

COVERSHEET

Meeting	Board of Directors' meeting in PUBLIC
Paper Title	Governance Report
Date of meeting	5 November 2020
Date paper was written	23 October, 2020
Responsible Director	Director of Governance (Interim)
Author	Director of Governance and Company Secretary (interim)
Presenter	Director of Governance (Interim)

EXECUTIVE SUMMARY

This report provides an update on matters of governance relating to the Trust and items of wider national interest. This report is for information. Key items include:

- Supporting nurses and midwives to deliver high quality care
- CQC COVID-19 Insight Report
- Duty of Candour prosecution
- Liberty Protection Safeguards
- Approval of Trust Policies

If you require any further information on any of the attached papers or polices, please do not hesitate to contact: david.holden7@nhs.net or A.kerr-Gold@nhs.net

The Board of Directors are asked to note the report.

Previously considered by	Not applicable
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The Board (Committee) is asked to:

<input type="checkbox"/> Approve	<input type="checkbox"/> Receive	<input checked="" type="checkbox"/> Note	<input type="checkbox"/> Take Assurance
To formally receive and discuss a report and approve its recommendations or a particular course of action	To discuss, in depth, noting the implications for the Board or Trust without formally approving it	For the intelligence of the Board without in-depth discussion required	To assure the Board that effective systems of control are in place

Link to CQC domain:

<input type="checkbox"/> Safe	<input checked="" type="checkbox"/> Effective	<input type="checkbox"/> Caring	<input type="checkbox"/> Responsive	<input checked="" type="checkbox"/> Well-led
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Link to strategic objective(s)	<p><i>Select the strategic objective which this paper supports</i></p> <p><input type="checkbox"/> PATIENT AND FAMILY Listening to and working with our patients and families to improve healthcare</p> <p><input type="checkbox"/> SAFEST AND KINDEST Our patients and staff will tell us they feel safe and received kind care</p> <p><input type="checkbox"/> HEALTHIEST HALF MILLION Working with our partners to promote 'Healthy Choices' for all our communities</p> <p><input type="checkbox"/> LEADERSHIP Innovative and Inspiration Leadership to deliver our ambitions</p> <p><input type="checkbox"/> OUR PEOPLE Creating a great place to work</p>
Link to Board Assurance Framework risk(s)	

Equality Impact Assessment	<p><input checked="" type="radio"/> Stage 1 only (no negative impact identified)</p> <p><input type="radio"/> Stage 2 recommended (negative impact identified and equality impact assessment attached for Board approval)</p>
Freedom of Information Act (2000) status	<p><input checked="" type="radio"/> This document is for full publication</p> <p><input type="radio"/> This document includes FOIA exempt information</p> <p><input type="radio"/> This whole document is exempt under the FOIA</p>
Financial assessment	Not applicable for this paper
Recommendation	The report is for information.

1.0 Introduction – Governance Report – November 2020

1.1 This report provides an update of matters since the last board of directors meeting on 8th October 2020.

2.0 Supporting nurses and midwives to deliver high quality care

2.1 The Kings Fund has published its review, 'The Courage of Compassion: supporting nurses and midwives to deliver high quality care' which considers how the health and wellbeing of our nurses and midwives affect their levels of compassion, professionalism and effectiveness in delivering high quality care. The review was commissioned by the Royal College of Nursing (RCN).

2.2 Whilst the impact of COVID-19 has been recognised as having an unprecedented effect across the healthcare sector, it is also widely accepted that nurses and midwives have been facing pressures and struggles long before 2020, with widespread vacancies, staff stress, and intentions to quit across the health sector far and wide. The most recent RCN employment survey suggested that a quarter of nurses and midwives were looking for a job outside the NHS in 2019, and 44% of nurses and midwives indicated that they been unwell due to job-related stress during the previous 12 months.

2.3 The review investigated how the workplaces of nurses and midwives could be transformed so that they could flourish and thrive, and be better able to provide the compassionate care that is expected of them.

2.4 Eight recommendations were made from the review, designed to meet three key working needs: autonomy, belonging and contribution. These recommendations focus on: authority, empowerment and influence; justice and fairness; work conditions and working schedules; team-working; culture and leadership; workload; management and supervision; and learning, education and development:

Key recommendation 1: Authority, empowerment and influence - Introduce mechanisms for nursing and midwifery staff to shape the cultures and processes of their organisations and influence decisions about how care is structured and delivered.

Key recommendation 2: Justice and fairness - Nurture and sustain just, fair and psychologically safe cultures and ensure equity, proactive and positive approaches to diversity and universal inclusion.

Key recommendation 3: Work conditions and working schedules - Introduce minimum standards for facilities and working conditions for nursing and midwifery staff in all health and care organisations.

Key recommendation 4: Teamworking - Develop and support effective multidisciplinary teamworking for all nursing and midwifery staff across health and care services.

Key recommendation 5: Culture and leadership - Ensure health and care environments have compassionate leadership and nurturing cultures that enable both care and staff support to be high-quality, continually improving and compassionate.

Key recommendation 6: Workload - Tackle chronic excessive work demands in nursing and midwifery, which exceed the capacity of nurses and midwives to sustainably lead and deliver safe, high quality care and which damage their health and wellbeing.

Key recommendation 7: Management and supervision - Ensure all nursing and midwifery staff have the effective support, professional reflection, mentorship and supervision needed to thrive in their roles.

Key recommendation 8: Learning, education and development - Ensure the right systems, frameworks and processes are in place for nurses' and midwives' learning, education and development throughout their careers. These must also promote fair and equitable outcomes.

2.5 More details can be found in the report of the review, by following the link below:

<https://www.kingsfund.org.uk/publications/courage-compassion-supporting-nursesmidwives>

3.0 CQC COVID-19 Insight Report

3.1 As the Board of Directors will be aware, the first two CQC Provider Collaboration Reviews were underway in two systems – Bedfordshire, Luton and Milton Keynes ICS, and Frimley Health and Care ICS – with the aim of supporting providers to learn from each other's experience in responding to the COVID-19 pandemic.

3.2 Since then, reviews in 11 systems (ICS / STP) have been undertaken, and have been focussed on the interface between health and social care for people aged 65 and over. A deep dive was carried out in each system and included engagement with a variety of organisations and networks, such as primary care networks, local medical committees, adult social care providers, directors of social services, NHS trusts and independent hospitals, urgent care providers, NHS 111, community care providers, integrated care teams, urgent dental services, local Healthwatch, etc.

3.3 The reviews illustrated that those systems who had established working relationships, tended to fare better than others. Some of the themes arising included:

- The need to understand local population needs, including cultural differences;
- The quality of existing relationships between local providers played a major role in the coordination and delivery of joined-up health and social care services;
- There was an increased focus on shared planning and system wide governance (although pre-existing plans may not have been fit for purpose to cope with the effects of COVID-19);
- Staff across health and social care worked above and beyond their roles;
- There was a range of initiatives to ensure the safety and wellbeing of staff working both on the front line and in support services; and;
- The move to digital working accelerated and impacted on access to services, and more generally, digital solutions supported data-sharing and communication between health and social care partners and within health and social care organisations.

3.4 The full findings from the first 11 Provider Collaboration Reviews will be included in the CQC's State of Care 2019/20 report to Parliament in October 2020. However, the first four insight reports, can be downloaded as follows, with each focussing on different aspects of care:

Issue 1 (May 2020)

<https://www.cqc.org.uk/news/stories/sharing-insight-asking-questions-encouraging-collaboration-cqcpublishes-first-insight-document-on-covid-19-pressures>

Issue 2 (June 2020):

<https://www.cqc.org.uk/sites/default/files/20200615%20COVID%20IV%20Insight%20number%202%20final%20%281%29.pdf>

Issue 3 (July 2020):

<https://www.cqc.org.uk/sites/default/files/20200715%20COVID%20IV%20Insight%20number%203%20slides%20final.pdf>

Issue 4 (September 2020):

https://www.cqc.org.uk/sites/default/files/20200916_covidinsight_issue04.pdf

4.0 Duty of Candour prosecution

4.1 University Hospitals Plymouth NHS Trust has become the first to be prosecuted for lack of transparency, and not apologising in a timely manner, by the CQC.

4.3 The matter related to the death of an elderly patient who suffered a perforated oesophagus during an endoscopy. The procedure was subsequently abandoned and the patient transferred back to the ward where she later deteriorated and passed away.

The Trust failed to communicate to the patient's family, in an open and transparent manner, what had happened.

4.2 The Trust pleaded guilty on 23 September for failing to comply with its obligations under the duty of candour regulations by breaching Regulation 20 of the Health and Social Care Act 2008 and was fined £1,600, paid costs of £10,845 and a victim surcharge of £120.

4.4 Whilst NHS organisations have been previously fined for failing to comply with the regulations, this was the first successful prosecution in court by the CQC.

5.0 Liberty Protection Safeguards (LPS)

5.1 The second Liberty Protection Safeguards (LPS) update was published by the Department of Health and Social Care on 28 September, 2020. It sets out a timetable for development and implementation of the LPS.

5.2 The key points were:

- To ensure the principles of the Mental Capacity Act 2005 are embedded in the LPS the Government intends to combine the LPS Code with an updated MCA Code to produce one joint Code of Practice;
- This updated joint Code of Practice is due for publication (and public consultation) in Spring 2021;
- The consultation response is due for publication in Autumn 2021 when the Code of Practice and Regulations will be laid before Parliament;
- The aim is to publish the Code of Practice in Winter 2021; and
- The AMCP Regulations are due to come into force in January 2022.

6.1 Workforce wellbeing: NHS England and NHS Improvement has [announced](#) an extra £15 million to strengthen mental health support for staff as part of the effort to deal with the second wave of COVID-19.

7.1 COVID disparities: Responding to the Government's [first quarterly report](#) on progress to understand and tackle COVID-19 disparities experienced by people from an ethnic minority

background, Dr Habib Naqvi, director of the new NHS Race and Health Observatory, said the evidence, including that published by the ONS earlier this year, is critically important to pay attention to structural racism and its role in leading to the disparities we observe.

8.1 Test and trace: as [reported nationally](#) on 22 October, 2020, testing turnaround times have increased but the percentage of people reached and asked to self-isolate has fallen to 59.6%, according to the latest Test and Trace figures.

9.1 Flu: The US-licensed flu vaccine Flublok will be used as part of the UK's 2020/21 seasonal flu programme, having been [authorised for temporary supply by the MHRA and Department of Health and Social Care](#). It has been used in the US since 2016 and distributed to over nine million people.

10. Approval of Trust Policies – The following policies have recently been approved by the SaTH Leadership Committee – Operational.

- IPC in Estate Design, Construction, Refurbishment and Maintenance Activities Policy
- Acting Down Policy
- Job Evaluation Policy
- Pay Protection Policy
- Employee Wellbeing & Attendance Management Policy
- Employee References Policy
- Home Working Policy
- Equality, Diversity & Inclusion Policy
- Grievance Policy