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NHS Wales Escalation and Intervention Arrangements

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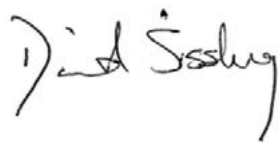
Foreword

NHS Wales seeks to provide the very best care for patients at all times. However, issues do sometimes arise affecting service delivery, organisational effectiveness and the quality and safety of care. In most cases an appropriate response is made by the organisation concerned. However on occasions there is a requirement for coordinated action involving those with responsibility for the supervision, inspection and regulation of the healthcare system.

The arrangements set out in this document clarify how the Welsh Government, the Auditor General for Wales and Healthcare Inspectorate Wales will work together to identify and respond to serious issues affecting NHS Wales.

Regular and effective information sharing will enable potentially serious concerns to be identified early on. We will work together and with relevant NHS bodies to ensure appropriate responsive action is taken.

Healthcare Inspectorate Wales, the Auditor General for Wales and Welsh Government have worked in close partnership to develop and agree these arrangements. We will continue to do so as these arrangements are implemented.



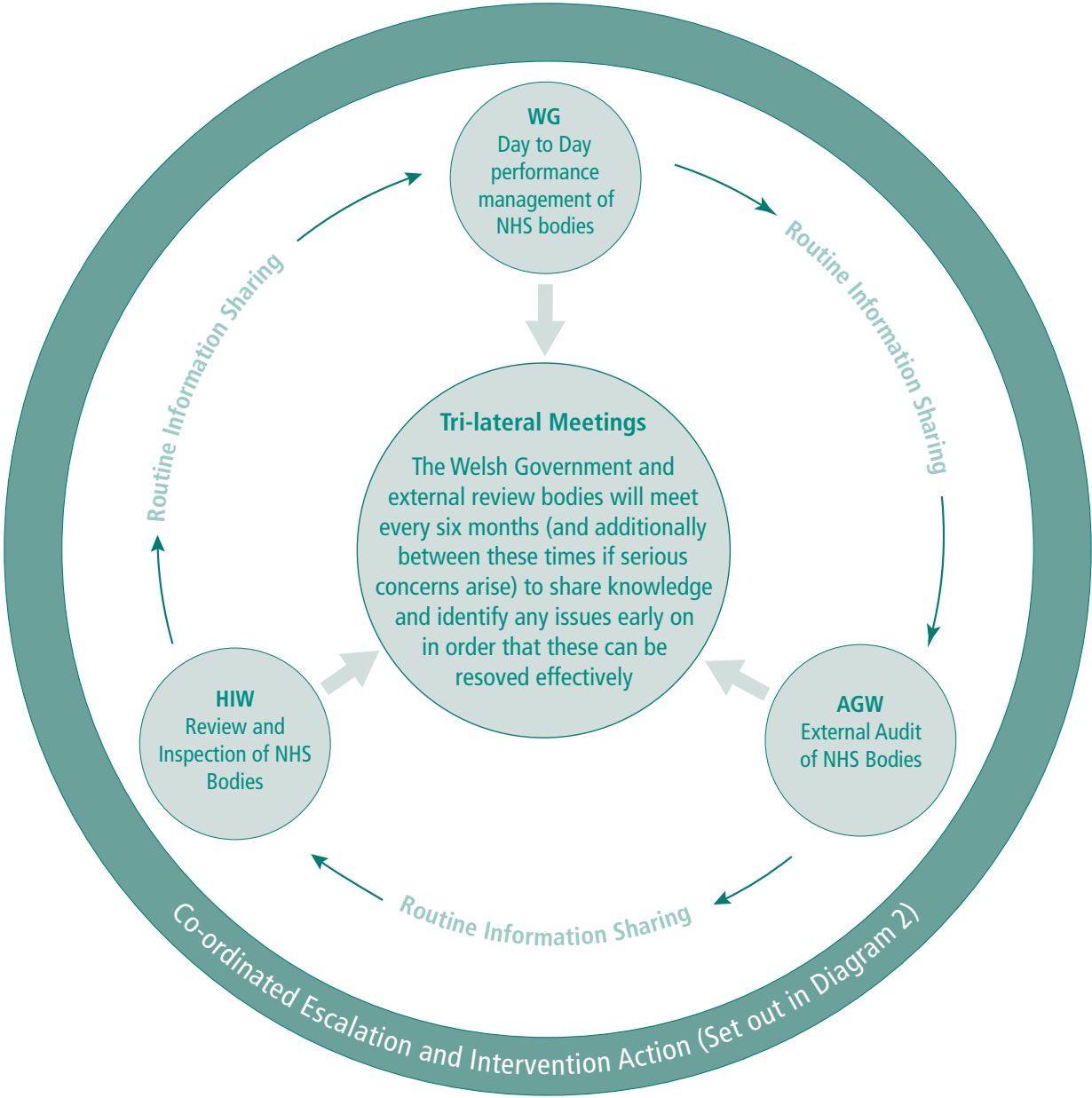
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Introduction

- 1. This document sets out the collective arrangements in place between the Welsh Government and external review bodies¹ for identifying and responding to serious issues affecting NHS service delivery, quality and safety of care, and organisational effectiveness. An overview of these collective arrangements is provided in **Diagram 1**. It aims to support NHS bodies by ensuring that potentially serious issues are identified as early as possible and addressed effectively.

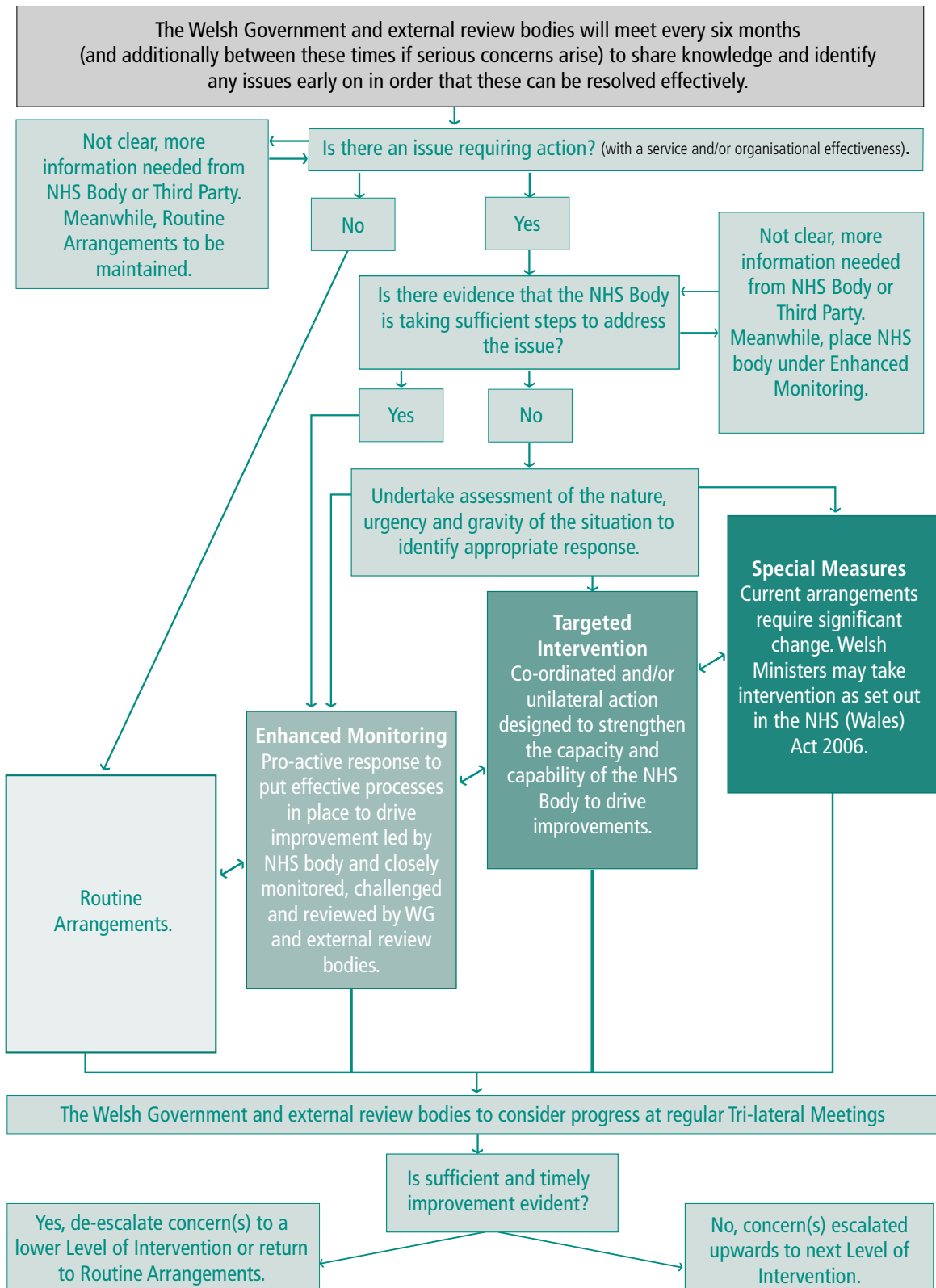
Diagram 1: NHS Wales Escalation and Intervention Arrangements – Overview



¹ The term external review bodies in this context refers to the Auditor General for Wales, staff of the Wales Audit Office acting on behalf of the Auditor General <http://www.wao.gov.uk/> and Healthcare Inspectorate Wales <http://www.hiw.org.uk/> More detail on their respective roles can be found on their websites.

2. It reflects how information will be exchanged and used in a timely manner, the triggers and prompts for escalation and intervention, and who will undertake those actions. **Diagram 2** sets out how these collective arrangements work.
3. It builds on and enhances arrangements already in place to share information and performance manage risk, and operates alongside the Welsh Government's NHS Wales Delivery Framework or successor document.
4. Nothing in this document fetters the discretion, nor undermines the statutory independence of the Auditor General for Wales, the operational independence of Healthcare Inspectorate Wales, nor the responsibility of the Welsh Ministers for strategic and operational oversight of NHS Wales; which remains accountable to the Welsh Government.

Diagram 2: NHS Wales Escalation and Intervention Arrangements



Principles

5. Principles governing the escalation and intervention arrangements for handling serious issues facing NHS Wales are set out in **Diagram 3**.

Diagram 3: Principles

- The collective arrangements are predicated on effective and regular information sharing between Welsh Government and external review bodies which will be used to determine if there are serious concerns².
- The Welsh Government and external review bodies will inform the NHS body of the reasons for escalation and intervention wherever it is applied.
- The form and extent of the action taken will be commensurate with the seriousness of the issue and the need to secure timely and effective improvement. The NHS body will normally be expected to make the necessary improvements itself.
- NHS bodies will be expected to provide accurate and timely responses to requests for information, and to co-operate with action taken under these collective arrangements.
- The Welsh Government and external review bodies will seek to co-ordinate requests for information in order to avoid placing undue burden on NHS bodies.
- These collective arrangements are not designed to deal with individual complaints, the route for this is through existing channels such as *Putting Things Right*³.
- The operation of these collective arrangements will be subject to regular review by the Welsh Government and external review bodies.

Routine Arrangements

6. Each NHS body in Wales is responsible for maintaining appropriate governance arrangements to ensure that it is operating effectively and delivering quality and safe care to patients.
7. External review bodies aim to co-ordinate their annual work programmes⁴ to seek assurance on the safe, effective and efficient delivery of services. Issues arising will normally be dealt with by external review bodies through their normal reporting channels.

² This may be through sharing draft and final reports; sharing performance data (including through <http://mylocalhealthservice.wales.gov.uk/#/en>); holding regular meetings and telecons etc.

³ <http://www.wales.nhs.uk/sites3/home.cfm?orgid=932>

⁴ Wherever appropriate, external review bodies adopt a collaborative approach to business planning and seek to develop complimentary annual work programmes removing duplication. More information can be found on their websites: <http://www.wao.gov.uk/> and <http://www.hiw.org.uk/>

8. The Welsh Government's NHS Wales Delivery Framework⁵ enables it to seek assurance that NHS bodies in Wales are delivering against priorities and driving up standards. As part of this there is a range of performance indicators against which NHS bodies in Wales are monitored. If there is an indication that NHS bodies are under-performing, the Welsh Government will explore this with the relevant NHS body and, where issues are identified, the NHS body will be required to take remedial action. This is in accordance with the NHS Wales Delivery Framework within which there are a number of levels of intervention actions including monitoring.
9. The Welsh Government and external review bodies will meet every six months (and additionally between these times if serious concerns arise) to share knowledge and identify issues early on in order that these can be resolved effectively.
10. The external review bodies will use this information to inform their respective scheduled programmes of work and may decide to bring forward and/or amend the scope of a piece of planned work in order to examine a particular issue in more detail.
11. A NHS body may also approach the Welsh Government and/or external review bodies itself to highlight potential issues and proposed handling. This may result in the NHS body asking Welsh Government or external review bodies to consider undertaking a specific piece of work in response to these issues.

Identifying a potentially Serious Concern

12. From time to time, the routine arrangements outlined above may flag up a potentially serious concern with the service delivery, quality and safety of care and/or organisational effectiveness of a NHS body.

Defining a Serious Concern

13. A serious concern to service delivery, quality and safety of care and/or organisational effectiveness arises when the severity, frequency or persistence of problems appear to exceed that which can be dealt through routine arrangements.
14. Concerns may be triggered by a single event or a combination of factors which may relate to areas such as:
 - Quality and safety of care
 - Capacity and capability
 - Financial management
 - Planning
 - Other governance arrangements
 - Other performance issues
 - the adequacy of the response of the NHS Body to address the concerns

5 <http://wales.gov.uk/topics/health/publications/health/strategies/framework/?lang=en>

Establishing whether action is required

15. When a serious concern emerges, the Welsh Government and external review bodies will convene an extraordinary meeting to assess the information available and to seek to establish whether action is required. Requests for additional information to assist with this evaluation may be made to the NHS Body and relevant third parties.
16. If it is not immediately apparent what the nature of the problem is and where its cause lies, the Welsh Government and external review bodies, as appropriate, may decide that a short, focussed piece of work is undertaken in liaison with the NHS body to explore the concern further.
17. The NHS body will be formally notified that the Welsh Government and/or external review bodies believe there to be a serious concern that potentially compromises service delivery, quality and safety of care and/or organisational effectiveness.
18. The Welsh Government and external review bodies, as appropriate, will work closely with the NHS body to ensure potential serious concerns are explored and their cause(s) understood.
19. Whilst a serious concern is being considered, the NHS body will normally continue to be subject to routine arrangements.
20. Once an exploration of the concerns has been completed, the Welsh Government and external review bodies will share knowledge and potential action plans so they are each better able to determine the action that is most appropriate for them to take. The NHS body will be informed in writing of the outcome by the Welsh Government and/or the external review bodies stating the grounds and confirming any action.
21. If there is no longer a cause for concern, then the NHS body will be informed and routine arrangements will continue.
22. If it is established that there is an issue that requires action (with a service and/or organisational effectiveness) then the Welsh Government and external review bodies, as appropriate, will consider the seriousness of the issue(s), their apparent causes and the capability and capacity of the NHS body to resolve them before making decisions on the form and extent of the action required.

Action to deal with a serious issue

23. Decisions on the choice and order of intervention⁶ may depend on the way in which serious issue(s) come to light and the response of the NHS body.
24. Intervention is not solely driven by this process; the Welsh Government and external review bodies each retain the right to take action as they see fit, keeping the others informed.
25. In each case the Welsh Government and external review bodies, as appropriate, will work with the NHS body to agree a clear timeframe in which improvement can be expected. There are three types of intervention, each an escalation of the previous.
 - Enhanced Monitoring
 - Targeted Intervention
 - Special Measures
26. Escalation will typically occur when there is evidence to indicate sufficient and timely improvement is not happening.
27. Depending on the nature of the issue, the escalation and intervention might be applied to either the NHS body as a whole or a particular service it provides.
28. A further description of each type of intervention is given below.

Enhanced Monitoring

29. The NHS body demonstrates that it is taking a pro-active response to put in place effective processes to address the issue(s) and drive improvement itself. If they consider it appropriate, the Welsh Government and external review bodies will co-ordinate their activity in order to closely monitor, challenge and review progress. Monitoring will be more frequent than that carried out under routine arrangements and may also take a wider variety of forms, including regular telecoms and meetings in addition to written progress updates and submission of evidence, including updated action plans and qualitative and quantitative data.

Targeted Intervention

30. In addition to Enhanced Monitoring; the Welsh Government and external review bodies will consider whether to take and co-ordinate action in liaison with the NHS body to consider where the NHS body needs to strengthen its capability and capacity in order to drive improvement.

⁶ Intervention is used here to describe any action taken which is over and above the routine arrangements used by the Welsh Government and external review bodies.

31. Actions the Welsh Government may take include arranging mentoring for individual Board or Executive Team members and appointing experienced individuals with the necessary clinical and/or governance skills onto the Board for a finite period.
32. Actions the external review bodies may take include specific review work leading to the publication of a report, either jointly or unilaterally.

Special Measures

33. In exceptional circumstances, officials of the Welsh Government (including the Chief Executive of Healthcare Inspectorate Wales) and the Auditor General for Wales may identify concerns in relation to an NHS body in response to which the Welsh Ministers may take Intervention as set out in the NHS (Wales) Act 2006 [sections 26-28] and associated regulations⁷.
34. Intervention actions by the Welsh Ministers may include suspending or removing powers and duties from individual members or all members of the NHS body's Board.
35. Additionally, the Welsh Ministers may consider the use of Direction or Emergency powers which allows them to direct that a function of the NHS body be performed by another body for a specified time.
36. These formal powers are seen as a last resort and will normally only be used if other intervention is unlikely to succeed. Neither of the external review bodies undertakes such intervention actions themselves.

Ending of Intervention

37. The NHS body will be informed at the point of escalation what the de-escalation criteria is. The overall aim being to support NHS bodies subject to intervention arrangements to deliver the required improvement and address any issue(s) effectively so that they may return to routine arrangements as soon as possible.
38. Wherever appropriate, the Welsh Government and external review bodies will co-ordinate their activity in order to closely monitor, challenge and review progress made by the NHS body. If the NHS body can provide evidence of sufficient and timely improvement then the Welsh Government and external review bodies will share knowledge to enable them each to consider whether de-escalation of the intervention arrangements placed on the NHS body is appropriate.

⁷ The Local Health Board (Constitution, Membership and Procedures) (Wales) Regulations 2009 and the NHS Trust (Membership and Procedures) Regulations 1990.