

Trust Board Report

Meeting Date:	28 January 2013
Title:	Standards for Members of NHS Boards
Executive Summary:	The Professional Standards Authority has published Standards for members of NHS Boards and Clinical Commissioning Group governing bodies in England. These build on existing guidance and codes, and the Board is requested to consider adopting them.
Action Requested:	To note the report and approve the recommendations.
Report of:	Chief Executive
Author: Contact Details:	Adrian Sargent Tel: 01902 694294 Email: adrian.sargent@nhs.net
Resource Implications:	Nil
Public or Private: (with reasons if private)	Public Session
References: (eg from/to other committees)	None
Appendices References Background Reading	None
NHS Constitution: (How it impacts on any decision-making)	In determining this matter, the Board should have regard to the Core principles contained in the Constitution of: <ul style="list-style-type: none"> ✚ Equality of treatment and access to services ✚ High standards of excellence and professionalism ✚ Service user preferences ✚ Cross community working ✚ Best Value ✚ Accountability through local influence and scrutiny

Background Details

Review

The purpose of this report is to inform the Board of the publication in November 2012 of Standards for members of NHS Boards and Clinical Commissioning Group governing bodies in England, by the Professional Standards Authority (formerly the Council for Healthcare Regulatory Excellence). The Board is recommended to indicate its willingness to adopt these Standards as its own.

Background

Much has been written and said about the need for NHS Boards to shape the culture of their organisations, to set high standards of conduct, and to generally reflect NHS values as defined in the NHS Constitution, namely respect and dignity, compassion, improving lives, commitment to quality of care, working together for patients, and everyone counts. This is spelt out, for example, in *The Healthy NHS Board: Principles for Good Governance (2010)* and in the NHS Foundation Trust Code of Governance. The latter states:

“The Board of Directors should operate a code of conduct that builds on the values of the NHS foundation trust and reflect high standards of probity and responsibility.”

Recent developments

Following the report of the Mid Staffordshire NHS Foundation Trust Inquiry in February 2010, the Government made a commitment to commission work to ‘agree consistent standards of competence and behaviour for senior NHS leaders’. Subsequently, the then Council for Healthcare Regulatory Excellence was asked to develop a set of high-level ethical standards for executive and non-executive NHS Board members in England. The Standards were to cover the ethical dilemmas relating to three domains:

- Technical competence to carry out the job
- Personal behaviours and accountability
- Business practices including financial probity

The Council reviewed all of the existing policy and held discussions with key stakeholders, which led to the development of a first draft of Standards. Following consultation the first draft was amended before a final statement of Standards was submitted to, and approved by, the Department of Health earlier this year.

The Council sensed that the planned (in 2010/11) reforms to the NHS only added weight to the argument for quality assuring NHS Board members. They were mindful that as part of the clinical commissioning arrangements, many GPs were likely to be taking responsibility for managing large organisations with accordingly large budgets, and those taking executive and non-executive roles in the new structures would need clear guidance and help to account for ethical decision making. However, the Council were also clear that their brief covered all NHS Boards in England, and not just the Clinical Commissioning Groups.

Throughout their deliberations the Council were conscious of working in the context of existing standards, including the NHS Constitution, various sets of standards for NHS staff, managers and Board members, the Nolan principles of public life, the Treasury standards for accounting officers, and, for Board members who are also professionals, the standards set by their professional bodies. Despite variations, all of the standards paint a relatively consistent picture of an individual who acts with honesty and probity in the use of public money, operates with integrity with respect to appointments, appraisals, references and procurement, puts patient welfare first, operates with openness and accountability, and seeks value for money for the organisation and the public.

To add value to what had already been produced, the Council concentrated on how Board members could apply values in their decision making, rather

	<p>than simply set out another statement of values.</p> <p>The present position for RWT Board members</p> <p>Executive Directors are contractually committed to adhere to the following:</p> <p><i>The Standards of Business Conduct for NHS staff</i> – based on principles of conduct that put the interests of patients first, require impartiality and honesty in the conduct of NHS business, and value for money. They also make staff responsible for not using their position for personal gain, or to further personal interests.</p> <p><i>Code of Conduct for NHS Managers</i> - is also principle based but has a broader focus than the business standards. It emphasises the primacy of the care and safety of patients; respect; honesty and integrity; taking responsibility for one's own work and the people one manages; working as part of a wider team and organisation; and taking responsibility for learning and development.</p> <p>Non-executives at appointment are reminded that they must observe the <i>Code of Conduct for Board Members</i> (which underpins the associated <i>Code of Accountability</i>). This is mostly quite procedural, but it too is based on values, which are described as 'public service values which must underpin the work of the health service', namely accountability, probity and openness.</p> <p>Finally, there is the Trust's own policy GP01, "Corporate Governance – Principle of Public life" which essentially sets out and applies the Nolan principles to this organisation, from top to bottom.</p> <p>Conclusion and recommendation</p> <p>The new Standards are attached at Appendix 1.</p> <p>The Board is invited to consider whether to adopt them as its own standards, and if it does so, to resolve that they will become binding on all current and future Executive and Non-Executive Directors.</p>

Standards for members of NHS boards and Clinical Commissioning Group governing bodies in England

All members of NHS boards and CCG governing bodies should understand and be committed to the practice of good governance and to the legal and regulatory frameworks in which they operate. As individuals they must understand both the extent and limitations of their personal responsibilities.

To justify the trust placed in me by patients, service users, and the public, I will abide by these Standards at all times when at the service of the NHS.

I understand that care, compassion and respect for others are central to quality in healthcare; and that the purpose of the NHS is to improve the health and well-being of patients and service users, supporting them to keep mentally and physically well, to get better when they are ill and, when they cannot fully recover, to stay as well as they can to the end of their lives.

I understand that I must act in the interests of patients, service users and the community I serve, and that I must uphold the law and be fair and honest in all my dealings.

Personal behaviour

1. As a Member¹ I commit to:

The values of the NHS Constitution

Promoting equality

Promoting human rights

in the treatment of patients and service users, their families and carers, the community, colleagues and staff, and in the design and delivery of services for which I am responsible.

2. I will apply the following values in my work and relationships with others:

- **Responsibility:** I will be fully accountable for my work and the decisions that I make, for the work and decisions of the board², including delegated responsibilities, and for the staff and services for which I am responsible
- **Honesty:** I will act with honesty in all my actions, transactions, communications, behaviours and decision-making, and will resolve any conflicts arising from personal, professional or financial interests that could influence or be thought to influence my decisions as a board member
- **Openness:** I will be open about the reasoning, reasons and processes underpinning my actions, transactions, communications, behaviours and decision-making and about any conflicts of interest
- **Respect:** I will treat patients and service users, their families and carers, the community, colleagues and staff with dignity and respect at all times
- **Professionalism:** I will take responsibility for ensuring that I have the relevant knowledge and skills to perform as a board member and that I reflect on and identify any gaps in my knowledge and skills, and will participate constructively in appraisal of myself and others. I will adhere to any professional or other codes by which I am bound
- **Leadership:** I will lead by example in upholding and promoting these Standards, and use them to create a culture in which their values can be adopted by all
- **Integrity:** I will act consistently and fairly by applying these values in all my actions, transactions, communications, behaviours and decision-making, and always raise concerns if I see harmful behaviour or misconduct by others.

1 The term 'Member' is used throughout this document to refer to members of NHS boards and CCG governing bodies in England.

2 The term 'board' is used throughout this document to refer collectively to NHS boards and CCG governing bodies in England.

Technical competence

3. As a Member, for myself, my organisation, and the NHS, I will seek:

Excellence in clinical care, patient safety, patient experience, and the accessibility of services

To make sound decisions individually and collectively

Long term financial stability and the best value for the benefit of patients, service users and the community.

4. I will do this by:

- Always putting the safety of patients and service users, the quality of care and patient experience first, and enabling colleagues to do the same
- Demonstrating the skills, competencies, and judgement necessary to fulfil my role, and engaging in training, learning and continuing professional development
- Having a clear understanding of the business and financial aspects of my organisation's work and of the business, financial and legal contexts in which it operates
- Making the best use of my expertise and that of my colleagues while working within the limits of my competence and knowledge
- Understanding my role and powers, the legal, regulatory, and accountability frameworks and guidance within which I operate, and the boundaries between the executive and the non-executive
- Working collaboratively and constructively with others, contributing to discussions, challenging decisions, and raising concerns effectively
- Publicly upholding all decisions taken by the board under due process for as long as I am a member of the board
- Thinking strategically and developmentally
- Seeking and using evidence as the basis for decisions and actions
- Understanding the health needs of the population I serve
- Reflecting on personal, board, and organisational performance, and on how my behaviour affects those around me; and supporting colleagues to do the same
- Looking for the impact of decisions on the services we and others provide, on the people who use them, and on staff
- Listening to patients and service users, their families and carers, the community, colleagues, and staff, and making sure people are involved in decisions that affect them
- Communicating clearly, consistently and honestly with patients and service users, their families and carers, the community, colleagues, and staff, and ensuring that messages have been understood
- Respecting patients' rights to consent, privacy and confidentiality, and access to information, as enshrined in data protection and freedom of information law and guidance.

Business practices

5. As a Member, for myself and my organisation, I will seek:

To ensure my organisation is fit to serve its patients and service users, and the community

To be fair, transparent, measured, and thorough in decision-making and in the management of public money

To be ready to be held publicly to account for my organisation's decisions and for its use of public money.

6. I will do this by:

- Declaring any personal, professional or financial interests and ensuring that they do not interfere with my actions, transactions, communications, behaviours or decision-making, and removing myself from decision-making when they might be perceived to do so
- Taking responsibility for ensuring that any harmful behaviour, misconduct, or systems weaknesses are addressed and learnt from, and taking action to raise any such concerns that I identify
- Ensuring that effective complaints and whistleblowing procedures are in place and in use
- Condemning any practices that could inhibit or prohibit the reporting of concerns by members of the public, staff, or board members about standards of care or conduct
- Ensuring that patients and service users and their families have clear and accessible information about the choices available to them so that they can make their own decisions
- Being open about the evidence, reasoning and reasons behind decisions about budget, resource, and contract allocation
- Seeking assurance that my organisation's financial, operational, and risk management frameworks are sound, effective and properly used, and that the values in these Standards are put into action in the design and delivery of services
- Ensuring that my organisation's contractual and commercial relationships are honest, legal, regularly monitored, and compliant with best practice in the management of public money
- Working in partnership and co-operating with local and national bodies to support the delivery of safe, high quality care
- Ensuring that my organisation's dealings are made public, unless there is a justifiable and properly documented reason for not doing so.