

## Item 3 Council of Governors (in Public)

**Minutes of the Meeting of the Council of Governors held on Tuesday 5<sup>th</sup> December 2023 at 1pm (in the Conference Room and via Microsoft Teams)**

Val Davies	Chair
Michelle Beaver	Staff Governor – Registered and Non Registered Nurses
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
Ian Ferguson	Public Governor - Merseyside
Dr Neil French	Nominated Governor – University of Liverpool
Lynsey Jackson	Staff Governor – Non Clinical
Dr Jonathan Kendall	Staff Governor – Registered Medical Practitioners
Elaine Holme	Public Governor - Merseyside
Denis McAllister	Public Governor – Cheshire
Allan Pemberton	Public Governor – Cheshire
Stephen Storey	Public Governor - Cheshire
Dusty Rhodes	Public Governor – North Wales
Peter Wareham	Public Governor – North Wales
Karen Higginbotham	Nominated Governor – LJMU
<b>In attendance:</b>	
Nick Brooks	Non Executive Director
Bob Burgoyne	Non Executive Director
Margaret Carney	Non Executive Director
Jenny Crooks	Deputy Director of Research and Innovation
Ann Marie Davies	Associate Non Executive Director
Ian Gilbertson	Deputy Chief Digital Officer
Jonathan Mathews	Chief Operating Officer
Katie Neely	Graduate Management Trainee
Jane Royds	Interim 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)
<b>Apologies for absence:</b>	
Ian Balmer	Public Governor - Merseyside
David Bromilow	Public Governor - Merseyside
Wendy Caulfield	Nominated Governor – Friends of Robert Owen House
Peter Humphrey	Public Governor - Merseyside
Dorothy Price	Staff Governor – AHP, Technical & Scientific

## **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 24<sup>th</sup> November 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 19<sup>th</sup> September 2023**

The Council of Governors agreed the minutes were an accurate reflection of the meeting and **approved** these for the meeting held on 19<sup>th</sup> September 2023.

### **4. Action Log**

Action 1 – In progress and open. Item to be closed once jargon buster completed.

Action 2 – Completed and closed.

Action 3 – In progress and open. Bank staff had been contacted. Further update to follow.

Action 4 – Completed and closed. Presentation provided at the last meeting on national inpatient survey results.

Action 5 – In progress and open. Membership not covered by Equality, Diversity, Inclusion and Belonging strategy and to be discussed by the EDIB Steering Group and Membership and Communications Sub Committee.

Action 6 – Completed and closed.

Action 7 – Completed and closed. Session scheduled for Chair's Lunch on 16/1/24

Action 8 – Completed and closed. Session provided at joint CoG and BoD

Development Day on 8/11/23.

### **5. Patient Story**

The Director of Nursing, Quality & Safety shared a video of a patient who had been admitted to Liverpool Heart and Chest Hospital for treatment and had received care from the staff in Birch Ward. A surgical valve replacement had been the treatment received. The patient and her husband praised the amazing staff at the hospital for the care and compassion that they had received. It was added that the hospital was a nice place to be which in the difficult and emotional circumstances was fantastic.

The Director of Nursing added that the story exemplified what the staff at the Trust were all about and that the value of follow up to patients following discharge was significant.

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

## **6. Research Update**

Jenny Crooks, Deputy Director of Research and Innovation provided an update on research and outlined the elements of the process, people and money required in order to deliver the Trust's research strategy.

The Deputy Director of Research and Innovation also shared a number of achievements from over the last year which included:

- 1042 patients recruited in total
- 500<sup>th</sup> participant in Target Lung study had been reached
- Top recruiter for Octo-Scoot study
- 4 emails had been received praising research nursing care
- First recruit achieved in TargetVaccination
- Exceeded recruitment for Tight K
- 3<sup>rd</sup> nationally for BRITISH study
- Leading recruiter for ARTESIA
- First UK recruit for ASPIRE
- First in man for Modular ATP.

The National Institute Health Research (NIHR) Liverpool Clinical Research Facility (CRF) collaboration between Liverpool Heart and Chest Hospital, Liverpool University Hospitals and Clatterbridge Cancer Centre was outlined. It was confirmed that the CRF collaboration leverages the strengths of LHCH and partner organisations to increase early phase research opportunities for patients in the Northwest.

It was explained that the Trust had a number of ambitions for the future including increasing NIHR grants, more phase one trials and more AI (Artificial Intelligence) studies.

Bob Burgoyne, Non Executive Director added that he chaired the Research & Innovation Committee which ensured delivery of the Trust's research and innovation strategies.

Jane Tomkinson, CEO noted that the Trust sits within NIHR Applied Research Collaboration North West Coast and this performs well positioned at 4<sup>th</sup> in comparison to the rest of the country.

There was a question from governors around how the Trust performed in terms of research publications and citations of papers. Bob Burgoyne, Non Executive Director confirmed this had been reviewed recently and that the Trust was at the top level of this. In addition to this, governors asked how much AI would feature going forward. The Deputy Director of Research confirmed that this would feature very strongly in future studies.

There was a further discussion from governors as to whether research and innovation formed part of the selection and interview process for new staff. The CEO confirmed that this was very much part of this for the recruitment of medical staff.

The Chair thanked Jenny Crooks, Deputy Director of Research & Innovation for her presentation and the Council of Governors **received** the update.

## 7. Chair's Briefing

Val Davies, Chair offered her congratulations to Jane Tomkinson, CEO who would be leaving the Trust to take on the role of CEO at the Countess of Chester Hospital NHS Foundation Trust. It was added that it would be a sad time for the Trust and Jane would be missed by all.

It was explained that the recruitment process was underway to replace Dr Raphael Perry as Medical Director due to his retirement from the role in 2024. It was added that the interviews would take place on the 13<sup>th</sup> December and that recruitment would be undertaken internally. Further updates regarding this appointment would follow.

Lastly, the Chair noted that Louise Robson, Non Executive Director had been officially appointed as Chair of the North West Coast Innovation Agency and this would be her last Council of Governors meeting. In addition to this, Julian Farmer, Non Executive Director was due to conclude his third and final term (nine years) in May 2024. The recruitment process to replace both would be discussed in the meeting held in private.

The Chair thanked Jane, Raphael, Louise and Julian for their support and contributions to the Council of Governors.

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

## 8. CEO Report

Jane Tomkinson, CEO took the CEO report as read and noted that further industrial action was planned over the festive and new year period by the junior doctors. It was added that this would be particularly challenging and pressure would increase on other colleagues during this period.

It was added that winter pressures had very much been seen within the Cheshire and Merseyside ICS. Accident and Emergency Departments were feeling the highest level of pressure and the Trust had stepped up to support with an enhanced Acute Coronary Syndrome (ACS) pathway.

It was highlighted that there was a real focus on collaborative working throughout the system. It was noted that a recent inquiry presented findings from Maidstone and Tunbridge Wells NHS Trust relating to mortuaries, with learning from this to be considered by the Trust alongside Liverpool University Hospital Foundation Trust who manage the mortuary service on the Broadgreen site.

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

## 9. Lead Governor Update

Elaine Holme, Lead Governor provided an update. Elaine had attended a recent informal Lead Governors meeting with two other Trusts in attendance. It was noted that Trust Governors were well briefed and communicated with here at Liverpool Heart and Chest Hospital NHS Foundation Trust.

Governors were invited to contact Elaine to meet with them on a one to one basis as an introduction to her new role of Lead Governor. It was highlighted that candidates for the Medical Director had been in touch to seek information with regards to a governor perspective to the role. Regular updates between Elaine, Val Davies, Chair and Karan Wheatcroft, Director of Risk and Improvements were planned. Finally, it was confirmed that Elaine had stepped down as Chair of the Membership and Communications Sub Committee to enable focus on the Lead Governor role.

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

## **10. Performance & Operations**

### **10.1 SOF Performance Dashboard**

Jonathan Mathews, Chief Operating Officer (COO) presented the Standard Operating Framework (SOF) Performance Dashboard. It was highlighted the biggest area of challenge for the Trust in delivering activity had been workforce pressures due to the impact of industrial action and reduced scrub nurse cover availability.

Although improvements had been seen within the Cancer Standards, capacity constraints and workforce challenges (including industrial action) continued to impact compliance. Underperformance against the Faster Diagnosis Standard (FDS) was expected to continue in Quarter 3, with recovery interdependent on supporting the Cheshire & Merseyside position equalising wait times with Liverpool University Hospitals NHS Foundation Trust. The 31 day cancer standard was expected to recover but would be dependant on industrial action impact.

There was a question from governors as to why overnight call outs impacted activity. The COO explained that this overnight emergency activity meant a cancellation the next day due to staff being called out to work out of hours, and therefore needed a rest period. Clarification was also sought on ACHD surgery which was noted as an area of concern. The COO explained that there were limited consultants to carry out these specialised procedures and this waiting list had to be managed carefully.

Sue Pemberton, Director of Nursing & Quality highlighted there had been positive progress in most areas of the quality report and noted there had been good progress around sepsis compliance. It was noted that areas of concern included radiological alerts where a response document continued to perform below the target, and there remained a challenge with the data accuracy. There was a question from governors to clarify what the obstacles were in achieving this and what actions would be undertaken to achieve this. The Director of Nursing explained this was a documentation issue to ensure the action taken was recorded and work would be undertaken to improve awareness of this. This would continue to be monitored through the Quality and Safety Committee.

The Director of Nursing added that call to balloon time continued to consistently fail its target due to national and regional issues with ambulance arrival and transfer times. The Trust drive metric was door to balloon times and the Trust continued to perform well against this target.

Karen Edge, Chief Finance Officer shared that the Trust position year to date was £5945k surplus. The single largest adverse variance year to date was undelivered CIP. The run rate for income improved in month but was still adversely affected by industrial action and continuation of staffing pressures in theatres. Whilst the Trust had seen activity impacted by industrial action, the biggest factor was loss of elective

lists as a result of staffing and operational impacts. However, private patient income continued to track positively against plan and target lung scan income was over plan in month.

Jane Royds, Interim Chief People Officer presented the workforce performance. It was noted that staff turnover and mandatory training levels remained on track to achieve target. It was highlighted that a number of equality, diversity, inclusion and belonging awareness events had taken place. It was added that sickness absence had increased to over 5% with stress/anxiety and respiratory illnesses being the primary causes of absence. It was added that the Trust was currently reviewing its managing attendance policy. It was noted that appraisal completion was compliant with the target.

Governors asked how the quality and effectiveness of the appraisal system was measured. Margaret Carney, Chair of the People Committee confirmed this was monitored in a number of ways including staff survey, divisional feedback and focus groups to look at this area. There was a question from governors around which staff groups and levels of staff had attended the focus groups on appraisals. The Interim Chief People Officer would check this detail and provide a further update. (JR)

The Chair explained that a development session on the SOF would be provided at the Chair's Lunch meeting in January 2024. It was hoped that this would support Governors in further understanding the new report format.

## **10.2 Finance Report**

Karen Edge, Chief Finance Officer presented the finance report for the period ending 31<sup>st</sup> October 2023. It was noted that in terms of income there had been lower levels received from the Isle of Man and North Wales. The Trust had done well in terms of re-establishing income levels from private patients.

It was added that the Trust had been given the opportunity to complete the build and development of Catheter Lab 7 before the end of the financial year.

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

## **10.3 Patient & Family Support Team – Q2**

Sue Pemberton, Director of Nursing & Quality presented the quarter two complaints report noting that 11 formal complaints, 116 contacts comprising 73 informal concerns and 43 requests for information or advice had been received. In addition to this, 29 compliments were received by letter or email.

The 11 formal complaints that had been received in this quarter were all closed with the exception of 1. It was added that all complaints were dealt with as per the Trust policy.

There was a request from Governors to provide a case study/patient story which may be a negative experience possibly following a complaint from start to resolution. The Director of Nursing confirmed she would be happy to support this although it was often more difficult to find a patient that had a negative experience and was willing to share this. (SP/JM)

Louise Robson, Chair of the Integrated Performance Committee added that the Non Executive Directors attend complaint meetings, which deep dive into the detail and verify the Trust position on resolving complaints.

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

#### **10.4 Winter Preparedness**

Jonathan Mathews, Chief Operating Officer (COO) presented the Trust's Winter Preparedness Plan which had been based on experiences from previous years and up to date knowledge of the regional pressures. It was added that the Trust was currently in the midst of a challenging winter period. The Trust had undertaken a thorough review of its own processes and looked at how it can support other providers in the region.

There was a question from Governors regarding the role of the Swiss nurse. The COO explained that the Swiss Nurse model sees respiratory nurses go into accident and emergency departments to reduce hospital admissions through providing the care needed in the community setting.

The COO added that the Trust would like to encourage flu and covid vaccination take up to help protect patients, staff and the wider community.

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

### **11. Non Executive Directors**

#### **Committee Updates:**

- **Audit Committee**

Julian Farmer, Non Executive Director presented an update from the Audit Committee on 10<sup>th</sup> October 2023. It was noted that the mid year assurance committee reports had been considered and all committees were delivering against their terms of reference and had clear sight of the key issues falling within their remit. In addition to this the committee had been assured that all the Trust's third party outsourced services had sound operating controls within the services they provide to the Trust. There was a query from Governors around this and it was confirmed this had been audited independently and this was where the assurance had been received.

It was added that the Non Executive Directors met with the internal and external auditors in private where the auditors confirmed there were no issues they wished to raise.

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

- **People Committee**

Margaret Carney, Non Executive Director provided an update from the People Committee held on 4<sup>th</sup> December 2023. It was explained that the slides would be circulated after the meeting (GD).

It was noted that the Committee had received good assurance around key performance metrics. Excellent improvement had been made in staff voluntary turnover but there had been a concerning increase in long term staff sickness, with the main cause being stress and anxiety. The Committee received a report regarding the performance impact of a shortage of scrub nurses. The People Committee considered the lessons learnt from a recruitment, retention and workforce planning perspective. The Committee

had been assured that appropriate process were now in place to minimise the future risk.

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

- **Integrated Performance Committee**

Louise Robson, Integrated Performance Committee Chair & Non Executive Director presented the update from the last meeting. The committee had looked at the Board Assurance Framework and also the risk on the risk register that had been raised to a 16 for delivery of elective activity due to workforce pressure, which included scrub staffing and industrial action.

Areas of concern identified were theatre scrub staffing, surgery activity, diagnostics activity (impacting cancer performance) and long waiters. A deep dive was conducted on each of these and mitigating actions discussed. These risks would be monitored through the Operational Board and newly formed staffing group chaired by the Chief Operating Officer.

Louise Robson offered her thanks to colleagues and Governors for their support in her role as Chair of the Integrated Performance Committee.

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

## **12. Strategy & Service Improvement**

### **12.1 Operational & Financial Planning Update**

Jonathan Mathews, Chief Operating Officer and Karen Edge, Chief Finance Officer provided an overview on 2024-25 Annual Planning approach. It was highlighted that the planning for 2024/25 had commenced and whilst the national planning guidance was still pending it was imperative that the Trust started early to ensure it was well positioned for the future. It was added that priorities and key objectives remained similar to last year. There were three interlocking workstreams which were aligned to the national planning workstreams including activity and performance finance and workforce. All workstreams continued focus on quality of service provision, recovery and the underlying recurrent sustainability of the Trust.

The Chief Finance Officer explained that the Cheshire and Merseyside Integrated Care Board (ICB) would continue to be the key unit for planning purposes. The core priority was that the ICB and providers work together to ensure that both revenue and capital spend be kept within the financial allocations. Key activities within the finance workstream incorporated budget setting, cost pressures, inflation, investments and cost improvement programme. In addition to this the Trust would also develop an evidence-based workforce plan integrated with finance, activity and performance plans. A number of risks were noted as areas that would need to be managed when developing the plans for next year, including workforce risks, system pressures, elective recovery fund and cost improvement plans.

There was a question from Governors around what proportion the Trust would be required to make in terms of the cost improvement programme for the wider healthcare system. The Chief Finance Officer noted that this was currently unknown but it would be a challenging planning process as the Trust was required to contribute to support the deficit in the Cheshire and Merseyside Integrated Care System.



There was a discussion from Governors around the options available to the Trust in terms of recruitment for skilled staff groups that there was currently a shortage in. The Interim Chief People Officer added that the Human Resources team would support in considering all options for this including local and international recruitment.

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

### **12.2 CoG Objectives**

The Director of Risk and Improvement presented the proposed Council of Governor objectives for 2024. These had been discussed at the joint Board of Directors and Council of Governors development day.

There was a request from Governors to incorporate a direct reference to ICB in addition to ICS. The Council of Governors agreed to delete the reference to the showcase application for the NHS Providers Governor Focus Conference, as whilst the Trust has been successful at showcasing in 2023, it was unlikely that it would be selected for a consecutive year. (GD)

The Council of Governors **approved** the proposed objectives.

## **13. Governor Issues**

### **13.1 Feedback from Network/Engagement Events/Development Groups**

Ray Davies, Public Governor – Merseyside shared details of Menshed which is a male mental health charity to build networks and prevent isolation. In addition to this, it was noted that Lunts Heath Primary School had recently raised £2,000 for LHCH Charity with their skipathon.

Sharon Faulkner, Staff Governor – Registered and Non Registered Nurses highlighted the Trust had been supporting Liverpool FC with basic lifesaving sessions and CVD prevention events in the wider community. Sovini had also approached the Trust keen for support in delivering these key health messages. Dates of any future events that governors can attend would be shared with governors as soon as possible. (SF/GD)

### **13.2 Governor Induction Day Feedback**

The Chair invited feedback from the Governor Induction Day which had been facilitated by Ann Utley, Luscent, organised by the Trust and attended by Governors from a number of Trusts within the region. Governors that had attended felt the day had been helpful.

Feedback received from Governors included sharing information prior to the session to enable the opportunity for Governors to ask questions on the day. It was also suggested that some of this content be utilised within governor election communication moving forward. The Chair noted that this feedback, along with other feedback received from the training day, would be considered in planning for future elections and induction day.

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

### **13.3 Governor Elections**

Karan Wheatcroft, Director of Risk and Improvement presented the Governor Elections Update outlined in the report.

The Council of Governors **supported** the outlined election timetable to fill the Staff Governor - Non Clinical vacancy.

The Council of Governors **supported** the proposal to leave the Public Governor – Rest of England & Wales seat vacant until the next round of elections commencing in May 2024 with the commencement of the term of office following the AMM 2024.

The Council of Governors **noted** the current vacancy for Nominated Governor – Liverpool City Council and that further updates would follow.

### **13.4 Joint Board/CoG Development Day**

Karan Wheatcroft, Director of Risk & Improvement presented the report which was a record of the discussions and actions at the joint Board of Directors and Council of Governors Development Day held on 8<sup>th</sup> November 2023.

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

## **14. Working Groups**

### **14.1 Membership and Communications Sub Committee**

Ray Davis, Public Governor – Merseyside provided an update from the Membership & Communications Sub Committee which met on 30<sup>th</sup> November via Microsoft Teams. It was noted that at the meeting:

- Mary Liley, Head of Fundraising shared some of the work of LHCH Charity which included a successful patient mailout, Charity Christmas campaign and big capital campaigns.
- Successful events held recently included a CVD prevention talk to Womens Institute (WI) Group in Formby, Liverpool Soroptomists and a recruitment event at Liverpool John Moores University.
- LHCH Matters would be published in December and members would receive a feedback form to provide their views on the newsletter, what they would like to see in the events calendar and opportunity to share patient stories.
- The group talked about plans for events in 2024 and ideas were welcomed. World Sleep Day would be marked on 15<sup>th</sup> March. Denis McAllister and Ray Davis had been sharing news of the work of the Trust within their own networks and community groups.
- The draft Membership & Community strategy publication would be shared at the next sub committee meeting and for approval at the next Council of Governors meeting in March 2024.
- The revised Terms of Reference for the Sub Committee had been circulated for the approval of the Council of Governors. Subject to the approval of these, it was agreed at the meeting that the Chair for Sub Committee moving forward will be Dot Price, Staff Governor – AHP, Technical and Scientific and Ray Davies/Denis McAllister both Public Governors-Cheshire would support in the Deputy role.

The governors **noted** the committee update and **approved** the revised terms of reference for the Membership and Communications Sub Committee.

There was a suggestion from governors that LHCH Charity could support the promotion of membership. This was confirmed and this work would be discussed further at the next Membership and Communications Sub Committee. (GD)

**15. Date and Time of Next Meeting:**

Tuesday 5<sup>th</sup> March 2024

**16. Meeting Effectiveness**

The Council of Governors were happy with the effectiveness of the meeting.

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