

COUNCIL OF GOVERNORS
11th December 2013

TITLE **Responding to Francis, Patients First and Foremost and Hard Truths The Journey to Putting Patients First**

EXECUTIVE SUMMARY This paper updates the Council of Governors on the Trust response to the Public Inquiry titled 'Fundamental Culture Change' (Francis 2 Report) published in February 2013 and the subsequent Government responses 'Patients First and Foremost' and 'Hard Truths: The Journey to Putting Patients First' published by the Secretary of State for Health on 19 November 2013.

The paper outlines a proposed Francis Declaration which was approved in principle by the Trust Board on 28th November with some minor changes to be made to simplify some of the language used.

The Council is asked to: Endorse the Francis Declaration for publication.

Submitted by: Suzanne Rankin, Chief Nurse

Date: December 2013

Decision: The Council of Governors is requested to endorse the ASPH Francis Declaration for publication.

Responding to Francis, Patients First and Foremost and Hard Truths: The Journey to Putting Patients First

Introduction

The Government published its full response to the Mid Staffordshire Public Inquiry (Francis 2) on the 19th November 2013. This report 'Hard Truths: The Journey to Putting Patients First'¹, incorporates the Government response to six expert independent reports on safety, complaints, bureaucratic burdens, support workers and trusts with the worst mortality rates.

Volume I builds on the Government's initial response, 'Patients First and Foremost', and Volume II details the specific response to each recommendation. The Government has accepted 281 out of the 290 Francis recommendations, including 57 in principle and 20 in part. Progress against the report will be reported to Parliament on an annual basis.

1.0 Purpose

The purpose of this paper is to update the Council of Governors on the report published on the 19th November by the Secretary of State for Health 'Hard Truths: the Journey to Putting Patients First'² and to seek endorsement on the Francis Declaration, which was approved in principle by the Trust Board on 28th November 2013 (with some minor changes to be made), and which the Board must make to the Secretary of State for Health, patients, staff and to our external stakeholders.

1.1 Summary of the Government's response 'Hard Truths: The Journey to Putting Patients First'³ in relation to Francis 2

The Government calls for a cultural shift, built on candour and continuous improvement, which recognises and addresses variations in quality: "Being honest and open about this and creating an environment in which problems are prevented, detected quickly and addressed firmly and in the interests of patients is the basis for re-establishing public trust". The Government sees the Francis recommendations as resonating across health and social care, and is explicit that its response applies equally to mental health and physical health services. Developments in this report include:

- The expectation of monthly reporting of ward-by-ward staffing levels.
- Hospitals to set out clear routes for patients to raise complaints and concerns, with trusts reporting complaints data and lessons learned on a quarterly basis.
- A statutory duty of candour on providers, and a professional duty of candour on individuals through changes to professional guidance and codes.

¹ <https://www.gov.uk/government/publications/mid-staffordshire-nhs-ft-public-inquiry-government-response>

² https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/259648/34658_Cm_87_54_Vol_1_accessible.pdf

³ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/259648/34658_Cm_87_54_Vol_1_accessible.pdf

- Consultation on whether trusts should contribute to the NHS Litigation Authority's compensation costs when they have not been open about a safety incident.
- Legislation to hold accountable those responsible for wilful neglect.
- A fit and proper person's test which will act as a barring scheme for senior managers and directors.
- A protocol to minimise bureaucratic burdens on trusts signed by all arm's length bodies and the Department of Health.
- A Care Certificate to ensure that Healthcare Assistants and Social Care Support Workers have the right fundamental training and skills.
- A new criminal offence applicable to care providers that supply or publish certain types of information that is false or misleading.

The nine Francis 2 recommendations that are not accepted by the Government are:

- Recommendations 19, 61 & 64: **Merger of system regulatory functions.** Rather than merging Monitor and the CQC, a single failure regime will be created.
- Recommendation 137: **Commissioners' powers of intervention.** Rejected to avoid blurred roles and responsibilities.
- Recommendation 145: **Designated Healthwatch structure.** Local Healthwatch organisations will be set up to best meet the needs and reflect the circumstances of their local communities.
- Recommendation 183: **Criminal offence to obstruct statutory duties.** The Government does not intend to criminalise untruthful statements to commissioners and regulators made by healthcare professionals.
- Recommendations 209, 212: **Statutory regulation and developing standards for healthcare support workers.** Rejected on the basis of sufficient safeguards already existing.
- Recommendation 213: **Dismissing unsatisfactory staff following breach of code of conduct.** Rejected on the basis that the Government does not believe regulation of health care assistants and support workers will improve the quality of care.

1.2 The Proposed Declaration for Endorsement

The Trust Board is required by the Secretary of State to make public its position in relation to the Francis 2 recommendations by 31 December 2013. In order to achieve this timeframe the Trust Board approved in principle the declaration at its meeting on 28th November.

The proposed declaration for endorsement by the Council of Governors is below. Minor changes to simplify some of the language are likely following the discussion at Trust Board but these will not change the essence and emphasis of the declaration:

The Ashford & St Peter's Hospitals NHS Foundation Trust Board, Governors and Staff accept all the Francis recommendations in principle and commit to implement all those applicable to a hospital environment. The Trust is committed to delivering care and treatment in accordance with the principles set out in the revised NHS Constitution and to using the NHS Values, which are embodied in our own organisational values; Patients First, Personal Responsibility, Passion for Excellence and Pride in our Team as the foundation for all that we do.

We will continue to build an organisational culture founded on honesty, openness and continuous improvement, which recognises and reports errors and poor care and enables a swift and effective response. Our commitment to

a culture free from the fear of retribution when issues or concerns are raised is unequivocal as is our determination to place the interests and needs of our patients at the heart of the organisation.

Since the first Francis report was published the Trust has been taking action to deliver on the recommendations and learning. A selection of those actions and areas of focused improvement are listed below:

- *A cultural programme focused on developing a stronger sense of citizenship through initiatives focused on Health, Wellbeing and Resilience (the 'Employee Promise' strategy)*
- *Work to make sense of our organisational values and set associated shared values based behaviours*
- *Consultant engagement*
- *Facilitating an organisational discussion through the "Wall" (a digital discussion board), Sounding Boards and Listening Events and widening interaction with social media*
- *Empowering teams through the Team ASPH programme building a coaching and mentoring approach to improvement*
- *Celebration and Award Events*
- *The implementation of the Better Leaders Better Care Programme*
- *Development of a refreshed Management and Leadership Programme*
- *Improving the patient experience through implementation of the Friends and Family Test and improved management and response to complaints specifically ensuring learning is captured and embedded in practice*
- *The implementation of Schwartz Rounds*
- *24 Hour Hospital Watch which invites wide participation by external stakeholders such as Healthwatch and thorough patient involvement in safety and quality activities*
- *Commitment to the Speak out Safely Campaign*
- *Trust Board agreement and implementation of a Safe Staffing Framework*
- *Appointment of a Chief of Patient Safety*
- *Accreditation of the Best Care Programme*
- *Focused work to develop a career and competency framework for Health Care Assistants*
- *Developing and Implementing the ASPH Nursing and Midwifery Strategy "Together we Care"*

Decision

The Council of Governors is asked to endorse the Francis Declaration for publication.