

BOARD OF DIRECTORS – PUBLIC MEETING

Minutes of the meeting of the Trust's Board of Directors held in Public on
Tuesday 19 December 2023 at 09:30
via MS Teams

- Present:** Mark Bailey - Non-executive Director
Suzy Brain England OBE - Chair of the Board (Chair)
Hazel Brand - Non-executive Director
Mark Day - Non-executive Director
Jo Gander - Non-executive Director
Dr Emyr Jones - Non-executive Director
Karen Jessop - Chief Nurse
Zara Jones - Deputy Chief Executive
Zoe Lintin - Chief People Officer
Dr Nick Mallaband - Acting Executive Medical Director
Lucy Nickson - Non-executive Director
Richard Parker OBE - Chief Executive
Kath Smart - Non-executive Director
Denise Smith - Chief Operating Officer
- In attendance:** Alex Crickmar - Deputy Director of Finance
Lois Mellor - Director of Midwifery
Angela O'Mara - Deputy Company Secretary (Minutes)
Emma Shaheen - Director of Communications & Engagement
- Public in attendance:** Denise Carr - Public Governor Bassetlaw
Gina Holmes - Staff Side
Annette Johnson - Public Governor Doncaster
George Kirk - Public Governor Doncaster
Lynne Logan - Public Governor Doncaster
Andrew Middleton - Public Governor Bassetlaw
Joseph Money - Staff Governor
Lynne Schuller - Public Governor Bassetlaw
Clive Smith - Public Governor Doncaster
- Apologies:** Fiona Dunn - Director of Corporate Affairs / Company Secretary
Jon Sargeant - Chief Financial Officer

P23/12/A1 **Welcome, apologies for absence and declaration of interest (Verbal)**

The Chair of the Board welcomed everyone to the virtual Board of Directors meeting, including governors and observers. The above apologies for absence were noted, and no declarations were made.

P23/12/A2 **Actions from Previous Meetings**

There were no active actions.

P23/12/B1 **Chair's Assurance Log – Quality & Effectiveness Committee (enclosure B1)**

Emyr Jones, Deputy Chair of the Quality & Effectiveness Committee provided an overview of the four quadrants of the Chair's assurance log, positive assurance, areas of major works, areas of focus and decisions made.

Non-executive Director, Kath Smart welcomed the review by the Committee of the Ionising Radiation (Medical Exposure) Regulations (IRMER) and sought clarity of next steps to ensure compliance. The Deputy Chair confirmed that work continued to progress outstanding actions, closure of which would be reported to the Committee for assurance purposes.

The Chief Executive acknowledged historical concerns raised as part of the Care Quality Commission's (CQC) inspection in 2019, however, the service had been subject to an unannounced CQC inspection in September 2023 when no immediate concerns had been raised. The draft CQC inspection report was expected in January 2024 and would be triangulated with existing internal and external assurance.

The Board:

- ***Noted and took assurance from the Chair's Assurance Log***

P23/12/B2 **Clinical Negligence Scheme for Trusts (CNST) Year 5 Board Declaration (Enclosure B2)**

The Director of Midwifery presented the Year 5 CNST Board Declaration. The Obstetrics & Gynaecology Clinical Director was unable to attend the Board and his apologies were noted.

Of the ten maternity safety actions, eight were fully compliant. Action six in respect of the implementation of Saving Babies Lives Care Bundle (version three) and action eight, related to training compliance were currently not compliant, however, compliance was expected to be declared prior to the submission date of 1 February 2024.

A review of standards had been assessed by the Local Maternity & Neonatal System (LMNS) as part of an assurance visit in October and November 2023, feedback from the earlier visit was provided within the report, as external assurance.

The action plan to support training compliance of 90% by 23 February 2024 was appended to the presentation for approval, since the time of writing the Director of Midwifery confirmed the 90% standard had been reached across some staff groups.

The Board's attention was drawn to the evidence required to declare compliance, including the requirement for approved minutes of the Board of Directors. In order to facilitate a timely submission the Chair of the Board proposed the minutes of this meeting would be circulated for approval, to be ratified at the Board meeting on 30 January 2024.

The Board considered the evidence and provided approval for the Chief Executive to sign off the submission ahead of the 1 February 2024 deadline.

The Board recognised the significant effort and contribution required by the Director of Midwifery and her team in evidencing compliance with the standards.

The Board:

- ***Considered the evidence provided and offered its approval for the Chief Executive to sign off the Clinical Negligence Scheme for Trusts (CNST) Year 5 Board Declaration and approved the training action plan.***

P23/12/B3 Maternity & Neonatal Update (Enclosure B3)

The report provided an overview of the progress made against the national standards within maternity and neonatal services. In view of an earlier than usual Board meeting not all data and supporting dashboards were available, they would be provided next month, along with the recommendation from a recently received Maternity and Newborn Safety Investigation (MNSI) report.

The Board's attention was drawn to an increased number of stillbirths, early in pregnancy; antenatal rapid reviews had been undertaken with no immediate learning identified. Communications to raise awareness of reduced foetal movements and supporting action would be shared. In response to a question from Non-executive Director, Lucy Nickson, the Director of Midwifery recognised the impact on colleagues, support was offered from a health and wellbeing perspective from the senior team, Professional Midwifery Advocate and bereavement team.

Non-executive Director, Kath Smart noted differences between the Trust and LMNS's assessment of elements of the Saving Babies Lives Care Bundle (version 3), the Director of Midwifery confirmed a strict evidenced based approach by the Trust.

As Chair of the LMNS and working alongside the Integrated Care Board's Chief Nurse, the Chief Executive confirmed the strategy for the LMNS was to be sighted on the early identification of challenges in maternity and neonatal services, ensuring system learning to support delivery of "good" CQC rated services. The opportunity for a Maternity and Neonatal Independent Senior Advocate to work with the LMNS was currently being progressed with NHSE, the independence of this role was being considered in order to provide an additional layer of external assurance.

Non-executive Director, Hazel Brand noted the investment required to meet the British Association of Perinatal Medicine (BAPM) standards and enquired if this work was underway. The Chief Nurse confirmed that following discussions at the Trust Executive Group the development of a phased business plan would take place, to be progressed through the Trust's internal processes to the Capital Investment Group. The Chair of the Board noted the value of the investment over time, as a national priority the Chief Executive acknowledged adherence to such standards may impact upon other areas of investment, with the potential for funding to be ring fenced.

The Board approved the training action plan appended to the report.

The Board:

- ***Noted and took assurance from the Maternity & Neonatal Update and approved the training action plan***

P23/12/C1 Operational Performance Update (verbal)

The Chief Operating Officer confirmed junior doctors' industrial action would take place from 7am on 20 December to 7am on 23 December, with a further six days of action between 7am on 3 January to 7am on 9 January 2024. The final rotas had now been confirmed and provided safe cover for essential services. In terms of cancelled activity, outpatient cancellations were lower than seen previously due to annual leave during this period. 23 elective theatre lists had been cancelled, with all urgent and cancer cases protected.

In respect of emergency access, winter plans were now operational and despite attendances during November being largely static when compared to the previous year, an increase in attendance by ambulance had been seen, with 892 more ambulances arriving in November 2023 compared to November 2022; despite this an improved ambulance handover performance was noted. Place partners would work together to mitigate the impact of winter to reduce ambulance conveyances, maximising streaming opportunities at the front door and the facilitation of timely, safe discharge.

With one of the highest conveyance rates in the region, the Chief Executive recognised the impact on the workforce and in view of the demand commended the improved ambulance handover performance. There was a need to understand the conveyance rate and consider alternative access to community services. Senior Place partners would join the Chief Executive on a visit of Doncaster Royal Infirmary's Emergency Department to highlight the challenges faced and consider the required support. The Trust's bed base was currently 99% occupied, the recommended occupancy rate of <92% had not been achieved since 2020 and members of the public were encouraged to attend the most appropriate healthcare service across the community, with attendances at the Emergency Department for urgent and emergency care only. Attendance for minor injuries or illnesses may result in extended waits and care could be better met by alternative healthcare services. With an increase in winter illnesses the importance of adopting hands, face and space preventative measures was emphasised.

In response to a question from Non-executive Director, Lucy Nickson, the Chief Operating Officer confirmed the Trust currently had approximately 40 patients on Virtual Wards, whilst numbers were now consistently above 30 there remained scope to increase occupancy further and opportunities were being promoted by the Executive Medical Director's office.

Non-executive Director, Mark Bailey noted the Trust's bed occupancy rate and enquired how this compared to neighbouring acute providers, the Chief Operating Officer confirmed high levels of bed occupancy across the system, with the Trust at the higher end.

In view of the high levels of conveyance, Non-executive Director, Kath Smart enquired how patient safety was maintained, the Chief Operating Officer confirmed through the support of early senior assessment, or where a timely handover was not possible Trust colleagues

would assess patients on the ambulance. The current escalation process was also in the process of being reviewed.

Non-executive Director, Emyr Jones highlighted the opportunity to receive care at the Urgent Treatment Centre at Montagu Hospital, recently featured in a Health Service Journal publication. In addition, a same day health service was available at Cavendish Court in Doncaster.

Ahead of the Christmas break, Non-executive Director, Hazel Brand enquired of planned communication across Place, the Director of Communication & Engagement confirmed the Trust continued to work closely with Place partners. The Chief Executive noted a reduced level of interest in the vaccination programme, other than those with underlying health conditions and encouraged colleagues and members of the public to continue to take advantage of preventative measures.

The Board:

- ***Noted and took assurance from Operational Performance Update***

P23/12/C2 Finance Update (Enclosure C2)

The Deputy Director of Finance reported a month eight surplus of £1.2m, £1.7m favourable to plan; the year to date deficit was £23.6m, £0.4m favourable to plan. For clarity, the Deputy Director of Finance confirmed the plan referenced was the original plan for 2023/24 and not the stretch target.

Capital spend in month eight was £7m, £2.7m favourable to plan. The year to date position was £22.6m, £6.6m adverse to plan. The main underspend was against the Community Diagnostic Centre and Bassetlaw Emergency Village, the Trust was expected to deliver its year end capital plan.

The cash balance at the end of November was £20.9m, an increase in month of £5.5m. This was as a result of the Trust receiving £7.2m in cash via Public Dividend Capital (PDC), partially offset by cash spent on capital expenditure of £3.7m. The Trust had submitted a cash drawdown request of £5.6m for Quarter 4, in line with the Trust's deficit position.

The Trust had delivered £1.7m of savings in month, £0.9m adverse to plan.

The Chief Executive acknowledged the challenging national financial position, with all 42 ICBs reporting a deficit position. At a system level, South Yorkshire ICB had declared a deficit of £109m, the Trust had already taken a series of difficult decisions on the assumption there would be no further industrial action and the ability to earn elective recovery funding; as a result the imminent junior doctors' industrial action and the resultant impact on activity was of significant concern.

In response to a question from Non-executive Director, Emyr Jones, the Deputy Director of Finance confirmed the cash draw down attracted a 3.5% charge and resulted in subsequent monitoring by the national team. The Trust had sought external assurance of its assessment of the drivers of the deficit position, alongside a review by the national finance team. Going forwards the Chief Executive anticipated all organisations would be subject to external scrutiny and the importance of collaborative partnership working

would be key to transform service delivery in line with workforce and financial limitations.

The Board:

- ***Noted the Finance Update***

P23/12/D1 Chair's Assurance Log – Charitable Funds Committee (Enclosure D1)

Non-executive Director, Hazel Brand provided an overview of the four quadrants of the Chair's assurance log, positive assurance, areas of major works, areas of focus and decisions made.

The Committee had confirmed its support to progress business cases for a rehabilitation robot at Montagu Hospital and a surgical robot which would be located at Doncaster Royal Infirmary, to be funded by the Fred and Ann Green legacy. Both cases had received support from the Trustees of the fund.

An external review of the work of the Trust's Charity and its strategic direction was conducted by the More Partnership in November 2022 and a proposal from Doncaster & Bassetlaw Healthcare Services Ltd. to progress the recommendations of the review had been considered by the Committee. A Task and Finish group, to be chaired by the Deputy Chief Executive, would consider next steps, including transitional arrangements.

Non-executive Director, Mark Bailey welcomed the innovative proposals for use of the Fred and Ann Green legacy to support service transformation.

The Board:

- ***Noted and took assurance from the Chair's Assurance Log***

P23/12/D2 Use of Trust Seal (Enclosure D2)

The report confirmed the use of the Trust Seal on four occasions between 21 November and 13 December. All contracts and deeds had been subject to scrutiny by the Head of Contracts and the Chief Financial Officer.

The Board:

- ***Noted the use of the Trust Seal***

P23/12/E1 Any other business (to be agreed with the Chair prior to the meeting)

The Chief Executive reflected on the Trust's achievements during 2023, which included:

- the first Trust to have removed reinforced autoclaved aerated concrete from its estate
- the development of Bassetlaw Emergency Village, a future-proof facility which through improved co-locations supports increased productivity, efficiency, and patient experience with the facility for overnight paediatric observations

- the opening of Mexborough Elective Orthopaedic Centre as a Centre of Excellence, an example of partnership working with Rotherham NHS Foundation Trust and Barnsley Hospital NHS Foundation Trust, capable of fulfilling 2,200 procedures per year and supporting recovery of the waiting list
- the opening of the endoscopy suite within the Community Development Centre at Montagu Hospital
- development of business cases to support innovative ways of working, including the use of robotics, supported by the Fred & Ann Green legacy
- long service events, recognising colleagues loyal service to the NHS, from 10 to 50 years
- awarded Employer of the Year and Campaign of the Year at the Doncaster Business Awards

P23/12/E2 Governor Questions regarding the business of the meeting (10 minutes) *

On behalf of the Council of Governors, the Lead Governor asked the following questions:

Page 89 of the papers the Board is asked to note the Year-to-Date deficit of £23.6m, which is around 5% of our income. (Last year was £17m deficit). Such deficits are inconsistent with True North Strategic Objective No 4 of being in recurrent surplus. We would like to know if there is a plan in place to work towards a budget surplus and if this is so could we please have this plan shared for assurance.

The Deputy Director of Finance confirmed the Trust had commissioned an external review of its underlying deficit, the findings of which validated its analysis. Operational, strategic, and structural drivers were identified, which included the use of temporary staffing, the need for improved partnership working to support effective and efficient service delivery and the challenged estate. The Chief Executive confirmed the Trust's approach to delivery of its financial plan was communicated to the Finance & Performance Committee and the Board, which focused on the appropriate use of limited resources. Pre-covid the Trust had made significant progress in reducing its deficit position, however, it was important to consider the Trust's position against the national context, with the NHS having declared a £1.4bn deficit at month six. The system had declared a deficit plan of £109m, with unidentified savings, and whilst some challenges were local issues, others such as the impact of the BMA rate card on pay spend, had seen the costs of medical cover for industrial action and additional sessions increase by 50% as compared to the previous year. The importance of working collaboratively with partners would be critical to future service delivery.

Page 87 performance against the Better Payment Practice Code is reported as 79% - we are aware on benchmarking against 2 local NHS organisations of figures achieved in the high 90s%, which is positive for supporting local businesses.
Does the Trust have a plan to achieve the 90 + rate to work towards best practice? if so, how will this be achieved.

The Deputy Director of Finance confirmed the Trust continued to make payments in a timely manner, with no supplier concerns raised at the weekly review meeting.

We note that the Fred & Ann Green Trust fund is adding additionality to the trust, specifically within the Mexborough area. We also note that the fund is reaching the end of its life. This will leave a gap in charitable funding. We would like to understand what the strategy is moving forward in relation to fundraising and filling the void this fund may leave.

The Chair of the Charitable Funds Committee confirmed a proposal to progress the work of the Trust's Charity had been received at the December meeting, in line with the recommendations of the More Partnership. A task and finish group would meet in January 2024 to determine transitional arrangements. There had always been an intention to utilise the funds within the legacy, in accordance with Fred and Ann Green's wishes and the future funding of charitable funds' projects would be a focus on the development of a fundraising strategy to increase donations.

The Lead Governor shared with the Board feedback on the positive impact of the health wellbeing package on colleague recruitment and retention in maternity services. Also, feedback from a member of the public who had been brought by ambulance to the Emergency Department at Doncaster Royal Infirmary and reported an efficient and effective experience.

On behalf of the Council of Governors, the Lead Governor wished the Board a Merry Christmas.

The Chair of the Board thanked governors for their continued support and engagement and shared season's greetings with all directors and governors and looked forward to working together in the year ahead.

The Board:

- ***Noted the governor question***

P23/12/E3 Minutes of the meeting held on 28 November 2023 (Enclosure E3)

- ***The Board approved the minutes of the meeting held on 28 November 2023***

P23/12/E4 Date and time of next meeting (Verbal)

Date: Tuesday 30 January 2024

Time: 09:30am

Venue: MS Teams

P23/12/F Close of meeting (Verbal)

The meeting closed at 11:01



Suzy Brain England OBE

Chair of the Board

30 January 2023