

REPORT TO:	HEALTH AND WELLBEING BOARD 12 February 2014
AGENDA ITEM:	7
SUBJECT:	Report on the board seminar on dignity and safety in care held on 5 December 2013
LEAD OFFICER:	Hannah Miller, executive director of adults services, health and housing & deputy chief executive, Croydon Council

CORPORATE PRIORITY/POLICY CONTEXT:

The Health and Social Care Act 2012 created statutory health and wellbeing boards as committees of the local authority. Their purpose, as set out in the Act, is to secure better health and wellbeing outcomes for the whole population, better quality of care for all patients and care users, and better value for the taxpayer.

The joint health and wellbeing strategy 2013-18 vision statement sets out a number of outcomes that the health and wellbeing board seeks to achieve in relation to dignity and safety. These include that:

- *Everyone will enjoy physical safety and feel secure. People will be free from physical and emotional abuse, harassment, neglect and self-harm.*
- *People using health and care services will be protected from avoidable deaths, disease and injuries.*
- *People using health and care services and their carers will be satisfied with their experience.*
- *Carers will feel that they are respected as equal partners throughout the care process.*
- *People, including those involved in making decisions on care, will respect the dignity of the individual and ensure that support is sensitive to the circumstances of each individual.*

FINANCIAL IMPACT:

None

1. RECOMMENDATIONS

The health and wellbeing board is asked to:

- Note local work being taken forward by partners to implement recommendations arising from the Francis Report and Winterbourne View Hospital Serious Case Review
- Agree the recommendations from the health and wellbeing board seminar on 5 December 2013 as set out in paragraph 3.12 of this report

2. EXECUTIVE SUMMARY

2.1 This paper provides an update for the health and wellbeing board on the board seminar that was held on 5 December 2014 to consider the local response to recent reviews into significant failures of the health and care system. The two reviews that the seminar focused on were:

- The public inquiry chaired by Robert Francis QC on Mid Staffordshire NHS Foundation Trust
- Transforming Care, the Government's final report on Winterbourne View

2.2 While the nature of these reviews and the failures involved were different, the health and wellbeing board agreed to consider the implications of them together. Board members attending the seminar concluded that responding to the lessons learnt is critical to improving patients' and service users' safety, the quality of services and to caring for the most vulnerable.

3. DETAIL

3.1 The report of the public inquiry led by Robert Francis QC into Mid Staffordshire was published on 6 February 2013. It detailed the suffering of many patients at Stafford Hospital run by Mid Staffordshire NHS Foundation Trust. It concluded that this was primarily caused by a serious failure on the part of an NHS Trust Board that did not listen sufficiently to patients and staff or ensure the correction of deficiencies brought to the Trust's attention. It failed to tackle a culture involving a tolerance of poor standards and a disengagement from managerial and leadership responsibilities. The report referred to the checks and balances in the NHS system that should have prevented serious systemic failure of this sort but did not. The report set out 290 recommendations but its overarching theme was that a fundamental culture change is needed in the NHS to put patients first.

3.2 Whilst the Francis Review made no specific recommendations for health and wellbeing boards it did recommend that guidance should be given to promote coordination and cooperation between local Healthwatch, health and wellbeing boards, and council scrutiny committees (Recommendation 147).

3.3 The Department of Health published its interim response to the Francis Review, 'Patients First and Foremost' in March 2013 and indicated an expectation that local Francis Action Plans should be in place in health and care organisations across the country by the end of 2013. A further response, 'Hard Truths: the journey to putting patients first', was published in November 2013.

3.4 In August 2012, South Gloucestershire Council published the results of an independent serious case review into reports of abuse of patients with learning disabilities and autism at Winterbourne View Hospital. The review report concluded that the apparatus of oversight across sectors was unequal to the task of uncovering the fact and extent of abuses and crimes against patients at the private hospital.

3.5 'Transforming Care', the Government's final report on Winterbourne View Hospital was published in December 2012. In May 2013 Norman Lamb, Minister of State for Care and Support, wrote to all chairs of health and wellbeing boards. In his letter the minister stressed the local leadership role of

health and wellbeing boards in delivering the commitments made in the 'Winterbourne View Concordat Programme of Action' (published alongside Transforming Care). The Concordat includes an expectation that every area will put in place a locally agreed joint plan for high quality care and support services for people of all ages with challenging behaviour, that accords with the model of good care. The Concordat indicates that a joint plan could be overseen by the health and wellbeing board and considered alongside the local Joint Strategic Needs Assessment and Joint Health and Wellbeing Strategy processes.

- 3.6 Health and wellbeing board members who attended the seminar on 5 December 2013 received presentations from Croydon Clinical Commissioning Group, Croydon Health Services NHS Trust, South London and Maudsley NHS Foundation Trust and Croydon Council. These set out work undertaken by those organisations to improve patients' and service users' safety and to promote dignity in care. Copies of the presentations are appended to this report.
- 3.7 Croydon Clinical Commissioning Group has undertaken a full review of the Francis recommendations and has an action plan that has informed the development of a quality framework. Together they will further develop the CCG's assurance mechanisms to ensure quality is improving across all providers. The framework and action plan was agreed by the CCG governing body on 24 September 2014.
- 3.8 Croydon Health Services NHS Trust considered its response to the Francis Inquiry between January and June 2013. The Trust Board agreed its approach to the recommendations at its meeting on 3 June 2013. The Trust has set out an action plan in the context of a broader Quality Improvement Plan. (This also addresses recommendations made by the Care Quality Commission arising from inspections of the Trust's services and the national report by Anne Clwyd, MP into complaints handling.) The Quality Improvement Plan was presented to the council's health, social care and housing scrutiny sub committee on 28 January 2014.
- 3.9 South London and Maudsley NHS Foundation Trust have established a working group to develop an organisational response to the Francis Report. This has been overseen by Service Quality Improvement Subcommittee of the Trust Board. Actions will be taken forward through the development of a new organisational development strategy. Some principles of the organisation's response to the Francis Report are also encompassed by its workforce strategy. The Trust Board will receive a paper on the organisational response to the Francis Report on 25 February 2014.
- 3.10 Work to develop a response to Winterbourne View has been taken forward by the learning disability partnership group which is accountable to the health and wellbeing board. The action plan was presented to the adult safeguarding board on 1 July 2013. The learning disability partnership group was updated on progress with actions on 17 September 2013.
- 3.11 Croydon Council also convenes the multi-agency safeguarding adults board. The board is set up in accordance with the 'No Secrets' guidance (Department of Health 2000), which states that all agencies working with vulnerable adults

living within a local authority boundary must work together to protect them from abuse. The safeguarding adults board makes strategy decisions in response to national and local policy and any issues that arise locally. The adults safeguarding board annual report is provided each year to the health and wellbeing board for information.

3.12 Recommendations arising from seminar discussion were:

- Increase the number of dignity champions, especially within NHS organisations.
- Improve the sharing of intelligence on dignity and safety issues relating to providers between council and NHS commissioners.
- The health and wellbeing board to work more closely with the council's overview and scrutiny committee and Healthwatch on issues relating to dignity and safety.
- Receive an update report on progress at the October 2014 board meeting.

4. CONSULTATION

- 4.1 The health and wellbeing board seminar was held at the request of board members who agreed that the board should consider the local response to the reviews of Mid-Staffordshire and Winterbourne View hospitals.

5. SERVICE INTEGRATION

- 5.1 *Our Shared Commitment* was published by NHS England in May 2013 outlining its approach to helping local areas provide integrated care and support for their populations. This includes a major programme of work to enable integrated care and support nationally – including through the integrated care pioneers programme. Following the government's announcement in the spending review, NHS England has also introduced a £3.9bn Integration Transformation Fund (now called the Better Care Fund), which will require CCGs to pool funds with local authorities to support plans for local integration. A separate paper on Croydon's plans for use of the Better Care Fund is the subject of a separate paper to the health and wellbeing board at the meeting on 12 February 2014.

6 FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

- 6.1 There are no financial implications for the health and wellbeing board.

7. LEGAL CONSIDERATIONS

- 7.1 Legal advice has not been sought on the content of this report.

8. HUMAN RESOURCES IMPACT

- 8.1 There are no human resources impacts for the board, however partner organisations have indicated significant implications for their workforce and organisational development.

9. EQUALITIES IMPACT

- 9.1 The health and wellbeing board, as a committee of the council, has a statutory duty to comply with the provisions set out in the Equality Act 2010. The board must, in the exercise of all its functions, have due regard to the need to comply with the three arms or aims of the general equality duty.

- 9.2 The equality analysis conducted by the Department of Health on *Hard Truths: the journey to putting patients first*, the government response to the Francis Report, states that:

There is little evidence to show that the vulnerability faced by different groups actually leads to an increased risk of harm. However, there are particular groups who may be more vulnerable in a healthcare setting, and it is thought that vulnerability could well result in a less safe service being delivered to them.⁷ Following Professor Berwick's review of safety in the NHS, measures will be introduced to ensure clear clinical responsibility for individual patients during their stay in hospital to ensure safe and effective care, which will be central to addressing this. (*Hard Truths The Journey to Putting Patients First Equality Analysis p.4*)

- 9.31 The impact assessment published by the Department of Health on *Transforming Care: a national response to Winterbourne View Hospital* sets out a number of actions that could have a positive impact on equality. These include measures that are being taken forward in local action plans.

CONTACT OFFICER: Steve Morton, head of health and wellbeing, Croydon Council
steve.morton@croydon.gov.uk, 020 8726 6000 ext. 61600

APPENDICES

The following presentations made at the seminar are appended to this report.

1. Croydon Clinical Commissioning Group response to the Francis Report. Fouzia Harrington, Director of Governance and Quality, Croydon Clinical Commissioning Group
2. Putting patients at the heart of our services. Zoe Packman, Director of Nursing, Midwifery and AHPs, Croydon Health Services NHS Trust
3. South London and Maudsley NHS Foundation Trust: an organisational response to the Francis Report. Rosie Peregrine-Jones, Assistant Director of Quality & Assurance; Sridevi Kalindindi, Consultant Psychiatrist, South London and Maudsley NHS Foundation Trust
4. Croydon action plan following Winterbourne Abuse enquiry. Mike Corrigan, Head of service joint commissioner learning disability, Croydon Council
5. Dignity in care, dignity in safeguarding: making safeguarding personal pilot. Kay Murray, Head of professional standards, Croydon Council
6. The dignity challenge in Croydon. Vincent Docherty, Safeguarding vulnerable adults coordinator, Croydon Council

BACKGROUND DOCUMENTS

The report of the Mid Staffordshire NHS Foundation Trust Public Inquiry chaired by Robert Francis QC can be found at www.midstaffspublicinquiry.com/report

The Serious Case Review: Winterbourne View Hospital conducted by Margaret Flynn can be found at

www.southglos.gov.uk/Pages/Article%20Pages/Community%20Care%20-%20Housing/Older%20and%20disabled%20people/Winterbourne-View-11204.aspx