

**Minutes of the meeting of the Council of Governors
 Thursday 20th August 2009 at the Clinical Education Centre, Russells
 Hall Hospital, Dudley**

Present:

Name	Status	Representing
Mr Alf Edwards	Chair of Meeting	DGOH NHS FT
Ms Rachel Harris	Appointed Governor	Dudley PCT
Mr Brian Hanford	Appointed Governor	Worcestershire PCT
Ms Pamela Boucher	Appointed Governor	Dudley Council of Voluntary Services
Mrs Beverley Hill	Appointed Governor	Sandwell PCT
Mr Richard Brookes	Public Elected Governor	Brierley Hill
Mr Steve Waltho	Public Elected Governor	Brierley Hill
Dr P D Gupta	Public Elected Governor	Central Dudley
Mr Bob Ferguson	Public Elected Governor	Central Dudley
Mrs Rosemary Bennett	Public Elected Governor	Central Dudley
Mr Harvey Woolf	Public Elected Governor	North Dudley
Mr Roy Savin	Public Elected Governor	Stourbridge
Mr Howard Perrin	Public Elected Governor	Rest of the West Midlands
Mrs Janet Robinson	Public Elected Governor	Rowley Regis
Mrs Diane Jones	Public Elected Governor	South Staffordshire
Mr David Ward	Public Elected Governor	Tipton
Mrs Pat Siviter	Public Governor	Wyre Forest
Mrs Jane Elvidge	Staff Governor	Allied Health Professionals
Dr Adrian Hamlyn	Staff Governor	Medical and Dental
Mr David Ore	Staff Governor	Non-clinical staff
Ms Jane Southall	Staff Governor	Nursing and midwifery

In Attendance:

Name	Status	Representing
Mr Paul Assinder	Director of Finance/Secretary to CoG	DGOH NHS FT
Mr Derek Eaves	Deputy Nursing Director	DGOH NHS FT
Mrs Ann Becke	Non-Executive Director	DGOH NHS FT
Mr David Wilton	Non-Executive Director	DGOH NHS FT
Mr David Badger	Non-Executive Director	DGOH NHS FT
Mrs Liz Abbiss	Head of Customer Relations and Communications	DGOH NHS FT
Mr David Orme	Chairman	LINKS
Mr Jonathan Wood	Communications Officer	DGOH NHS FT
Mrs Sue Nicholls	Quality Manager	DGOH NHS FT

Apologies:

Name	Status	Representing
Mr Mark Cooke	Appointed Governor	Dudley PCT
Cllr Peter Miller	Appointed Governor	Dudley MBC
Cllr Anne Hingley	Appointed Governor	Wyre Forest DC
Prof Martin Kendall	Appointed Governor	University of Birmingham Medical School
Prof Linda Lang	Appointed Governor	Wolverhampton University School of Health
Mr Ian Mullins	Appointed Governor	Summit Healthcare
Ms Diane Lee	Appointed Governor	West Midlands Ambulance Service
Mrs Mary Turner	Appointed Governor	Dudley Council for Voluntary Services
Miss Nikky Gill	Appointed Governor	Dudley Youth Council
Mr Atif Janjua	Elected Governor	Central Dudley
Mr Simon Biggs	Elected Governor	North Dudley
Mrs Jane Beard,	Elected Governor	Halesowen
Mr Rob Johnson	Elected Governor	Halesowen
Ms Catherine Earle,	Elected Governor	Stourbridge
Mr Darren Adams	Elected Governor	Stourbridge
Mr John Balmforth	Public Elected Governor	Halesowen
Mr Graham Russell	Staff Governor	Nursing and Midwifery
Mr Simon Tovey	Staff Governor	Partner Organisations
Mr Paul Harrison	Medical Director	DGOHFT

1. Presentation

Sue Nicholls made a presentation about NHS standards, the NHS Litigation Authority and the Care Quality Commission. Sue responded to questions on her presentation, including details of how much money is spent on litigation claims. Council noted that the Trust has attained the Level 2 risk management standard of the of the NHS Litigation Authority which results in a considerable financial saving on annual litigation insurance premia.

Sue was congratulated on her presentation.

2. Welcome

Alfred Edwards, Chairman, welcomed everyone to the meeting and reminded all attendees to sign the attendance register. Mr Edwards took the opportunity to introduce the three new Governors – Jane Elvidge, Staff Governor for Allied Health Professionals and Healthcare Scientists; David Ward, Public Governor for Tipton; and Brian Hanford, Appointed Governor for Worcestershire PCT.

3. Declarations of Interest

There were no declarations of interest from members of the Council.

4. Apologies

Listed above.

5. Minutes of the Council of Governors meeting 2nd July 2009 (Enclosure 1)

The minutes were agreed by the Governors as a correct record.

6. Matters arising

6.1 The Appointments Committee – Recommendation on Appointment of Chairman (Enclosure 2)

Current chairman Alfred Edwards was asked to leave the meeting while the Governors discussed the appointment of the new Chairman.

Mr Edwards left the meeting and Mr Badger, Deputy Chairman assumed the Chair.

Mr Woolf explained the depth of information that the Appointments Committee were provided with in order to make its recommendation to the Council. The Committee had in particular taken note of Mr Edwards continuous 11 years service with the Trust and of Monitor's guidance that where service exceeds 9 years, reappointments should be limited to 12 months. It was therefore recommended that Mr Edwards be re-appointed as Chairman for a further 12 months appointment commencing on 1st November 2009.

Mr Woolf also advised the Council that the Appointments Committee recommended that, in the future, the number of Governors sitting on the Committee should be increased from two to three, so that meetings could still go ahead if one member was unable to attend.. Mr Woolf also suggested that increasing the number of governors would bring more diversity to the Committee. Dr P D Gupta said he thought the idea was a good one and the recommendation was unanimously approved by Governors.

A/P01 Liz Abbiss to seek expressions of interest for third Governors to stand on Appointments committee
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6.2 The Appointments Committee – Recommendation on Appointment of Non-Executive Director (Enclosure 2)

Ann Becke was asked to retire from the meeting for this item.

Mrs Becke left the meeting.

The Council of Governors unanimously approved the Appointments Committee's recommendation that Mrs Ann Becke also be re-appointed for a further 12 months to commence from 1st November 2009.

Mr Woolf explained that the Appointments Committee wished to work with the Council and the Board to review the current outmoded processes of appraisal of non-executive directors in the Trust.

Mr Edwards and Mrs Becke rejoined the meeting, and were advised of the Council's decisions that both were reappointed for a further term of 12 months from 1 November 2009.

6.3 Quarter 1 Performance Report (Enclosure 3 to follow)

Paul Assinder informed the Governors that Monitor, the independent regulator for NHS Foundation Trusts, reported to Parliament on three areas of FT performance— finance, governance and compliance with mandatory commitments and this was the Trust's regular quarterly report to Monitor on these three areas.

Mr Assinder said the Trust had continued to perform strongly in the first quarter of the year and had achieved a good performance. He said the Trust had met all of the national targets and standards for the quarter and had scored 4.8 out of a possible 5 in Monitor's Financial risk Rating – an almost perfect set of scores. He said the Trust had also got back on track for the four-hour wait in A&E target in the first quarter. However, he said there was concern about the five MRSA cases recorded in the first quarter. Two were cases that occurred in the hospital (48 hours after admission), the others were cases of patients coming into the hospital with MRSA.

Mr Assinder said that MRSA was a Dudley Health Economy target and the Trust & PCT were collectively responsible for all MRSA's detected by the Dudley Laboratory. The in-year position was higher than the Trust would expect against an annual target of 12 cases. Mr Assinder said because of this, the Trust had rated itself as 'amber', but in Monitor's view it should be rated as 'green' for as long as the annual target had not been breached.

He told the Governors that the Trust had planned more elective work in

the first half of the year (54 per cent) to ensure it had the capacity to treat patients in the winter to avoid a repetition of last year's winter pressures.

Dr Adrian Hamlyn raised that the PCT were suggesting there will be a £15 million gap in budgets in coming years and asked what provision the Trust was making for this and also for the new European Working Time Directive of a 48-hour week.

Mr Assinder replied that the Trust had put additional investment into medical budgets for the introduction of the Working Time Directive and had prepared 48-hour compliant clinical rotas. Finally, he said that unlike the rest of the Economy the Trust had 15-18 months to plan for the reduction of real growth in the NHS in coming years and that the Finance Department was already modelling the potential impact of reduced funding for the Trust Board to consider.

The Council was reminded that Mr Farenden had previously suggested that a Clinical Director address the Council on medical staffing matters.

6.4

A/P 02 Liz Abbiss to ask a Clinical Director to present at next council meeting on their role and also how the EWTD is rolling out.

The Trust was happy to respond to any questions arising from the report.

6.5 Quality Accounts (Enclosure 4)

Derek Eaves said that Quality Accounts would come into effect next year for all NHS Trusts, however, as a Foundation Trust, Monitor had asked all Foundation Trusts to produce a report for 2008/09. Mr Eaves asked the Council for any input into how the Trust presents its accounts next year and what would 'quality' look like to Governors to help development of future indicators.

6.6 NHS Annual Report and Accounts (Enclosure 5)

The NHS Trust Annual Report and summary accounts for the period 1 April to 30 September 2008 were tabled at the meeting and the Trust was happy to respond to any questions arising.

Mr Edwards said overall it was an excellent performance. He explained that the Trust had essentially had to produce two reports – one when it was operating as a NHS Trust, and the other when it started operating as a Foundation Trust from 1 October 2008

9. Update from the Communications Sub-Committee

Mr Roy Savin gave the Council an update of the activities of the sub-committee on behalf of Mr Simon Biggs. Steve Waltho commented that he had attended the last committee meeting and felt it was a really proactive sub-committee.

10. Foundation Trust update (Enclosure 6)

Mr David Badger introduced the new style update which would be based on the monthly Trust Board summary which Governors received in their weekly bulletin. Mr Badger summarised the report as follows. He said the Board had received a report about swine flu and that although cases were reducing, the Trust had arrangements in place for any escalation that might occur during the autumn and on into winter.

Mr Badger said the Trust was providing services that were running almost at capacity, but that it was important the Trust grew at a rate that was suitable for the people of Dudley and the resources available. He said the Trust was looking closely at the capacity of the hospital and was factoring in rotas and costs related to the European Working Time Directive. He went on to say the Trust was part of a health economy that had a high level of activity and expectation, but that there was a finite budget which was likely to reduce in the coming years, although there was limited time to plan for that. He said a series of health economy meetings had been arranged to look at how to address the issues.

He said the patient safety walkrounds had been very effective and that the feedback received from staff had been very positive. Action plans had been drawn up following each walkround to introduce change and improvement. He said the Board was given a patient's story on a quarterly basis which was always interesting and challenging and that it was important that lessons were learned from what the Board was told. He said the Board was looking at lessons learned from the mid-Staffordshire hospital report and the final action plan was in progress.

Mr Edwards was asked by Dr PD Gupta about reports in a national newspaper that several Trusts were telling junior staff not to tell the truth about working hours. Mr Gupta asked Mr Edwards if he could say this was not happening in the Trust. Mr Edwards replied by saying the Trust had a record of dealing with these issues honestly and openly and referred Mr Gupta to the example mentioned earlier in the meeting about the Trust rating itself amber against its MRSA target to Monitor, even though Monitor rated the Trust as green. Mr Edwards said that he would be surprised and very disappointed if any such situation prevailed in the Trust.

Mr Gupta then went on to say that he believed the Choose and Book system to be in disarray. Mr Edwards said that the Board was aware that there were problems with Choose and Book, and that these were being addressed. David Badger said he had had a personal experience when using the Choose and Book system which left something to be desired. He said it was something the Trust was taking very seriously, but that the problem was something over which the Trust did not have total control over.

Mr Gupta also mentioned breaches in the Accident & Emergency targets experienced towards the end of last year and the beginning part of this year. Mr Gupta said people had no choice of where to go for treatment because Russells Hall Hospital was the only hospital in the local area.

Mr Edwards acknowledged there had been difficulties in Accident and emergency, but said there had been significant investment in the Department and that performance had considerably improved. He would ensure that any current issues were reported to the Board of Directors.

Beverley Hill commented that Choice was intended to put power in the hands of patients to select their place of treatment although GPs would obviously play a key part in that process. She accepted it was important that hospitals had sufficient capacity to meet demand

11. Any Other Business

Mr Edwards told members that Dr Adrian Hamlyn had written to him twice about car parking issues at Russells Hall Hospital. Mr Edwards apologised for the late response, but said a response had now been sent back to Dr Hamlyn.

Dr Hamlyn then raised concerns about the limited items allowed in the Any Other Business section. He said it would put off governors from raising issues of urgent important and said it was important the section was kept open.

Mr Edwards said there was no intention of excluding important key issues on the agenda, but thought it was a way of helping with time management of meetings.

Mr Edwards invited all the members to the Trust's Annual General Meeting at the Copthorne Hotel, in Brierley Hill, at 6pm on 28th September. Liz Abbiss told Governors it was a good opportunity to network with members of their constituencies.

Liz Abbiss also encouraged members to get involved in the Quality Accounts. She said she wanted to engage governors in the process and asked anyone interested to get in contact with her.

Richard Brookes raised an item about a friend of his who had to visit the Hospital for treatment following a gardening accident. Mr Brookes said within a couple of days his friend had been contacted by an insurance company regarding a potential claim. He wanted to know how the company had got his friend's details. Mr Eaves said the Trust was aware of this and that the issue was being investigated.

- 12.** Governors discussed whether they needed a meeting in September as there was also the AGM/Health Fair being held in September and decided to cancel the 10th September meeting.

The next Council of Governors meeting will be the 12th November 2009 at 6pm in the Clinical Education Centre at Russells Hall Hospital.