

THE
INDEPENDENT PANEL

FOR ADVISING GOVERNORS

Annual report 2013/14

Introduction

The Panel for Advising Governors ('The Panel') was introduced by section 39A of the National Health Service Act 2006 (as amended by the Health and Social Care Act 2012). It has been established as an independent body to which Monitor provides administrative support.

The Panel's remit is to advise and support NHS foundation trust governors by answering questions relating to the breach or potential breach by a foundation trust of its own constitution and/or Chapter 5 of the NHS Act 2006 (amended 2012).

The Panel has been active since June 2013 and to date has received some queries but none that have fulfilled the referral criteria that would require a panel to be convened.

During the first year of operation the operating procedures were reviewed to confirm that the remit of the Panel covers questions relating to healthcare standards. This was in response to the public inquiry into Mid Staffordshire NHS Foundation Trust conducted by Robert Francis QC, specifically, recommendations 47, 48 and 78, which deal with the development of advisory support for governors in the matter of quality of care standards.

During the first year of existence it has been important to focus on publicising the existence of the Panel and a more detailed description of this activity is found in the report. It is also important, in this first annual report, to outline the processes and operational procedures undertaken in establishing the Panel and to demonstrate the breadth of appropriate experience in the Panel members appointed.

Fundamentally, the Panel has been set up to support governors to fulfil their statutory duties, build confidence and knowledge, and to support the development of mutual trust and co-operation between directors and governors. It offers free, independent and impartial advice that should be seen as a helpful tool in safeguarding the accountability and governance integrity in the foundation trust model.

Establishing the Panel

The appointments of the Chair and Panel Members were undertaken in April / May 2013. Candidates applied for the roles via Monitor's website and interviews were undertaken by a panel consisting of representatives from Monitor, the Foundation Trust Network, Foundation Trust Governors Association and, in the case of chair interviews, an independent Chairman from a foundation trust. The newly appointed Chair of the Panel joined the interview panel to interview for further members.

Prospective panel members were invited to interview if they were able to demonstrate they had significant skills and experience in one or more of the following areas: legal, financial, foundation trust governance, HR and latterly healthcare standards. It was also important to have representation from all types of trust (acute, community, mental health and ambulance) as well as an understanding of rural, urban and the influence of region on providers.

There are currently 19 panel members (including the chair):



Dr Marios Adamou
Staff Governor and Consultant
Psychiatrist, South West
Yorkshire Partnership NHS
Foundation Trust



Ann Alderton
Foundation Trust Secretary,
Cambridge University
Hospitals NHS Foundation
Trust



Sue Balcombe
Director of Nursing and Patient
Safety, Somerset Partnership
NHS Foundation Trust



Michael Carr
Chair, Wirral University
Teaching Hospital NHS
Foundation Trust



Greg Dix
Director of Nursing, Plymouth
Hospitals NHS Trust



Keith Eales
Director of Corporate Affairs,
Royal Berkshire NHS
Foundation Trust



Mason Fitzgerald
Company Secretary, East
London NHS Foundation Trust



Paul Howard
Trust Secretary, Lancashire
Teaching Hospitals NHS
Foundation Trust



Kim Hutchings
Head of Development and
Engagement, Foundation Trust
Network, London



Jane Landick

Company Secretary, South Staffordshire and Shropshire Healthcare NHS Foundation Trust (and predecessors)



Luke March

ex Foundation Trust Chair, Salisbury NHS Foundation Trust. Current interim Chair Royal National Hospital for Rheumatic Diseases NHS Foundation Trust



Sue Musson

Senior Independent Director, Bridgewater Community Healthcare NHS Trust



Niamh O'Sullivan

Former Lead Governor at Guy's and St Thomas' NHS Foundation Trust and Secretary to the Board and Head of Secretariat, Crossrail



Jane Pigg

Head of Corporate Affairs, Peterborough and Stamford Hospitals NHS Foundation Trust



Kevin Rowan

Trust Secretary, Maidstone and Tunbridge Wells NHS Trust



Raymond Sheehy

Lead Governor Oxleas NHS Foundation Trust (Appointed) and Chief Executive Officer of Bridge Mental Health



John Weston

Public Governor and retired Management Accountant, Doncaster and Bassetlaw Hospitals NHS Foundation Trust



Eileen Ziemer

Chair, Lincolnshire Partnership NHS Foundation Trust

Summary of activity

Since June 2013 the panel has received 10 enquiries. Unfortunately, none of these enquiries fulfilled the referral criteria as laid down in the Health and Social Care Act 2012 so we were unable to convene a panel. However, the Chair of the Panel responded to each enquiry explaining why the Panel was unable to convene and what was required in order for the referral to be taken further. The correspondent was also signposted to other areas where they might find the advice and information they required. More often than not, it was a signpost to their trust's own constitution.

The subject matter of these enquiries is summarised below. 7 enquiries were received via the website, and 3 were received in person to the Chair during an information session about the Panel. The various questions were on:

- code of conduct, the requirement to sign
- how to stop a significant transaction
- what constitutes a significant transaction
- information as to statutory duties
- multiple governorship at more than one foundation trust
- payment of expenses
- where to go for individual governor advice
- circumstances on asking a governor to stand down
- inquiring about the independence of the Panel.

Throughout the year the Chair and Panel members have publicised the existence of the Panel. The following list gives an idea of some of the activities undertaken in this regard:

- briefing sent to foundation trusts on licensing
- briefings sent to lead governors 2013/2014
- presentations and information sessions at Foundation Trust Governors' Association annual conferences 2013 and 2014
- SW Governors Exchange – presentation/case studies
- NW Governors Forum – presentation/case studies
- Foundation Trust Network company secretaries meeting – presentation
- joint governors training day – Warrington presentation
- acting as a member of the Governors Support Group
- publicised in Monitor's FT Bulletin

- FTN bulletin adverts.

The lack of appropriate referrals has warranted reviewing the efficacy of our efforts with regards to making our services known and accessible. The following lists actions to be taken during the coming year:

- include information about our offer in the 'Governwell' training programme for foundation trust governors
- development of flyer, to be distributed to all lead governors and available for Panel members to distribute where appropriate
- include information about the Panel in the NED induction programme
- continue to present to groups of governors as part of their trust development programme
- prepare regular updates and briefings to Panel members that can be shared
- advertise through Monitor and FTN bulletins and proactively seek other opportunities
- continue to offer to speak at conferences about the role of the Panel.

It is hoped that continuing with this type of promotion will clarify who we are, our independence and the support we can offer. Actions will be coordinated by the Chair of the Panel and are to be completed and ongoing throughout 2014/15.

Financial information

Financial expenditure incurred in establishing the Panel, promotional and other activity from 18 March 2013 to 30 June 2014:

Fees for Chair	£ 6,480
Travel expenses	£ 4,664
Legal fees	<u>£ 5,526</u>
Total	£16,670

Annual review

The Panel Members themselves have been kept informed of the activities of the Panel by the use of quarterly updates from the Chair and an annual meeting to refresh knowledge and review the terms of reference, contracts and other procedures.

A meeting was held on 26 June 2014 to update on activity and review, and sign new contracts that reflected the reviewed terms of reference amended to incorporate the handling of questions regarding the possible breach or breach of healthcare standards. Lucy Hamer, Involvement Team Leader, Care Quality Commission (CQC), presented the

new approach to regulating healthcare services and the consultation being undertaken throughout the summer of 2014 on guidance to regulations and enforcement powers.

The reviewed terms of reference and memorandum of understanding will be published shortly on the Panel's webpage on Monitor's website: www.gov.uk/panel-for-nhs-governors

Terms of reference and procedural documents governing the Panel's activities will be reviewed annually. The next date is June 2015.

Governor development themes

Part of the remit of the Panel is to identify any themes or areas for governor development. This information is gathered from any questions we have received and the significant experience of Panel members in working with governors.

After discussion the following areas were identified:

- scrutiny training – how to challenge and ask the right questions, how to be discerning
- definition – how do you hold to account, what does it really mean, how does it translate into practice?
- better understanding of the non-executive director (NED) role
- better understanding of the Board role and how it differs from that of the Council of Governors
- using own skill sets within cohesive Councils of Governors
- specific training for the lead governor (role, skill set, relationships)
- does there need to be a more defined, consistent description of the role of Lead Governor?
- developing skills and confidence to spend time with membership: looking outwards
- continuing to develop understanding of the statutory duties.

This information will be fed back to Monitor, the Care Quality Commission, the Foundation Trust Network and the Foundation Trust Governors' Association via the Governor Development Group.



A handwritten signature in black ink that reads "Linda Nash". The signature is written in a cursive, flowing style.

Linda Nash
Chair - Panel for Advising Governors