

NHS CONFEDERATION MEMBER BRIEFING

Government response to the Francis report

SUMMARY OF GOVERNMENT'S RESPONSE

Secretary of State, Jeremy Hunt: *"The health and care system must change. We cannot merely tinker around the edges – we need a radical overhaul with high quality care and compassion at its heart. Today I am setting out an initial response to Robert Francis' recommendations. But this is just the start of a fundamental change to the system."*

Shadow Health Secretary, Andy Burnham: *"We all have to play our part, and the Government has made a start, but much more needs to be done."*

Mr Burnham raised concerns about the "omissions" in the Government's response including patient voice in the new NHS, the regulation of healthcare assistants and minimum staffing levels.

Government's Key Proposals:

1. Consult on a national barring list for unfit managers
2. A statutory duty of candour for providers not individuals
3. An elite fast track programme for talented leaders outside the NHS and an MBA-style programme for clinical leaders
4. CQC to develop an aggregated Ofsted-style ratings system for hospitals and to draw up simpler fundamental standards
5. CQC to delegate enforcement powers to Monitor and the NHS Trust Development Agency
6. NHS Employers to work on new model performance frameworks for staff
7. Pilot schemes that will require students seeking NHS funding for nursing degrees to first serve up to a year as a healthcare assistant
8. Criminally negligent practice will be referred to the Health and Safety Executive
9. Endorsement of the NHS Confederation's bureaucracy review
10. A new time-limited three stage failure regime covering quality and finance - which will be initiated by the Chief Inspector of Hospitals.

A link to the Government's response, *Patients First and Foremost*, can be found on their [website](#).

OUR REACTION

Mike Farrar said: *"The Government has used this time to produce an overarching response rather than a something which tries to tick all the boxes. The response finds the right balance between external assurance measures and internal changes focused on transforming the NHS culture. The NHS now has a real opportunity to do things differently, and it is the responsibility of all of us to make a real difference to the care provided to patients."*

For more information please contact Jenny Ousbey on 020 7799 8655 or email jenny.ousbey@nhsconfed.org

Dean Royles, of NHS Employers said: *"There has been a lot of discussion about the need for a culture change in the NHS, and we should not deny that this is a problem in some parts of the service. But the NHS delivers great compassionate care much of the time, and we need to recognise this and build on it where it is working well for patients. We can't say that poor care is because of culture but excellent care exists despite it.*

There is an unwavering commitment from employers to tackle failings in care and ensure patients, their carers and families, feel confident in the care they receive. We will continue to support the good work many employers have already undertaken on engaging and listening to staff, and on values based recruitment and training and creating an open and honest culture."

For our press statements in full click [here](#).

OUR RESPONSE IN DEPTH

Our response to the proposals contained in the five chapters of the Government's report is detailed below. Each bullet point represents a Government proposal:

Preventing Problems

- An elite fast track programme for talented leaders outside the NHS and an MBA-style programme for clinical leaders
- Clinical advice will be at the heart of the Department's work
- NHS Commissioning Board will adopt the name 'NHS England'
- The CQC to draw up a new set of simpler fundamental standards

It is absolutely right to focus on the importance of having the right organisational culture to deliver high quality compassionate care. To be successful, the drive for change must be owned and led by those who run the service, with the right balance being struck between external pressures and internal ownership. We also need to look at our response to Francis in terms of the wider system, and not just in terms of the acute care sector. Delivering the right culture is about all staff - not just doctors and nurses. The development of a single definition of quality is to be welcomed.

We welcome steps to attract, reward and retain good NHS leaders - whether they come from inside or outside of the health sector. The public and clinicians want leaders to be personally committed to an organisation, who are seeking to improve care rather than merely looking to balance the books.

Detecting Problems Quickly

- CQC to develop an aggregated Ofsted-style ratings system for hospitals
- Consult on a national barring list for unfit managers
- A new model of inspection will be developed with 'expert' inspectors
- 'Outstanding' hospitals will receive fewer inspections

We are supportive of a transparent and open NHS which provides easy to understand and meaningful information for patients and the public on the quality of services, including publishing comparative data about performance.

For more information please contact Jenny Ousbey on 020 7799 8655 or email jenny.ousbey@nhsconfed.org

It is essential that comparative information about the quality of care being provided is useful, accurate and timely, and most importantly trusted by the public and those working in the NHS. Whilst we see the benefit of introducing a ratings system, we need to recognise some of the challenges this poses and we urge a considered approach to the recent Nuffield Trust report commissioned by the Department of Health.

The idea of a barring list for managers could increase accountability but we need to investigate the detail of this proposal further. When we have looked into this issue previously we said that any system of negative licensing would require a universal code of conduct that would apply to all currently unregulated NHS managers. We would also want to find out who would manage this list and who would pay for it.

Taking Action Promptly

- A statutory duty of candour for providers but not individuals
- A new time-limited three stage failure regime covering quality and finance - which will be initiated by the Chief Inspector for Hospitals

The NHS Confederation absolutely supports the principle of having a duty of candour. We have long advocated that NHS organisations (and everyone who works in them) should be open, transparent and honest in all that they do.

A single failure regime to cover both quality and finance will prevent hospitals being driven solely by financial targets and will bring the focus back to better patient care.

We would want to canvass the views of members further on the concept of a three-stage failure regime, and to investigate the proposals on this in more detail. We have already made it clear that Monitor needs to do more to align its regulatory functions with the CQC by better integrating Monitor's financial governance oversight with CQC's role in assessing quality. The primary objectives of regulation needs to be clear and shared by both Monitor and the CQC.

Ensuring Robust Accountability

- All NHS hospitals should set out how they intend to respond to the Inquiry's conclusions before the end of 2013
- Establishing a Chief Inspector of Hospitals and Chief Inspector of Social Care

We have always been clear that the Francis report should not sit on the shelf, but be read, digested and acted upon at all levels of the NHS. We are encouraging all of our members to take onboard the core principles and problems highlighted by Robert Francis, and to work to implement change at a local-level. Many of our members are already undertaking this work and their good practice is cited in the Government's report.

There is good care and excellent treatment being delivered across the NHS right this moment. Now is our chance to underpin our commitment to removing a culture of blame and embed a culture of learning and candour. A Chief Inspector of Hospitals is in principle one that we would support, but we will be working with the CQC to clarify the detail on how this would work.

For more information please contact Jenny Ousbey on 020 7799 8655 or email jenny.ousbey@nhsconfed.org

Ensuring Staff are Trained and Motivated

- NHS Employers to work on new model performance frameworks for staff
- Pay progression should be more closely linked to performance and delivering high quality patient care
- Starting with pilots, every student who seeks NHS funding for nursing degrees should first serve up to a year as a healthcare assistant
- The response highlights the importance of acting on feedback from staff and patients to help enhance the quality of care

We have always said that staff on the frontline need to be supported to get on with doing their job of delivering good quality care. It is important we do not focus exclusively on nursing at the expense of other professions; modern healthcare is about multidisciplinary working. All staff need good skills and a compassionate heart – it is not a question of one or the other. NHS Employers are looking forward to working with Health Education England and others to introduce and evaluate carefully the pilots for ensuring student nurses gain further experience in frontline caring.

We are also pleased that the Government has stated that 'minimum staffing numbers and ratios risk leading to a lack of flexibility'.

INFLUENCING THE GOVERNMENT

NHS Confederation

- Our joint Dignity Commission focused on delivering a culture of care and was cited in Robert Francis' Inquiry report. We are pursuing options to fund an implementation plan.
- We held a roundtable with members, senior clinicians and patient groups that allowed us to feed directly into the Government's Inquiry team.
- The Confederation's work on bureaucracy is referenced three times in the Government's report. Our work in this area was also cited by the Secretary of State in his statement in the House of Commons. The interim recommendations from our bureaucracy review are also named in full in the Government's report. To read our interim report click [here](#).
- Michael O'Higgins, the chair of both the NHS Confederation and NHS Employers, signed the Government's Statement of Common Purpose - which is included at the start of the [Government's report](#).

NHS Employers

- NHS Employers will be working on new model performance frameworks for staff - as announced in the Government's response to Francis.
- The report highlights the fact that Health Education England will be working with NHS Employers on aptitude tests for staff.

For more information please contact Jenny Ousbey on 020 7799 8655 or email jenny.ousbey@nhsconfed.org