

Council of Governors

19 September 2023

Report Title:	Board Proceedings report
Executive/NED Lead:	George Chalkias, Director of Governance
Report author(s):	George Chalkias, Director of Governance
Previously considered by:	N/A

Approval

Discussion

Information

Assurance

Executive summary

In order to support the Council of Governors in discharging their responsibility to hold the Board to account, through the Non-Executive Directors, for their decisions; a summary of matters discussed at the Board meetings held in public in July and September 2023 is presented. The Council is gently reminded that it is not authorised to alter or reinforce the Board's decisions, but that it can hold the Non-Executive Directors to account for them, by way of explanation and discussion.

Action requested of the Council

The Council is invited to note the proceedings and decisions of the Board.

Report of Board proceedings

This report is provided in order to support the Council of Governors in understanding the matters considered and key decisions taken at the public Board in July and September 2023; but it is not intended to substitute the formal minutes of the proceedings.

Governors have access to the papers for the meetings of the Board held in public, which are published on the Trust website and are available through the links:

[July 2023 Board meeting papers - East Suffolk & North Essex NHS Foundation Trust \(esneft.nhs.uk\)](https://www.esneft.nhs.uk)

[September 2023 Board meeting papers - East Suffolk & North Essex NHS Foundation Trust \(esneft.nhs.uk\)](https://www.esneft.nhs.uk)

Governors also have the opportunity to attend and observe meetings of the Board held in public and are encouraged to attend at least one meeting of the Board in each year, to support themselves in understanding how the Board works as part of the discharge of their responsibilities.

6 July 2023

Issue	Summary	Actions agreed	Additional notes
Patient Experience	The Board received a patient story, remotely, regarding end-of-life care provided at Colchester Hospital.	The Board noted that the family was grateful for the valuable support provided by the Trust's chaplaincy team.	
Chair's update	<p>The Chair provided an update on key matters:</p> <ul style="list-style-type: none"> • This was Giles Thorpe, Chief Nurse's, last meeting before leaving to become Executive Chief Nurse for NHS Mid and South Essex Integrated Care Board • The celebrations undertaken for the 75th birthday of the NHS • ESNEFT was five years old this week and the Chair reflected on some of the achievements since the merger and ambitions for the future • Congratulations were extended to Louie Horne, the Chair of the Trust's staff network EMBRace (Equality in Moving Beyond Race), who had been honoured in the King's first Birthday Honours List being awarded a British Empire Medal for her services to nursing. 	The Board received and noted the verbal update.	
Chief Executive's update	<p>The Chief Executive provided an update on key operational matters:</p> <ul style="list-style-type: none"> • The changes made to the executive structure • A report for information on the Integrated Care Partnership meeting held on 9 June 2023 and the extraordinary meeting of the Suffolk and North East Essex Integrated Care Board held on 20 June 2023 • Colleagues on the Board and the Trust as a whole were thanked for their work to ensure business continuity during the recent periods of industrial action. • A summary briefing of the NHS Long Term Workforce Plan was presented, as published on 30 June 2023 • A taskforce had been launched to look at the ongoing issues around car parking on the acute sites. 	The Board received and noted the verbal update.	

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Quality and Patient Safety	<p>The Board received the update from the Quality and Patient Safety Committee, and the relevant part of the Integrated Performance Report.</p> <p>The Chief Nurse highlighted the improvement in overdue action plans and Duty of Candour and that the team continued to focus on harm free care with a long discussion held at the Quality and Patient Safety Committee.</p> <p>The Chief Medical Officer updated the Board on the mortality data.</p>	The Board noted the matters alerted by the Committee, and the assurance available as to how the risks were being managed and mitigated.	
Maternity Services: Leadership team / Maternity Incentive Scheme (MIS) Year 5 (CNST) / Midwifery workforce review	The Board received reports for assurance as presented by the Chief Nurse and Director of Midwifery.	The Board received and noted the reports presented for assurance.	
Care Quality Commission: Maternity Inspection Report and action plan, Colchester	The Care Quality Commission (CQC) had conducted an unannounced statutory inspection of services at Colchester General Hospital on 7 March 2023, focused on Maternity services. An action plan had been prepared and was attached for approval by the Board.	The Board received and noted the report of the outcomes of the CQC inspection of Colchester General Hospital published 5 May 2023 and approved the proposed action plan in response to that inspection.	
Complaints Annual Report 2022/23	The Complaints Service and Patient Advice and Liaison Service (PALS) annual report provided information on the activity of the service aligned with the NHSE Complaints Regulations 2009.	The Board received and approved the report.	
Health and Safety Annual Report 2022/23	The Board received a report that provided assurance on compliance with legislation and ESNEFT policies to the Health and Safety Committee and the ESNEFT Trust Board. It reflected the Trust's compliance with the Board of Directors' approved 'Statement of Intent' and Health and Safety Policy Statement to ensure that the health and safety agenda was not only embedded but embraced throughout the Trust using a variety of monitoring methods. The Board's attention was drawn to the increase in reporting of violent and aggressive behaviour and that a new Violence and Aggression Reduction Group (VARG) chaired by the Chief Nurse had been set up.	The Director of Strategy, Research and Innovation commended the report to the Board and proposed that thanks were expressed to the outgoing Head of Health and Safety, Mark Benbow, and Penny Ellis-Nunn was congratulated on securing this role. The Board received the report for assurance.	
Annual Organ Donation Committee Report	The annual summary report from NHS Blood and Transplant detailed the Organ Donation information for ESNEFT for 2022/23. For the first time this was a single report based on activity for Colchester and Ipswich hospitals combined.	The Board received and noted the report.	

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Finance and Performance Key Issues report - Performance and Finance Assurance Committee	The Board received and noted reports from the meetings held on 24 May 2023 and 28 June 2023. The alerts and escalations were highlighted by Mr Bloomfield, Non-Executive Director chair of the Committee.	The Board received and noted the reports.	
Finance & Performance	The Director of Finance updated the Board that the Finance Report Month 2 2023/24 had been received and discussed at the Performance and Finance Committee meeting held on 28 June 2023 and was detailed in the Key Issues Report for assurance.	The Board received and noted the update.	
People and Organisational Development	The Board received the Key Issues report of the Committee held on 9 May 2023, and the relevant parts of the Integrated Performance Report.	The Board noted that the Trust had one of the lowest vacancy rates (4.6%) in the country. National statistics and applications by role demonstrated that people wanted to work at ESNEFT.	
Medical Workforce Race Equality Standard (MWRES) and Bank Workforce Race Equality Standard (BWRES)	Received for assurance reports presented by the Director of People and Organisational Development.	The Board received and noted the findings from the reports; approval of the submission under Board Standing Order 6.2 and that an ESNEFT action plan would be drafted post receipt of the national comparator reports.	
Workforce Safeguards Report	In October 2018 NHS Improvement (now NHSE) launched a Workforce Safeguards toolkit to direct Trusts to ensure that there were appropriate safeguards in place that supported NHS boards to make informed, safe and sustainable workforce decisions. In line with the toolkit, the Chief Medical Officer/Deputy Chief Executive, Chief Nurse and Director of People and Organisational Development were satisfied with the outcome of the assessment that staffing was safe, effective and sustainable for 2023/24.	The Board reviewed and approved the Executive Team's assessment of assurance against the workforce safeguard indicators and the continued delegation of ongoing monitoring of workforce safeguards to the quarterly People and Organisational Development Committee.	
Audit and Risk Committee	The Board noted that the Key Issues report had been received at the confidential meeting held in June. It was highlighted that concern had been raised regarding the ability of the external auditors to meet the national timetable.	The Board noted the issues drawn to its attention.	

7 September 2023

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Patient Experience	The Board received a patient experience, remotely, introduced by the Acting Chief Nurse relating to a patient's care journey following a diagnosis of breast cancer.	The Board noted that whilst it had been positive to hear of the compassionate care provided in this case, it was important to ensure this was the experience for all patients.	
Chair's update	<p>The Chair provided an update on key matters arising since the last meeting:</p> <ul style="list-style-type: none"> • Consultant orthopaedic surgeon Mahbub Alam had been presented with The Murray Matthewson East of England Trainer of the Year Award. • The Chair had recently attended the opening of the Butterfly Centre which provided a calming environment to offer support to the families and carers of patients who were in the last 12 months of life. • She would be spending a day with community services including an award-winning initiative, Access to Stack programme, where community teams worked with the ambulance service to provide care closer to home that had accepted more than 1100 patients since the programme began in November. • Innovations in patient care including a groundbreaking pilot to improve early diagnosis for people at risk of lung cancer in Clacton. Gynaecology patients at Colchester Hospital could now get faster care to rule out cancer thanks to the development of two new treatment rooms and three newly appointed nurses. Patients with heart failure could now have lifesaving surgery at Ipswich Hospital, instead of having to travel to specialist centres in the region. 	The Board received and noted the verbal update.	
Chief Executive's Update	<p>The Chief Executive and Chief Medical Officer/Deputy Chief Executive provided an update on key operational matters.</p> <ul style="list-style-type: none"> • The Chief Executive thanked the Board for its support of him taking on the interim Chief Executive role at the Norfolk and Norwich University Hospitals NHS Foundation Trust observing that this was an opportunity for both organisations to take learning from each other. • Following the NHS England meeting yesterday he felt that leadership would come under significant scrutiny in a number of areas and that he hoped the responses were as measured as they should be. • The massive disruption to the Trust from the industrial action was noted and the Chief Executive advised that he continued to try to influence the 	The Board received and noted the verbal update provided.	

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	<p>need for discussion and compromise to address the adverse impact on patients. Thanks were expressed to leaders of the organisation dealing with the industrial action and the often unsung heroes in administration teams who were having the conversations with patients on a daily basis regarding cancellation of appointments.</p> <ul style="list-style-type: none"> • The Chief Medical Officer/Deputy Chief Executive agreed that it was a huge team effort to manage the industrial action and the focus was on keeping patients safe. Whilst no overt patient safety issues had occurred the adverse impact on patients from delays in treatment was recognised. During July there had been 400 less admissions and over 3500 outpatient appointments cancelled, and it was felt that there would be a similar impact in August. Plans were being made for the upcoming industrial action by consultant and junior doctors • Positively, teams in cancer and diagnostics were maintaining standards which would be discussed later on the agenda. • Uptake of COVID-19 vaccination was encouraged. 		
Quality and Patient Safety	<p>The Board received the Key Issues report from the Committee held on 22 August 2023 and the relevant part of the Integrated Performance Report.</p> <ul style="list-style-type: none"> • The focus remained on patient safety during industrial action. • The Committee had considered the outcome of the LL trial and the Trust's response. • A thorough review had been carried out of Learning from deaths and the associated plans. 	The Board noted the matters alerted by the Committee and the assurance available as to how the risks were being managed and mitigated.	
Verdict in the trial of LL	The Board was informed of ESNEFT's response by the Chief Executive, as Accountable Officer, the Chief Medical Officer/Deputy Chief Executive and the Director of People and Organisational Development.	The Board received and noted the verbal update and the responsibility of the Board and leaders to look at the organisation with fresh eyes to ensure there was a culture of transparency.	
Every Birth Every Day Programme Report	The report was received for assurance relating to the meeting held on 25 July 2023 presented by the Acting Chief Nurse. The CQC visit to Clacton Hospital was highlighted. No immediate concerns had been raised and the formal report was awaited.	The Board received and noted the report.	
Research and Innovation Annual Report 2022/23	The Board received the report for approval. A full update was provided, summarising a vibrant and energetic year, success only made possible through the merger.	The Board received the report and thanked the Director of Strategy, Research and Innovation for his leadership, drive and commitment to this work.	

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Premises Assurance Model (PAM) Assessment	The PAM was a Trust Improvement and Board Assurance tool developed by the Department of Health in 2013 to provide a nationally consistent approach to evaluation of NHS performance primarily set around premises against a set of common indicators related to the estate and environment. The completion of the current version was now a mandated exercise as the model was included within the NHS Standard Contract.	The Board receive the report and noted the content and the overall score of 'Requires Minimal' and endorsed the submission to NHS England on 8 September 2023.	
Strategic Update Quarter 1	This was the first report in the transition from Time Matters Board reporting, that provided Board members with assurance that measures were in place for schemes contributing to the strategic plan and that these measures were being monitored.	The Board received and noted the report.	
Provider Collaboration	The Board received the report for information which summarised the current collaboration between ESNEFT and West Suffolk NHS Foundation Trust and the next steps.	The Board received and noted the report.	
Digital, Data and Technology Strategy	The Board received the Strategy for approval presented by the Director of Digital and Logistics. The Strategy covered all aspects of data and technology and how these would be used to deliver digital transformation focused on the period 2023 to 2026.	The Board received and approved the Strategy.	
Finance and Performance updates	<p>The Board received the Key Issues reports from the Performance and Finance Committee meetings held on 26 July 2023 and 23 August 2023 and the related parts of the Integrated Performance Report.</p> <p>The Protecting and expanding elective capacity Board self-certification was an NHS England requirement to support elective recovery by outpatient transformation. The Trust was asked to provide assurance against a set of activities that would drive outpatient recovery at pace, as part of the priorities. The Board was asked to review this self-certification and sign it off for NHSE submission by 30 September 2023.</p>	<p>The Board noted the matters drawn to its attention by the Committee Key Issues Report.</p> <p>The Board received and reviewed the Protecting and expanding elective capacity Board self-certification and approved it for NHSE submission by 30 September 2023.</p>	
People and Organisational Development	The Board received the Key Issues Report from the Committee meeting held on 19 July 2023 and the relevant parts of the Integrated Performance Report.	The Board noted the matters drawn to its attention by the Key Issues Report.	
Medical Appraisal and Revalidation Annual Report 2022/23	The Board received the Annual Report for assurance presented by the Chief Medical Officer. Apologies were expressed that due to the timeline for submission this had not been presented to the People and Organisational Development Committee prior to presentation to Board.	The Board received and noted the report and approved the Statement of Compliance ahead of submission to NHSE on 28 September 2023	

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Audit and Risk Committee	The Board received the Key Issues Report from the Committee's meeting on 26 July 2023. The Board was informed that BDO, external auditors, had failed to meet the external audit plan deadline for the third year running to enable submission of the Annual Report and Accounts. BDO had been asked directly, and confirmed, that none of the delay was due to the Trust. The lack of progress had been escalated by the chair of the Committee to the highest level in BDO and NHSE due its seriousness and the Trust being an outlier. BDO had given assurances that they would complete the work so that the Board could consider and approve the Annual Report and Accounts at its October meeting.	The Board noted the issues drawn to its attention by the Committee.	
Board Assurance Framework (BAF)	The Director of Governance presented a revised BAF, having taken on board recommendations made within the Deloitte Well-led Review and best practice.	The Board noted the report, and the new format was welcomed.	
Self-Certification	The NHS provider licence review of compliance, which forms part of the oversight arrangements for the NHS, was received for approval presented by the Director of Governance.	The Board received and approved the self-certification, recognising that there was no requirement for submission.	
Board Committee Terms of Reference	The annual review had taken place to include General Orders which applied equally to all Board Committees and constituted operative parts of their Terms of Reference. The Terms of Reference were received for approval presented by the Director of Governance.	The Board received and approved the Board Committee Terms of Reference and General Orders.	
Trust Seal Quarterly Report	The Trust Secretary presented a report on the use of the Trust seal.	The Board noted the quarterly Trust Seal report as presented by the Trust Secretary.	