efficiencies of £3.8m and a capital programme of £10.6m. However, these plans were currently under review as a result of the current national emergency response to Covid 19. Interim financial arrangements were in place to support hospitals to balance their financial positions up to the end of Month 4. As a result the Trust had reported a break even position at Month 1. The Chief Finance Officer would produce a revised financial plan.

Notwithstanding the revised plan, Governors had asked why the original plan to achieve £1m surplus for 2020/2021 was so much less than the £3m surplus achieved in 2019/20. The Director of Corporate Affairs advised that this was due to the planned significant investment in the refurbishment of Cath Lab facility which would need to be funded from internally generated resources. It was therefore important that the revised financial plan supported continued momentum on CIP delivery.

Governors had asked what additional costs had been incurred by the Trust as a result of Covid 19. The Director of Corporate Affairs highlighted that the COVID costs for Month 1 amounted to £381k (£108k pay and £273k non pay) and related to enhanced infection prevention and control measures including cleaning. There was also £44k in capital costs which related to additional IT/ Digital equipment.

### **7.3 Patient & Family Support Team Annual Report**

The Director of Corporate Affairs presented the Patient and Family Support Team Annual Report 2019/20 which outlined the complaints, informal concerns and compliments received in Quarter 4 and for the year.

It was suggested it may be useful to benchmark the Trust's complaints with comparable Trusts for the annual report. The Director of Corporate Affairs noted that this had been looked into previously however, it had been difficult to get comparable data in a timely way and previous work had provided very limited added value.

Lynne Addison, Public Governor Rest of England and Wales requested more information around the statistics relating to the conversion of complaints to litigation and volume of litigation without any complaints made. It was agreed that a copy of the Integrated Claims, complaints and Incidents report that goes to the Board of Directors would be provided and if further information was needed, then a conversation could be facilitated outside of the meeting with Marga Perez Casal, Director of Research & Innovation / Chief Risk Officer.

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The Council of Governors noted the report.

## **8. Governance and Assurance**

### **8.1 Governor Elections**

Gill Donnelly, Membership and Communications Officer discussed the forthcoming Governor Elections. It was explained these had been rescheduled and that Notice of Election would be given on 2<sup>nd</sup> July 2020. The nomination process would be entirely online this time to negate the need to use the postal service for this stage. Governors who were eligible to re-stand would be contacted with details of this process and were welcomed to contact Gill Donnelly if they had any queries or concerns. There would also be a communication plan to support the elections in terms of attracting nominations and also in reminding members to vote in contested elections. It was noted

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that telephone voting would be provided as an additional option for voting to complement online and postal voting.

The Chair added that it was necessary to run the forthcoming Governor Elections despite the ongoing challenges of the Covid 19 pandemic. This was due to the high number of seats due for election this time - 13 Seats/ 9 Public Constituency and 4 Staff Constituency.

The Council of Governors received the report.

The Chair invited each Governor in turn to speak in order to seek clarity on any of the issues presented, to raise any further questions and to provide any feedback on the meeting. Further comments and discussion points were noted under each agenda item above. Governors generally felt that the meeting had gone well, with the exception of some minor technical issues. Governors were invited to send in further thoughts and suggestions for future meetings.

The Chair closed the first part of the meeting, noting that the remainder of the session would deal with private business.

**9. Date and time of the next meeting**

Tuesday 22<sup>nd</sup> September 2020 at 1pm in the LHCH Conference Room followed by the Annual Members' Meeting