

**Oxfordshire and Buckinghamshire Mental Health NHS
Foundation Trust**

Members' Council

**Notes of a meeting held on Wednesday, 22 July 2009 at
6.00 p.m. at the John Hampden Grammar School,
High Wycombe, Buckinghamshire**

In addition to the Chair, Janet Godden, the following Governors were present:

Mike Alexander	Mark Hancock
Pam Bacon	Fiona Lomas
Meg Barbour	David Mushrow
Jacqueline Bourton	Lucy Toynbee
Chris Brearley	Lavinia Walker
Jim Couchman	Alan Webb
Maureen Cundell	Linette Whitehead
Pauline Fair	
Stewart George (<i>part meeting</i>)	

In attendance:

Graeme Armitage	Director of Human Resources
Mike Bellamy	Non-Executive Director
Caroline Birch	A/Director of Nursing and Clinical Governance
David Bradley	Chief Operating Officer
Tom Burns	Non-Executive Director
Anne Grocock	Non-Executive Director
Justinian Habner	Trust Secretary (<i>Minutes</i>)
Jayne Halford	Deputy Director of Human Resources
Mike Hobbs	Medical Director
Helen Millar	Director of Corporate Management
Roger Reed	Non-Executive Director
Cedric Scroggs	Non-Executive Director (<i>Observing</i>)
Duncan Smith	Director of Finance
Julie Waldron	Chief Executive
Lyn Williams	Non-Executive Director
Elaine Whittaker	Non-Executive Director

MC 30/09	Introduction and Welcome	
a	The Chair welcomed Governors to the meeting. She also thanked Governors for attending the Trust's Annual General Meeting which was held immediately before the Council meeting.	
MC 31/09	Apologies for Absence	
a	Apologies had been received from: Simon Hyde, Anthony Monaco, Carrie-Ann Wade Williams, Tricia Birchely, Jeanette Hocking, David Geaney, Steve Bell, Julie Besooijen, Kate Allison, Jane Amies, Richard Speight, Margaret Batsel, Jayne Champion, Dana Scott.	
MC 32/09	Declarations of Interest	
a	The Council confirmed that interests listed in the register of Governors' interests remained correct.	
MC 33/09	Election Report	
a	The Chair reported that Dana Scott had been elected in May 2009 to represent the Public: Buckinghamshire constituency. Dana had been elected for a three-year term.	
b	The result of the election for the Public: Buckinghamshire Governor would be declared in May.	
MC 34/09	Minutes of the Previous Meeting – 21 April 2009	
a	The Minutes of the meeting were approved as a true and accurate record, and the Chair signed a copy	

<p>b</p> <p>c</p>	<p>Matters Arising</p> <p>Item MC 21/09c – Patient Typing: the Chief Operating Officer said he still planned to provide a report / presentation on the 'patient typing' work.</p> <p>Item MC 24/09e – Out-of-Hours Assessments: the Chief Operating Officer said that he would consider how best to present information about the out-of-hours assessment process in Oxford. He suggested presenting information, out-of-session, direct to those Governors who had questions about this area.</p>	<p>DB</p> <p>DB</p>
<p>MC 35/09</p> <p>a</p> <p>b</p>	<p>Report from Board of Directors</p> <p>Lyn Williams, Non-Executive Director, provided an oral update on recent meetings of the Board of Directors held in April, May and June 2009. The following main items had been considered at these meetings:</p> <ul style="list-style-type: none"> • A/Director of Nursing and Clinical Governance – the Board extended the secondment of Caroline Birch in the A/Director of Nursing post until October 2010. The intervening time would be used to review the nursing directorate and undertake a wide recruitment campaign to the post. • Oxford Land sales – the Board approved the decision to pursue Judicial Review on the Oxfordshire County Council's decision to register the Warneford Meadow as a Town Green. Updates would be provided to the Council as the application progressed. • In-year report to Monitor – the Quarter 4, 2008/09 report to Monitor was considered and submitted. The Board had declared that the Trust was compliant with all targets. • Trust Annual Report – the Board approved the Trust's Annual Plan 2009/10 and endorsed its submission to Monitor. The Board had noted the input of governors in the development of the Plan's objectives and had requested that a copy of the Plan be presented to the Council at its July meeting. • Mid-Staffordshire – following Monitor's intervention in Mid-Staffordshire NHS Foundation Trust and the release of reports into failings at that trust, the Board had considered the recommendations made to see if any 	

C	<p>could apply to OBMH. The Trust's integrated Governance Committee was tasked with responsibility for determining actions and developing a plan of implementation.</p> <ul style="list-style-type: none"> • Burdett Project – the Board received an updated on the Trust's planned participation in the Burdett Project, which aimed to bring quality into the boardroom through putting the patient experience at the heart of the organisation. • Annual Accounts – at an extraordinary meeting in early June, the Board approved the Trust's Annual Accounts for 2008/09. • Academic Health Science Centre (AHSC) – following the rejection of the earlier Oxford AHSC application (submitted by Oxford Radcliffe Hospitals NHS Trust and the University of Oxford), meetings had been planned to look at submitting a new application when invited. The OBMH Board remained supportive if an Oxford AHSC but agreed that the problems encountered during the first application needed to be addressed. • Buckinghamshire provider services – at each Board meeting an updated was provided on progress in relation to the Trust's provision on interim management services to the Buckinghamshire PCT provider services. • Same Sex Accommodation – the Board approved three clinical justifications for the temporary admission of patients to mixed sex areas on wards. These were: <ul style="list-style-type: none"> • Voluntary admission when a service user is a risk to themselves • Voluntary admission when a service user is a risk to others • Service users detained under the Mental Health Act. <p>Such admissions would be recorded and would only be temporary until a bed in a same sex area of the ward was identified.</p> • CQC and SUIs – the Board noted the Serious Untoward Incident information that had been submitted to the Care Quality Commission at its request. <p>The Council supported the clinical justifications for the temporary admission of patients to mixed sex areas of wards and requested further detail on plans to comply with the same sex ward accommodation requirements. The Chief Operating Officer provided an overview of the position and explained the rules around privacy and dignity which also impacted on this area. He said that the Trust was looking to create two male</p>
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d	only and two female only wards on the Warneford Hospital. Jim Couchman asked that a report of safeguarding adults be provided to a future meeting of the Council given its increasing national importance.	CB
e	The Chief Executive tabled a performance report for the Council. It set out performance against the key indicators which the Board monitored and she proposed presenting this report to each meeting of the Council.	
f	Fiona Lomas noted the number of referrals waiting over 4 weeks for first appointment and said that this seemed very high. The Chief Operating Officer agreed but said performance was improving. He said that more work was required in CAMHS and Specialist Services. Pauline Fair added that second appointments can still take some time and these were just as important as first appointments. She urged the Trust not to lose focus of this. Linette Whitehead noted that this was a complex area and wondered if reporting on 'did not attend' rates would help provide a better picture.	
g	In terms of comments on the report's format, Alan Webb suggest exception reports be provided on targets not achieved.	
h	The Council noted the oral report on the Board of Directors' meetings. The Council welcomed the performance report and requested that it be presented to each meeting of the Members' Council.	
MC 36/09	Proposal to Amend the Trust Constitution	
a	The Chair presented the report which proposed an amendment to section 10.5.8 of the Trust's Constitution (concerning Non-Executive Director terms of office). The Members' Council was requested to consider the proposal and make any comments before the Board of Directors took a decision on it.	
b	Fiona Lomas noted the proposed nine year term for a Non-Executive Director and asked if this was in line with good practice. The Trust Secretary said the maximum nine year term was set out in Monitor's 'Code of Governance' (C.2.2).	
c	Chris Brearley and Mike Alexander both agreed with the broad	

	<p>proposal to increase the maximum term of office from six to nine years but asked whether it would be easier simply to replace 'six' with 'nine' in the current reading on section 10.5.8. The Chair acknowledged the point but said that it was important that the amendment provided guidance around how reappointments would occur. Currently, section 10.5.8 did not provide this guidance.</p>	
d	The Chair thanked the Council for the comments and agreed to pass these on to the Board of Directors when it considered the proposal at its next meeting.	
e	The Council noted the report and broadly agreed with the proposed amendment.	
MC 37/09	Warneford Meadow	
a	The Chief Executive provided an oral update on the Board's decision to pursue Judicial Review over the Oxfordshire County Council's decision to register the Warneford Meadow as a Town Green. She explained that this registration meant that the land could not be built upon and, therefore, its value had decreased. The Trust had proposed disposing the land in order to fund much needed works on the Warneford Hospital.	
b	Meg Barbour asked whether the Judicial Review was the final stage. The Chief Executive said that if the Judicial Review did not go the Trust's way there may be the possibility for a final appeal to the House of Lords.	
c	The Council noted the update.	
MC 38/09	Trust Annual Plan 2009/10	
a	The Chief Executive presented the report which consisted of a copy of the Trust's Annual Plan for 2009/10. She confirmed that the Plan had been submitted to Monitor, by the due date, in April 2009. Following submission, Monitor had met with Trust executives to go through the Plan. At that meeting, the Monitor relationship manager for the Trust said that the OBMH Plan was one of the clearest and most detailed plans submitted.	

b	The Chief Executive said that, since submission, all NHS foundation trusts had been requested by Monitor to reconsider their long-term financial plans in light of the economic downturn. Work was now underway on this and further updates would be provided to Governors as this progressed.	All
c	The Chief Executive said that, shortly, the Director of Corporate Management would need to start thinking about preparing the 2010/11 annual plan. Any Governors who had ideas or suggestions on how best to involve the Council in this process should contact her direct.	
d	In terms of future annual plans, Pam Bacon said that it would be good to continue moving away from 'targets'. The Chief Executive agreed and said that the Trust working with the PCTs to ensure commissioning was focussed on 'outcomes' and not targets.	
e	Lucy Toynbee asked when Payments By results would be introduced for mental health trusts. The Director of Finance said it would be 2013 at the earliest.	
f	The Council received the Trust's Annual Plan 2009/10.	
MC 39/09	NHS Constitution – Update Report	
a	The Director of Corporate Management presented the report which provided an update on the implementation of the NHS Constitution. She noted that the Council had first considered the NHS Constitution in July 2008.	
b	It was likely that the NHS Constitution would be become law in Autumn 2009 and, therefore, the SHA was ensuring all NHS organisations would be compliant (the Trust had confirmed its compliance).	
c	Pam Bacon noted the Constitution's right: 'You have the right to drugs and treatments that have been recommended by NICE for use in the NHS, if your doctor says they are clinically appropriate for you' and said that this was desirable in theory but difficult to achieve in practice. The Chair said that this was a fair observation.	
d	The Council noted the report.	

MC 40/09	Annual Plan for Members' Council	
a	The Chair noted earlier discussions on the idea of holding an 'away-day' for the Members' Council. To help assist the planning of this day, the Chair asked for ideas and suggestion on its format and structure to be presented.	
b	<p>The following main points were suggested:-</p> <ul style="list-style-type: none"> • Some Governors supported a full day others supported a half day, starting after lunch. • The Board of Director should be invited for part of the day. • An external facilitator should chair the day. • The day should start to focus on the development of the Trust's annual plan. • Maximise the amount of small group working and minimise presentations. • Consider what the Council is trying to achieve. • Consider how to engage Members. 	
c	The Chair thanked Governors for their suggestions. Work on planning the away-day would occur out-of-session and she encouraged any Governor interested in supporting this to contact the Trust Secretary.	
MC 41/09	Questions from Public	
a	None.	
MC 42/09	Report on the Chair Appointment Process	
	<p><i>Given the nature of the business to be discussed, Non-Executive Directors and Executive Directors left the meeting at this point. The Members' Council requested that the Chair, Chief Executive, Director of Human Resources, Deputy Director of Human Resources and Director of Corporate Management remain to assist the Council if required.</i></p> <p><i>Stewart George joined the meeting at this point.</i></p>	

a	The Chief Executive presented the report which set out the process to appoint a new chair of the Trust. She explained that the Council's Nomination and Remuneration Committee had met on 20 July to finalise proposals. The Chief Executive tabled a copy of the chair's job description and person specification that had been agreed by the Committee.	
b	In terms of the appointment process, the Chief Executive said that dates were still being finalised to fit around the selection panel. The selection panel would be the Nomination and Remuneration Committee members in addition to an external assessor (who would be an experienced mental health NHS foundation trust chair). The selection panel would shortlist all applications for final interview and, following interview, make a recommendation to the full Members' Council.	
c	Before the final interviews, all shortlisted candidates would be invited to participate in focus groups. All Governors and directors would be invited to participate in the focus groups and feed back their views of the candidates to the selection panel. At the focus groups, the candidates would be asked to lead a discussion on set topics pertinent to the role of chair.	
d	Recognising the importance of having a chair with whom the Executive Directors could work with, Mike Alexander asked whether the Chief Executive could observe the formal interview. The Director of Human Resources said that this would not be appropriate but agreed that there should be a process where the Chief Executive could provide her views to the selection panel. The Council agreed that the Chief Executive should meet with shortlisted candidates before their formal interview and feed back any comments at the request of the selection panel.	
e	<p>The Council received the report and:</p> <ul style="list-style-type: none"> • Approved the Chair job description and person specification (as proposed by the Nominations and Remuneration Committee); and • Noted the selection process, including the provision of focus groups to allow all Governors the opportunity to participate. 	

MC 43/09	Any Other Business	
a	None	
	The meeting was closed at 8.10 p.m.	

Signed:

Chair

Date: