

**Minutes of the Membership Council Meeting
Held on Wednesday 5th May 2010**

Present

John Savage

Chair

Public Governors

Heather England
Elizabeth Obileye
Jason Edgar
Mo Schiller
Elizabeth Corrigan
David Clark
George Wynne Willson

Constituency

Bristol
Bristol
Bristol
Bristol
North Somerset
South Gloucestershire
Bristol

Patient and Carer Governors

Phil Mackie
Lorna Watson
Wendy Gregory
Clive Hamilton
Pam Yabsley
Karen Smith
Allan Attwood
Anne Skinner
David Aldington

Constituency

Carers of patients under 16 yrs
Carers of patients under 16 yrs
Carers of patients 16 yrs and over
Local Patients (Vice Chair/Gov Rep)
Local Patients
Local Patients
Local Patients
Local Patients
Local Patients

Staff Governors

Belinda Cox
Jan Dykes
Chris Swonnell
Jim Catterall

Constituency

Nursing and Midwifery
Non-clinical healthcare professionals
Non-clinical healthcare professionals
Staff-Medical and Dental

Partnership Governors

Jeanette Jones

Joint Union Committee

In attendance

Robert Woolley
Alison Moon
Steve Aumayer
Jonathan Sheffield
Emma Woollett
Paul May
Selby Knox
Paul Tanner
David Seabrooke
Ben Hume
Sarah Pinch
Xanthe Whittaker
Anne Reader
Maria Fox
Vicki Goodwin

Acting Chief Executive
Chief Nurse and Director of Governance
Director of Workforce and Organisational Development
Medical Director (Part)
Non Executive Director
Non Executive Director
Non Executive Director
Head of Finance
Company Secretary
Head of Business Planning
Head of Communications
Head of Performance Improvement
Assistant Director of Governance & Risk Management
Membership Manager
Membership PA/Minute Taker

58/10 **Welcome and Apologies**

John Savage welcomed everyone to the meeting. Apologies were received from:

Anne Ford	North Somerset
Pat Robinson	South Gloucestershire
Sylvia Smith	Carers of patients 16 yrs and over
Roger Loodmer	Tertiary Patients
Des Osborne	Tertiary Patients
Phil Quirk	Clinical healthcare professionals
Wendy Hurn	Nursing and Midwifery
James White	NHS North Somerset
Jane Britton	Avon & Wiltshire Mental Health Partnership NHS Trust
John Duffield	University of the West of England
John Newman	Great Western Ambulance Service
Sylvia Townsend	Bristol City Council
Chris Payne	NHS South Gloucestershire
Massimo Pignatelli	University of Bristol
Frank Palma	Voluntary Groups

It was confirmed that the meeting was quorate.

59/10 **Declaration of Interests**

There were no new declarations of interests.

60/10 **Minutes of the Membership Council Meeting held on 3rd February 2010**

The minutes of the last meeting were agreed.

61/10 **Chairman's Report**

John Savage delivered a verbal report to the Membership Council. He highlighted:

61.1 Sarah Blackburn's Resignation as Non Executive Director

The Chair informed the Membership Council that Sarah Blackburn had resigned as Non Executive Director. He considered this to be in relation to the Board's decision on a minor matter, but one on which she had felt compromised. He expressed his gratitude for Sarah's contribution as Non Executive Director and best wishes for the future. He confirmed that Emma Woollett would take on the role of interim Chair of the Audit and Assurance Committee, and that the Nominations and Appointments Committee would progress an appointment.

61.2 Update on the Appointment of the Chief Executive

The Trust is currently short listing three recruitment agencies to use for the appointment process.

61.3 Governor Elections

The governor election process is underway. Ballot papers have been sent to eligible members and the results will be announced in early June.

62/10 **Governors' Report**

Clive Hamilton presented the Governors' Report and highlighted the following:

1. **Banners** - The banners are in use during governor constituency meetings and other events.
2. **Meet your Governor/Constituency Meetings** - The governors have found these sessions valuable, but have found that they need to approach members to engage in conversation. Four further sessions have been arranged in the Bristol Heart Institute and BRI outpatients departments in May.
Action: The Governors are requested to put themselves forward to attend these sessions. Please contact the Membership Office for further details.
3. **Complaints and Claims** – separate agenda item.
4. **2010 Patient Environment Action Team (PEAT) visits to the eight hospitals** – These were attended by governors and members. Governors have found them a rewarding experience, and have been impressed by the improvements made. Outcomes from the recent visits were provided in hard copy to Governors.
5. **Hospital Access and Parking Group** - Two questionnaires have been developed, one for staff, one for patients/visitors. These will be approved at the next group meeting. The feedback from these will be used to help decide the way forward. There was a discussion about the possibility of building a new multi-storey car park. George Wynne-Willson expressed his concern that extra car parking may not be the right solution. John Savage stated that the key focus of the Access and Parking Group is to look at all aspects of access and transport and, although a new car park is one option, it is a complex situation.
6. **Histopathology** – The independent inquiry is in progress. Governors have agreed that the best course of action is to wait for the outcome of the inquiry.
7. **Foundation Trust Governors Association (FTGA)** - Clive thanked Liz Corrigan for a comprehensive and interesting report on the FTGA event in London, and noted that she had found that our governors' setup to be advanced compared to some other Trusts.
8. **Governors Standard Reply Letters** - These are now available from the Membership Office for queries from members.
9. **Patient Safety Executive Walk Rounds** - Clive stated that all governors are invited to participate in executive walk rounds. A schedule of dates, time and venues was provided at Appendix B of the paper.
Action: Interested governors to contact Claudette Young 0117 3423640 to agree specific dates they would like to attend..
10. **Review of Effectiveness of Membership Council** - separate agenda item.
11. **Quality Account** - To be discussed at the next Membership Council meeting on 27th May 2010.

- 12. U. H. Bristol Website redesign** - A working group has been established including two governors, and has had an initial meeting. It was agreed that the Trust's web site was not user friendly and will need further work.
- 13. Staff Recruitment, Retention and Morale** – Meetings with Steve Aumayer and Alison Moon have proved valuable to governors to keep abreast of staff issues. The next meeting will be on 17th May 2010 in the Governor's Room, Trust Headquarters.
Action: Governors are asked to attend if possible and contribute to the exchange of views.
- 14. Members Educational Events** – Clive expressed the governors' views that the public should be more actively involved and engaged with the Trust and have asked for a programme of member events to be developed. Sarah Pinch explained that her team are in the process of producing a calendar of events that members will be invited to. She apologised for the delay in producing this, but this was due to staff changes in her team.
Action: Mo Schiller to meet with Hayley Porter from the Communication Team to discuss the events calendar.
- 15. Non Executive Director Sessions** - The governors have had opportunities to meet all the Non Executive Director's individually; and would like to have further meetings with them as a group. A group meeting has been arranged after the next Trust Board meeting on Wednesday 26th May at 2pm.
- 16. Red risk for Governance** - Governors expressed their concern that performance against some of the targets was not being consistently achieved. There is a concern that although the Trust has achieved the 18 week target for the last quarter, there is still a backlog that may impact on the next quarter.
Robert Woolley reported that the Trust is making great progress on this backlog, and it has reduced by 40% since the start of the year. Xanthe Whittaker confirmed that the backlog has gone from 980 to 595, which is the lowest in 18 months, and that the average wait for patients not seen within the 18 week target is currently 26 weeks, but that this waiting time is reducing progressively. Robert stated that the majority of patients will be seen within the 18 weeks target by June and that he expects non-clinical delays to be eliminated by July.
- 17. Election of a Lead Governor** – separate agenda item.
- 18. Non-Executive Director Resignation** – Discussed in the Chairman's report. Governors would like to send a card to Sarah Blackburn expressing their gratitude.
- 19. Any Other Business.**

 - a) **Homeopathic Services** - George Wynne-Willson raised the question of the future of the Homeopathic Hospital in light of the research into the effectiveness of homeopathic treatment. Robert Woolley explained that Trust is required to provide certain mandatory services according to our contract schedule, this includes homeopathic services. It would be for the commissioners to choose to decommission the service, not the Trust. *Action: Chris Swonnell agreed to contact Dr Liz Thompson, Lead Consultant in Homeopathic Medicine and liaise with Sarah Pinch, Head of Communications.*

- b) **Membership Newsletter** – It was suggested that membership newsletters needed development. An editorial board, including governors, will be set up to look at articles and content. *Action: Sarah Pinch to ensure this is progressed.*

20. Date/Time of Next Informal Governors Meeting - The next informal governors meeting will be on Monday 28th June 2010 at 1pm in the Governor's Room.

63/10 **Acting Chief Executive's Report**

Robert Woolley gave a verbal report and highlighted the following:

- **4 hr Emergency Access Target** – Overall the Trust has achieved the 98% target for 2009/10 which was the first time this target had been achieved for a full year and was due to significant effort of staff with in the Trust. However there had already been challenges to reach the 4 hr target in 2010/11. This was due to increase of demand over the Easter Bank Holiday weekend, an increase of 14% on the same period last year. There are several factors that lead to the increase including an increase in admissions from the North Somerset area, community support not being available to discharge patients over the Bank Holiday period, and less capacity due to the move to single sex accommodation. It has taken two weeks to recover from this demand, but the Trust aims to be back on schedule to achieve 98% for the last two weeks of April.
- **Emergency Care Intensive Support Team** - The Trust had a visit from the Intensive Support Team. They felt the Trust had a reasonable system in place and have made recommendations accordingly. The team also spent time with the Trust's health and social care partners, and will recommend changes for the whole local healthcare system.
- **Commissioning Contracts** - The Trust aims to sign 2010/11 contracts with commissioners this week.
- **Strategic Review** – The Trust launched a strategic review in March, in which some governors had participated. This looked at individual service strategies and reviewed schemes already in place such as the BRI re-development and provision to accommodate specialist paediatrics transfer.
- **Paediatric Congenital Heart Services** – The Trust is in the process of submitting a self assessment to retain designation as a provider of paediatric cardiac surgery as part of the Department of Health strategy to rationalise specialist centres. The external assessment process will include a site visit.
- **Targets** – Xanthe Whittaker updated the Membership Council on the current performance of the Trust against targets. The Trust is expecting that the final reports will show that for the last quarter of 2009/10 they achieved all of the cancer waiting times standards, with the exception of the cancer 62 day referral to treatment target for patients referred from a screening programme, and the target for 2-week wait for symptomatic breast patients where cancer was not initially suspected. This represents a big improvement on the previous quarter.

64/10 **Annual Report 2009/2010**

David Seabrooke gave a progress update on the preparation of the Annual Report 2009/2010 and distributed the proposed content.

The Governors received the report, and noted:

- the timescale of the process
- the requirement to include statements of compliance with the Foundation Trust Code of Governance in the Annual Report for 2009/10
- the narrative on Membership and the Membership Council in the annual report.

65/10 **Protocol for additional work to be undertaken by External Auditors**

David Seabrooke presented the draft policy on the protocol for additional work to be undertaken by External Auditors, and a supporting document explaining the policy content and a proposed amendment.

The Membership Council approved the policy with the proposed amendment.

66/10 **Quarterly Review of progress against the 2009/10 Annual Plan**

Robert Woolley presented the quarterly review of performance against the 2009/10 Annual Plan. There are ninety-six individual performance measures within the plan. Six of these are currently showing as Red issues. One within Operational Efficiencies and Effectiveness, two within Finance and Information, one within Workforce and two within Organisational Development.

Questions from the Governors included:

- a) David Clark queried the cash slippage of £3.5 million last year leading to this red risk rating. He asked if anything that is not achieved in the current year, will fall into the next year's budgets.
Paul Tanner reported the slippage will be carried forward to 2010/2011 and will be factored into the operating budgets in order to work towards financial balance.
- b) Karen Smith asked if finance propose to do anything differently this year in light of the savings slippage of the last year. Robert Woolley stated that he believed the internal processes that are in place are more robust this year. The savings programme for the coming year had been set up differently and there will be more support for divisions if they are adrift from targets.
- c) Lorna Watson asked for further details of the workforce objective, referring to "the development of transparent succession planning mechanisms to identify future talent within the trust". Steve Aumayer explained that the plans are more robust this year, and will be developed as part of the overall leadership programme. Lorna asked if this was for all staff, Steve replied it was for senior managers at present but would like to expand the scheme for other staff in the future.

The Governors noted the year end position against the 2009/10 Annual Plan.

67/10 **Annual Plan 2010/2011**

Robert Woolley gave an update on the progress of the Annual Plan for 2010/2011. The plan had been put together with input from the Governor's Strategy Group, Clinical Divisions and Executive Team.

It is a three year plan containing corporate objectives that have already gone to the Trust Board, and is based on the existing 10 year Integrated Business Plan. The governors would receive the draft plan by 13th May to give them time to read and their comment before the final plan is presented to the Board and Membership Council for approval at the end of May.

There were no questions from the governors.

The Governors noted the current status of the Annual Plan and the timetable for completion.

68/10 **Vice Chair/Governor Representative**

Due to Clive Hamilton, the current Vice Chair/Governor Representative not seeking re-election as governor, the governors have been asked to elect a new Vice Chair/Governor Representative.

Anne Reader announced the results of the agreed selection process asked the Membership Council to approve the appointment of Liz Corrigan, the only nominee, as Vice Chair/Governor representative for a term of 12 months from 1 June 2010 to 31 May 2011.

John Savage thanked Clive for his hard work and dedication to the role of Vice Chair/Governor representative. Clive replied that he had enjoyed the role and thanked the governors for their support. He also wished Liz good luck as she took on the role.

There was a discussion about the need to have a deputy "Lead Governor". It was felt that it was important to share the workload and to have a deputy to place to cover periods of leave or sickness. The governors agreed to discuss this further at their next informal meeting.

The Membership Council approved the appointment of Liz Corrigan as Vice Chair/Governor Representative for a term of 12 months from 1 June 2010 to 31 May 2011.

The Membership Council noted that Monitor will be informed of the Trust's appointment of "Lead Governor".

69/10 **Self Assessment of the Membership Council effectiveness and review of sub groups**

Anne Reader and Clive Hamilton presented the paper for discussion and agreement.

Following the questionnaire that was given to the Governors at the Membership Council in February 2010, the responses have been collated and the feedback was presented to the governors. A number of key actions were identified and a proposed action plan has been devised to incorporate them. They are:

- Incorporate the Lead Governor role in the Trust's Constitution at the next review.
- Circulate revised Constitution to governors when updated.
- Approve Membership Council work plan 2010/11 (separate agenda item).
- Develop methods of providing Membership Council feedback to members and reporting into organisations such as Primary care Trusts and Local Involvement Networks.
- Develop a buddy system for new governors.
- Prepare an Annual Report of the Membership Council for 2009/10.
- Review governor sub-groups in the context of the overall review of the Trust's Committee structure.
- Improve information provided to the Membership Council, following further discussion.
- Compile and present historical budget to Membership Council.

The Governors wished to develop stronger links with the Heads of Division. John explained the Heads of Division had clinical commitments which made it difficult for them to attend the Membership Council, but if required a separate meeting could be arranged. The governors understood the clinical commitments of Heads of Divisions. John assured the governors that the Heads of Division do receive regular feedback from the Membership Council via the Trust Executive Group.

The Membership Council agreed the 2010/11 action plan.

70/10 **2010/2011 Work Plan for Membership Council**

Chris Swonnell presented the Membership Council Work Plan for 2010/2011 for discussion. The plan incorporates the following elements:

- Statutory, constitutional and regulatory requirements of governors
- Work plans from governor committees and sub-groups
- Priorities identified from governor meetings

Wendy Gregory asked that the Carers Strategy Group and Phil Mackie asked for the Disabled Children's Group to be added to the list of groups with governor representation.

There were no further comments from the Governors.

The Membership Council:

- Approved content of the work plan
- Approved the recommendation to combine the elements into one work plan for the Membership Council and to monitor progress quarterly.

71/10 **Reports from Sub Groups**

71.1 Involvement Sub Group

Belinda Cox gave a verbal update of the last meeting. The issues discussed at the last meeting were:

- Membership – Governors had received an update of the Membership Development Plan.
- Youth Council - Governors had received an update on the Youth Council Activity.
- Patient and Public Involvement Strategy – Paul Lewis had given a summary of the Public and Patient Involvement Strategy. This includes the introduction of monthly patient satisfaction questionnaires and use of hand held survey equipment to gain immediate feedback from patients and visitors.
- Reimbursement – There is to be a review of reimbursements for patient involvement activities within the Trust.

The Governors received the report.

72.2 Quality Sub Group

Clive Hamilton presented the report of the Quality Sub Group. The issues discussed at the last meeting were:

- Management of Oncology beds
- The Francis report into the failings at Mid-Staffordshire NHS Foundation Trust.

- Quality Accounts
- Hospital Acquired Venous Thrombo-Embolicism
- Red governance risk rating submission to Monitor – Governors feel there is a need to build in some “headroom” on the availability of emergency department resources.
- Making our Hospitals Better – Governors are concerned by the proposal to cut 18,000 bed days. This will be achieved by having more pre-op and post op work done in the home. Governors have asked for regular data on this in case it leads to an increase in re-admission rates.
- Patient Safety Walk Rounds

John Savage noted the governors concerns regarding the proposed cut in bed days, but explained the Trust is following the Government’s policy to provide services in the community to free up hospital resources. In relation to the “headroom” suggested by the governors, John explained that this is not affordable and that it is the Trust’s strategy work with our health and social care partners to control demand.

The governors received the report.

73.3 Strategy Sub Group

Ben Hume presented the report and gave a verbal update of the last meeting. The issues discussed were:

- Trust Annual Plan – Governors will receive a full copy of the draft plan on 13th May. Governors to pass comments back via Clive.
- Bristol Health Services Plan – This is to be replaced by the Healthy Futures Programme which will be funded by NHS Bristol. A representative from the Healthy Futures Programme has been invited to a future Strategy group meeting, and this will be reported back at the next Membership Council.
- Clinical Services Strategy – the Group received a verbal briefing of the status of the Strategy at the last meeting.
- Revision of the groups Terms of Reference

The governors received the report.

72/10 Nomination and Appointment Committee Report

Jeanette Jones presented the report and gave a verbal update of the last meeting. The Chairman’s key objectives for 2010/11 were:

- The appointment of new Chief Executive for UH Bristol
- Steering the Trust Board through the external histopathology inquiry and its outcome.
- Integration with North Bristol NHS Trust. John Savage has been asked by NHS South West to lead on this.
- Taking forward the Trust’s Redevelopment Programme.

She highlighted that other issues discussed were:

- The Annual Review of the Non Executive Director’s remuneration – No change in remuneration was being sought and the Committee recommended the Membership Council approve no change in remuneration of the Non Executive Directors for 2010/11.
- Board Appraisal Exercise 2009 - The Board development plan had been agreed and a repeat exercise was planned for 2011.

- The Committee would be involved in the appointment of a new Non Executive Director to replace Sarah Blackburn.

The Membership Council receive the report from the Nominations and Appointments Committee and:

- Approved the recommendation that the Chair and Non-Executive Directors remuneration remains unchanged for 2010/11.
- Approved the recommendation that a Non-Executive Director Chair of the Quality Committee receives remuneration equal to that of those Non-Executive Directors who chair other committees i.e. the Finance Committee and the Audit and Assurance Committee.

73/10 Claims and Complaints Procedure

73.1 Claims

George Wynne Willson requested that the governors have access to information published on claims, similar to that published on complaints. Governors want reassurance that lessons are learnt from adverse incidents.

Anne Reader responded on behalf of Peter Harrowing that Governor's should be reassured that every incident is investigated, reflected upon, and lessons learned from it.

George asked if it was possible to have anonymous details of these claims reported quarterly from the Joint Review Committee. Anne replied that the Joint Review Committee looks at themes as opposed to specific incidents.

John Savage suggested that it might be useful for governors to have benchmarking against other Trusts.

Robert Woolley stated that all incidents and near misses are investigated and learnt from, and only a small percentage of these result in claims. The Trust receives indemnity from the NHS Litigation Authority for £6 million per annum as protection against such claims.

Robert felt that the key questions should be how well does the Trust learn from incidents, what processes are put in place in response to incidents, and what themes are identified.

George agreed that this level of information would be useful to the governors, and that it was this level of transparency they were seeking.

Alison Moon agreed that the Trust should offer the governors examples of what has been learned from incidents, but it was also important that the Trust shared both positive and negative feedback it receives from all avenues,. She added that with the introduction of hand held survey devices we will be able to get an accurate capture of feedback across the Trust.

The Membership Council supported the request for sharing learning from incidents and other feedback. Figures and examples of lessons learned would be provided for the Membership Council meeting in July 2010.

73.2 Complaints

Currently, complaints come within the remit of the Governor Involvement Group, and claims within the Quality sub-group's remit. Some governors thought it more appropriate that

complaints and claims should be seen as a single issue and suggest they should be placed together within the Quality Group's remit.

Chris Swonnell reported that the arrangements of sub groups will reviewed as part of the Membership Council effectiveness review, and asked that this can be discussed further as part of that review.

The Membership Council discussed the proposal for moving complaints discussions from Involvement to Quality sub group, and agreed that it will be investigated further as part of the review of sub groups.

74/10 **Quarter 4: 2009/10 Declaration and Monitor submission**

74.1 Finance

Paul Tanner presented the Financial Summary Commentary for Quarter 4 in detail for information and questions. This covers the 12 month period to 31st March 2010.

- He highlighted that overall the Trust has come in better than forecast against the annual plan, making this the 7th consecutive year that the Trust has achieved financial breakeven or better.
- He reported there was a better than planned net surplus of £11.5 million before the impairment charge on the revaluation of land and buildings.
- There was slippage on the capital programme in 2009/10 but money has been provided to continue these schemes in 2010/11.
- The Trust had scored a 4 for its financial risk rating, which is seen as excellent by the Care Quality Commission (CQC).
- Overall the Trust is in a healthy cash position and has a strong balance sheet.

There were no questions from the governors.

74.2 Governance Declaration

David Seabrooke presented the Monitor Return Summary Commentary for Quarter 4 2009/10 for Governance in detail for information and questions. The Trust was fully compliant with all the Healthcare Standards for Q4 and had met the 4-hour emergency access and 31 day cancer targets. The Trust would be red rated for governance on the basis of not meeting the 62 day cancer target for the third consecutive quarter.

Risks going forward were identified for the 18 week by speciality and two week wait targets.

There were no questions from the governors.

75/10 **Implications of the Francis Report**

Alison Moon gave a presentation on the key findings and implications of the Francis report into Mid Staffordshire NHS Foundation Trust. She informed the governors that it is a harrowing report to read and hoped that there would never be another similar occurrence.

The investigation was prompted by concerns about the high Hospital Standard Mortality Ratio for Mid Staffordshire NHS Foundation Trust and the standard of care provided. There had been two previous reports but the Francis inquiry was set primarily to give those most affected by poor

care an opportunity to tell their stories and to ensure that the lessons to be learned from those experiences were fully taken into account in the rebuilding of confidence in the Trust.

The report concluded that there were fundamental failings of care at Mid Staffordshire, and made a number of recommendations that have a bearing both on the national system and individual Trusts. In particular recommendation 18 states:

“All NHS trusts and foundation trusts responsible for the provision of hospital services should review their standards, governance and performance in light of this report.” This includes recommendations that:

- All foundation trust board meetings should be held in public and that governors should have access to all papers
- The National Quality Board recommendations to improve early warning systems in the NHS are fully accepted
- A group is to be established to advise the Secretary of State on whistle blowing guidance
- There should be much greater focus on measuring patient satisfaction and staff satisfaction –key indicators of good quality of care

Alison concluded that the Trust Board had reviewed its position in detail in relation to the recommendations contained within the Francis report and had received assurance in a number of areas. An action plan had been devised to further develop and strengthen the Trusts systems in some areas. John Savage added that the Trust will not tolerate a lack of care.

76/10 **Care Quality Commission (CQC) Registration Outcome**

Alison Moon reported on the outcome of the Care Quality Commission (CQC) Registration.

The Trust has been registered with the Care Quality Commission as a provider of a range of healthcare services without compliance conditions.

77/10 **Any Other Business**

77.1 Phil Mackie thanked the governors for the donations received in memory of his son Nicholas, and for attending his funeral.

77.2 John Savage thanked the outgoing governors for their support to the Membership Council, and in particular wanted to thank Clive Hamilton for his dedication to the role of Vice Chair/Governor representative.

78/10 **Questions from Members**

There were approximately 10 members in attendance and there were no questions raised.

79/10 **Date and Time of next meeting:**

The next Membership Council Meeting is on Thursday 27th May 2010 at 1 to 3pm, venue to be advised.