

DERBYSHIRE MENTAL HEALTH SERVICES NHS TRUST

MINUTES OF A MEETING OF THE BOARD OF DIRECTORS

**Held in The Boardroom, Trust Headquarters, Bramble House, Kingsway, Derby,
DE22 3LZ**

On Wednesday 4th November 2009

MEETING HELD IN PUBLIC		
Opened:	2.10 pm	Adjourned: 3.25 pm

PRESENT:

Alan Baines	Chairman
Carole Appleby	Non-Executive Director
Alan Barclay	Non-Executive Director
Kathryn Blackshaw	Executive Director of Business Strategy
Graham Foster	Non-Executive Director
Paul Lumsdon	Executive Director of Nursing and Quality
Ifti Majid	Executive Director of Operations
Mick Martin	Non-Executive Director
Mike Shewan	Chief Executive
John Sykes	Executive Medical Director
Lesley Thompson	Non-Executive Director
Tim Woods	Executive Director of Finance
Graham Gillham	Director of Corporate and Legal Affairs
Alison Baker	Executive Business Assistant (Minute Taker)

IN ATTENDANCE:

David Waldram	Member of the public
Tony Martin	Member of the public

APOLOGIES:

None

**DMHT
09/113**

OPENING REMARKS

Those present were advised that the meeting would be audio recorded for the purpose of accurately recording the minutes. The audio recording would be retained for a period of six months, after which time it would be destroyed.

The Chairman expressed his thanks to Mick Martin for chairing the October meeting in his absence. By way of an update he explained the activities he had undertaken since the previous meeting, which included working on an abortive Non-Executive Director recruitment panel for Northampton Acute Trust. The Chairman was especially pleased to have been invited to the Annual General Meeting of the Mental Health Action Group, where thanks were extended to the Board for the steps being taken to address the Chaplaincy Service issues. He had visited the Westfield Centre in Derby to open the disabled toilet and changing facilities which had been installed, and praised the efforts of those involved.

The Board Development session on 21st October had been productive, along with the Mental Health Act training which had been provided to the Chairman, Graham Foster and Carole Appleby on 26th October. Lastly, the Chairman reported that he had attended the Learning Disabilities and Older Peoples Level 2 Performance Review on 3rd November. The level of challenge that had taken place was impressive and left no doubt as to the robustness of the process.

DMHT
09/114

**MINUTES OF MEETING OF THE TRUST BOARD HELD IN PUBLIC ON
WEDNESDAY 7th OCTOBER 2009**

The minutes of the meeting held on 7th October 2009 were accepted and approved with one correction to page 3:

DMHT 09/104 Information Governance Workplan 2009/10

It was noted that the above item was presented by Ifti Majid (and not Paul Lumsdon, as stated in the minutes).

DMHT
09/115

**MATTERS ARISING FROM MINUTES OF THE MEETING OF THE TRUST BOARD
HELD IN PUBLIC ON 7th OCTOBER 2009 AND ACTIONS MATRIX**

DMHT 09/14 Transforming Community Services

The Chairman confirmed that the Board to Board with Derbyshire County PCT had been arranged for 6th January 2010.

DMHT 09/107 NHS Constitution

Graham Gillham advised that the proposed constitution would be amended to refer to the NHS Constitution. The action would remain on the actions matrix.

DMHT 09/109 Financial Position

Tim Woods apologised that reference to the Lorenzo Project remained in the summary information and agreed to revise the Integrated Performance Report for the next Board meeting.

DMHT 09/109 Non Financial Position

Ifti Majid confirmed that he and John Sykes had attended a meeting on 23rd October with senior clinicians, medical secretaries, managers, and the information team to look at the issue of cancelled appointments. The worst case scenario would be that, without action, the Trust would reach the target in the middle of February 2010. Six robust actions had however been identified which would enable the target to be achieved by the end of December 2009. The position would continue to be monitored in the monthly Integrated Performance Report to the Board.

John Sykes stated that he had requested further information on the impact of the Trust becoming an early adopter of the Revalidation Pilot Project, but that cost pressures were not expected. Further information would be provided in due course.

DMHT
09/116

DIRECTORS AND OFFICER INDEMNITY - GRAHAM GILLHAM

Graham Gillham advised that the Directors' and Officer Indemnity was not a new requirement, but was an opportunity to ask the Board to refresh its acceptance of the indemnity for Non-Executive Directors in particular, also applicable to lay Associate Hospital Managers (Mental Health Act), provided by virtue of the Trust's membership of the NHS Litigation Authority, through its Third Party Liability Scheme.

The Indemnity Statement was accepted by the Board:

A Chairman or Non-Executive member or Director who has acted honestly and in good faith will not have to meet out of his or her own personal resources any personal civil liability which is incurred in the execution or purported execution of his or her Board function, save where the person has acted recklessly.

The Chairman requested an amendment the wording at the bottom of page 1:

Groups covered by Indemnity

Second paragraph to read “The position of **Executive** Directors however is different and this indemnity does not apply to them, due to the fact that the Trust is liable for the actions of its employees in the course of their employment.”

In response to Mike Shewan, Graham Gillham advised that the NHSLA cover was available and would continue for Foundation Trusts, but it would be the Foundation Trust’s decision whether to remain with the NHSLA or whether to seek cover elsewhere. Any areas of commercial activity (such as income generation, or areas which were not directly related to the terms of authorisation), would not be covered and commercial sector insurance cover would be required.

RESOLVED:

- **To note the responsibilities of the Non-Executive Directors.**
- **To approve the acceptability of the indemnity statement.**
- **To note the insurance cover arrangements.**
- **To approve the indemnity statement for resolution.**

DMHT
09/117

STRATEGY FOR THE TRUST ESTATE 2009 – 2013 – IFTI MAJID

Ifti Majid referred to the Board’s agreement in May to review the Trust Estate Strategy on a six monthly basis. He highlighted the positive achievements since May, which included a reduction in the number of leased buildings by five (18% of overall leased space). Three further reductions were planned over the next few months and it was noted that annual lease renewals had also been put in place in areas where it was anticipated services would be vacated, giving a greater degree of flexibility. The organisation had also taken full advantage of the reduced VAT costs and had completed 85% of the backlog maintenance programme. In addition, two facilities at Cherry Tree Close and The Beeches had been upgraded to specifically allow new income into the organisation.

Agreement had been reached to proceed with a full business case to purchase a health centre facility in Ashbourne from the Derbyshire County PCT. The previous Estate Strategy report in May had identified a lack of facility in Ashbourne for a relatively high density population, and the purchase of the health centre was ideally suited to support those needs.

It was particularly pleasing to note the progress against the eight key performance indicators, developed in May, with performance above trajectory in seven out of eight areas. An electronic logging system had been put in place for estates job allocations, which was a more efficient way of recording maintenance work for the estates team, and enabled response rate targets to largely be met.

The Board were delighted to note the achievement that had been made by the Trust towards the reduction of the organisation’s carbon footprint over the last few months, predominantly as a result of the reduction in buildings usage. A further reduction would be achieved once the coal fired boiler was turned off in the New Year. The organisation’s PEAT scores put the Trust in the top 20% performing Trusts in the country.

In response to the Chairman, Ifti Majid confirmed that the reduction in carbon was over 1,000 tonnes. It was suggested that such an achievement should be used as a good news story for the Trust.

Alan Barclay stated that the report contained a lot of information and demonstrated good progress, but that it would be helpful to see the cash contribution and whether

the figures concerned were anticipated and mirrored in the LTFM. He asked whether there were any costs for determining the leases and Ifti Majid replied that the cost savings were included in the LTFM, that all targets had been hit and that no costs had been incurred.

In response to Mick Martin, Ifti Majid advised that the original Estates Strategy, approved in May had included the Estate 'blue print' and more detailed information with regard to expected progress in five years time. The report to the November Board was a review of the strategy and the progress made. Lesley Thompson and Alan Barclay echoed Mick Martin's point that it would be useful to include completion dates, target information and a comparison to the original Estates Strategy, which Ifti Majid agreed to provide.

Paul Lumsdon drew the Board's attention to two safety issues that were pleasing to note. The rise in cleaning standards was to be applauded and the new system for an electronic log of estates requests would provide a robust audit trail for safety.

RESOLVED:

- **To note the contents of the Estates Strategy Update Report.**
- **To await further information from Ifti Majid, as requested, in relation to the links to the original Estates Strategy, approved by the Board in May 2009.**

**DMHT
09/118**

ANNUAL HEALTH CHECK 2008/09 RESULTS – PAUL LUMSDON

Paul Lumsdon reminded the Board that the Trust had received a score of 'Good' for its quality of services and 'Excellent' for the quality of financial management, formally called 'use of resources'. These scores had been reviewed in detail at the recent Board Development Session.

The scores achieved were impressive but it was disappointing to note that a score of 'Excellent' for quality of services had been missed by a margin of two points. The areas of weakness were in relation to the processes for data collection and recording, and the extent to which plans and protocols were in place and fully implemented for some areas of specialist services (e.g. Child and Adolescent Mental Health Services (CAMHS) and Learning Disabilities).

Alan Barclay reinforced Paul Lumsdon's comments that staff should be praised for the efforts made to achieve significant progress.

Moving forward, plans had been put in place to iron out the minor areas that had resulted in the score of 'Excellent' being missed by such a small margin. It was expected that the Care Quality Commission would review the scores and set the standards accordingly for the 2009/10 process. The Board noted the continual strive for a score of 'Excellent' in all areas.

RESOLVED:

- **To note the outcome from the Annual Health Check and the significant achievement of staff in attaining the scores awarded.**
- **To consider the detailed information in the report.**

**DMHT
09/119**

BOARD ASSURANCE FRAMEWORK 2009 – 2010 – PAUL LUMSDON

Paul Lumsdon presented an update on the Board Assurance Framework (BAF). The top five risks had been colour-coded 'red' and all risks identified against the Trust's Strategic Objectives for 2009/2010 continued to be reviewed monthly by the Executive Directors. The changes to the BAF since its presentation to the Audit Committee on

23rd October 2009 were highlighted in 'blue'.

Graham Foster assured the Board that the BAF had been reviewed in some detail at the Audit Committee the previous month. The Committee had been pleased with the way in which the document had taken shape and the positive comments received from the Trust's internal auditors were to be noted. Lesley Thompson added that the gaps in controls had been resolved and the system was working well.

RESOLVED:

- **To agree to support the Board Assurance Framework for 2009/2010.**
- **To agree the plan of action for the update and review of the Board Assurance Framework.**
- **To receive a further update on the Board Assurance Framework in March 2010.**
- **To support the development of the Clinical Audit Plan for 2010/2011 to be based on the Trust Strategic Objectives to ensure assurances are built into the Plan.**

DMHT
09/120

INTEGRATED PERFORMANCE REPORT INCORPORATING FINANCIAL PERFORMANCE AND CIP POSITION – SEPTEMBER 2009 (MONTH 6) – PAUL LUMSDON/TIM WOODS

Financial Performance

Tim Woods explained that the report at the end of month six was an important milestone, being halfway through the financial year. The position had been slightly complicated by the inclusion of the revaluation of the Trust estate. The same information had been provided to the Audit Committee on 23rd October, which had requested a more detailed report to be brought to the December Board meeting.

A surplus of £675k had been achieved, which was £46k ahead of the profiled plan. The cash balance at the end of September was £2.8m, and it was noted that the Dividend Payment to the Secretary of State had been paid.

In terms of CIP achievement, the Board were pleased to note the achievement of £1.7m savings, which was ahead of plan. The recurrent/non-recurrent split raised at the last meeting, remained an issue, although Tim Woods confirmed that the position had improved and the recurrent savings delivery was now at 59%. Monthly monitoring was taking place at the business unit performance reviews.

It was positive to note that the month six performance remained on trajectory, and equated to an FT shadow risk rating of 3.9. Tim Woods recommended to the Board that the Trust was on target to meet its financial obligations for the 2009/2010 financial year.

An update was provided in relation to how the risks were being addressed. The accuracy of the forecasting in the business units had been a result of over-cautious forecasting and revised forecasts had been requested of the business units. The potential overshoot of the capital resource limit had now been addressed following a request to NHS East Midlands for an additional £500k of capital funding, which had been approved. The non-expenditure position was also more stable.

The potential 'unknown' risk for the Trust was the extent to which the pandemic flu would impact on the organisation. An immunisation programme had been put in place to minimise the risk. Paul Lumsdon provided an update to the Board on the current position with swine flu. The second wave had not had a major impact on the organisation. Weekly meetings were still being held and the vaccinations of patients

and staff were planned.

Operational Performance

Paul Lumsdon summarised the key achievements during the month. The Board noted one correction to the report in relation to the number of cases of *Clostridium Difficile* with one case having been diagnosed. The patient concerned was now clear of infection.

Areas for improvement were highlighted: In relation to the rates of cancelled appointments, reference was made to the steps being taken to address the issues, as described earlier in the meeting by Ifti Majid. In addition, Paul Lumsdon explained that, after further investigation of cancelled appointments, consultants had noticed that some instances were a result of a patient request for an earlier appointment. It was therefore important to code the cancellations correctly to give an accurate picture of the reasons behind an appointment change/cancellation.

Paul Lumsdon expressed his concern over the rate of delayed discharges, which had increased above the target to 7.5%. Both the Adult and Older People Services had action plans in place to address the problem and local procedures had been set up on the wards for monitoring and escalation. Mick Martin referred to the benchmark figure of 3% for other Trusts and asked how the Trust would set its target in comparison. Paul Lumsdon and Ifti Majid echoed a point made by Mike Shewan that it was doubtful that information was being counted in the same way, but in any event, a delayed discharge rate of 7.5% was not a good position for the organisation. Paul Lumsdon explained the possible underpinning causes with the suitable placement of individuals with complex care needs or dementia often being problematic. Mick Martin suggested that a market gap could present an opportunity and Kathryn Blackshaw agreed that discussions were taking place with commissioners to understand whether significant gaps existed and how the Trust could respond to meet those needs. Alan Barclay asked for an indication of timescale for the targets to be back on track. Ifti Majid advised that the latest figures indicated that the rate had already reduced to below 7.5%. One of the plans that had been put in place was a revised authorisation process for the delayed transfer of patients, which included the involvement of Area Service Managers. It was important to ensure that the same procedure was followed by all staff and coded in the same way

The Chairman asked what management actions would be taken to drive down the levels referred to above. Ifti Majid stated that the problems were being addressed robustly, which had resulted in a week on week reduction since the paper had been written. Paul Lumsdon added that he expected that the Board would see a marked reduction within the next three months.

Lesley Thompson asked for the specific actions that had been taken, which were listed by Ifti Majid:-

- System mapping defined - whether the appointment was cancelled for the benefit of the service or the benefit of the patient, mapped to the correct figure in the system.
- Authorisation process altered for the cancellation of clinics for all doctors - now signed off by the Unit General Manager and Associate Medical Director.
- Junior Doctors Clinics – responsibility defined to enable junior doctors to be managed differently thus preventing the cancellation of clinics in the event that the Medical Director was not available to supervise or on sick leave.
- A system of advance booking had been set up for testing in one of the areas in the city. Focus groups were being held with service users to understand the issues from the patient perspective.

- Feedback was also being obtained from service users who had used the clinic to look at any areas for improvement.
- A financial impact analysis was also being carried out to understand the impact of a new system.

In response to Alan Barclay, Paul Lumsdon confirmed that Clare Grainger was taking forward the action recommended in the internal audit report into Data Quality Assurance, for the production of a local operating procedure by the end of December 2009.

Lastly, the Chairman asked for clarification with regard to the increase in workforce figures from the previous month. Ifti Majid confirmed that the increase was due to new business from IAPT. Paul Lumsdon suggested the figures should be broken down to give the Board a better explanation.

RESOLVED:

- **To note the contents of the report.**
- **To agree to continue to receive the report on a monthly basis.**

**DMHT
09/121**

RATIFIED RISK MANAGEMENT COMMITTEE MINUTES FROM THE MEETING HELD ON 10TH SEPTEMBER 2009, WITH ACTIONS MATRIX

The ratified minutes from the Risk Management Committee meeting held on 10th September 2009 were received and noted by the Board.

**DMHT
09/122**

RATIFIED GOVERNANCE COMMITTEE MINUTES FROM THE MEETING HELD ON 10TH SEPTEMBER 2009, WITH ACTIONS MATRIX

The ratified minutes from the Governance Committee meeting held on 10th September 2009 were received and noted by the Board.

**DMHT
09/123**

RESEARCH INTO PRACTICE – JOHN SYKES

John Sykes explained how the Trust was engaged in research into practice in a number of ways, which were mainly highlighted in the paper. In addition, service users were also involved in national research projects, in which dedicated funding was provided for clinical time. The paper described examples where research had been implemented, which had changed practice.

The Chairman emphasized the importance of demonstrating how research translated into benefits in the field. David Waldram, member of the public, was invited to pass comment, given his involvement in the research programme. David referred to a presentation that was to be given by Professor Paul Gilbert on 20th November, together with another talk to be given later after the Board meeting by Ken Blanton, which demonstrated the progress being made. John Sykes added that a recent survey of the Trust's membership had identified that 25% of people were interested in an educational component to membership.

Graham Foster asked whether any opportunities existed for business development in this area. Kathryn Blackshaw replied that she had communicated with John Sykes with a view to the Trust's reputation and service proposition, linked to the work that was being developed around the Marketing and Communications Strategy. A task group would be set up to look at the service proposition and evidence why the Trust was the best in its field, supported by the international experts, such as Professor Paul Gilbert. Sarah Carter and Jim Millns had attended an event hosted by Derbyshire County Council and Derbyshire County PCT earlier in the day, which looked at health and wellbeing in the workplace, attended by 55 organisations from across Derbyshire. The Trust's stand was mainly to raise awareness of the IAPT work currently ongoing,

and promote the services available.

The Chairman requested a report twice per year to keep the Board informed of the progress being made through research into practice.

The Chair confirmed that the December Board meeting would be held at the Trust Headquarters, Bramble House, and not in Buxton. He thanked those present and requested, in accordance with the Trust's Standing Orders, that representatives of the press and members of the public be excluded from the remainder of the meeting having regard to the confidential nature of the business to be transacted, the publicity on which would be prejudicial to the public interest. A five minute adjournment was therefore called.

Date and time of the next meeting

Date of the next scheduled meeting

Wednesday, 2nd December 2009 – changed to Trust Headquarters, Bramble House, Kingsway, Derby, DE22 3LZ