



MEETING TITLE Trust Board		MEETING DATE 26/01/2016	
TITLE of PAPER	For Approval: Updated Evidence of Compliance with the NHS Constitution, July, 2015	PAPER REF	6.2
STRATEGIC OBJECTIVE	All		
PURPOSE OF THE PAPER	That the Trust Board approves YAS' evidence of compliance with the principles, values and pledges of the NHS Constitution, 2015, evaluated against the high level assurances provided in Appendices B and C, and subsequently agrees its publication on YAS' website.		
For Approval	<input checked="" type="checkbox"/>	For Assurance	<input type="checkbox"/>
For Decision	<input type="checkbox"/>	Discussion/Information	<input type="checkbox"/>
AUTHOR / LEAD	Anne Allen, Trust Secretary	ACCOUNTABLE DIRECTOR	Rod Barnes, Chief Executive
<p>DISCUSSED AT / INFORMED BY – include date(s) as appropriate (free text – i.e. please provide an audit trail of the development(s)/proposal(s) subject of this paper):</p> <ul style="list-style-type: none"> The Trust Board (April 2014) reviewed YAS' evidence of compliance with the NHS Constitution, 2013; the first occasion this level of detail had been provided. The Trust Board (May 2014) was assured by the evidence of compliance and agreed to publish it on the Trust's website. On 27 July 2015 an updated NHS Constitution was published, containing some changes to the principles and pledges which require to be reviewed by the Trust, including evidence of YAS' compliance. TEG (16 September 2015) agreed to recommend YAS' evidence of compliance with the updated NHS Constitution, 2015 to the Quality Committee. Quality Committee (3 December 2015) agreed to recommend YAS' evidence of compliance with the updated NHS Constitution, 2015 to the Trust Board for approval subject to incorporation of additional feedback from YAS' Expert Patient (now completed). 			
PREVIOUSLY AGREED AT:	Committee/Group: Trust Executive Group Quality Committee		Date: 16/09/2015 03/12/2015

RECOMMENDATION	That the Trust Board approves: 1. YAS' evidence of compliance with the principles, values and pledges of the NHS Constitution, 2015, evaluated against the high level assurances provided in Appendices B and C; and 2. agrees to publish that evidence on YAS' website.	
RISK ASSESSMENT	Yes	No
Corporate Risk Register and/or Board Assurance Framework amended <i>If 'Yes' – expand in Section 4. / attached paper</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Resource Implications (Financial, Workforce, other - specify) <i>If 'Yes' – expand in Section 2. / attached paper</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Legal implications/Regulatory requirements <i>If 'Yes' – expand in Section 2. / attached paper</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Equality and Diversity Implications <i>If 'Yes' – please attach to the back of this paper</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ASSURANCE/COMPLIANCE		
Care Quality Commission Choose a DOMAIN	All	
Monitor Quality Governance Framework Choose a DOMAIN	All	

Updated Evidence of Compliance with the NHS Constitution, July, 2015

1. PURPOSE

- 1.1 That the Trust Board approves YAS' evidence of compliance with the principles, values and pledges of the NHS Constitution, 2015 [the Constitution], evaluated against the high level assurances provided in Appendices B and C, and subsequently agrees its publication on YAS' website.

2. BACKGROUND/CONTEXT

- 2.1 The previous version of YAS' evidence of compliance with the principles, values and pledges of the NHS Constitution (2013) followed an assurance route through the Trust Executive Group and Quality Committee. This process culminated in the Trust Board (May 2014) deriving assurance of YAS' on going regard to the Constitution and agreeing, for the first time, to publish this level of detail of our evidence of compliance on the Trust's website.
- 2.2 Following publication of Lord Francis' report into the failings at Mid-Staffordshire, in the early part of 2015 the Department of Health consulted upon proposed changes to the NHS Constitution. Subsequently, an updated version was published on 27 July 2015 (**Appendix A: NHS Constitution, 2015 – with highlighted amendments to the previous version**).

YAS' Trust Secretary has reviewed the Trust's evidence of compliance with the updated Constitution. Subsequently, amendments to it are reflected in tracked changes in the attached evidence tables (**Appendix: B (Patients & Public); Appendix C (Staff)**).

In addition a Glossary of Terms is attached (**Appendix D**).

- 2.3 The Trust Executive Group (16 September 2015) agreed to recommend YAS' evidence of compliance with the updated Constitution to the Quality Committee.

Recognising an improvement in the volume and quality of YAS' evidential compliance with the updated Constitution, the Quality Committee (3 December 2015) agreed to recommend it to the Trust Board, subject to incorporation of additional feedback from YAS' Expert Patient which has now been included in the attached (**Appendix: B (Patients & Public); Appendix C (Staff)**).

2.4 Summary of Changes and Implications for YAS

2.4.1 Francis Inquiry

The NHS Constitution, 2015 has been updated to reflect national policy and legislation and to make it a more practical document. The Francis' Report recommended amendments to the Constitution based on:

- prioritising patients;
- protecting patients from avoidable harm;
- providing assistance that patients need;
- staff compliance with guidance.

Each of these recommendations has been fully accepted by the Department of Health and implemented within the updated Constitution.

Implications for YAS

- a. The Trust Board is already cognisant of the implications of the Francis Report which the Trust has appropriately actioned through its Quality Delivery Plan; performance is monitored through YAS' systems of internal control;
- b. YAS' evidence of compliance with the Constitution has been updated (**Appendices: B (Patients & Public); C (Staff)**).

The following points outline each of the key changes to the Constitution and how YAS has responded to them.

2.4.2 Standards of care

The Constitution now reflects a series of fundamental standards, below which standards of care must never fall. In April 2015, the way hospitals are inspected was changed with the Care Quality Commission (CQC) becoming regulators of fundamental standards. Failure to meet these standards, and an inability to meet the high standards patients expect and deserve, will result in decisive action to protect patients.

Implications for YAS

- a. The Trust Board is already cognisant of the implications of the fundamental standards and the CQC's inspection regime which, in response to a planned inspection of YAS in January 2015; the Trust has appropriately actioned through its CQC Action Plan. Delivery against the Action Plan is monitored through YAS' systems of internal control;
- b. YAS' evidence of compliance with the Constitution's fundamental standards has been updated (**Appendices: B (Patients & Public); C (Staff)**).

2.4.3 **Physical and mental health**

To close the gap between physical and mental health, the Constitution makes it clear each are equally important. This is a key part of the NHS Principles that guide the NHS in all that it does.

Implications for YAS

- a. The Trust Board is already cognisant of the implications of the gap between physical and mental health which the Trust has appropriately actioned through its Clinical Quality Strategy, 2015-18; performance is monitored through YAS' systems of internal control;
- b. YAS' evidence of compliance with the Constitution's fundamental standards has been updated (**Appendices: B (Patients & Public); C (Staff)**).

2.4.4 **Armed forces**

The role of the armed forces is recognised by enshrining the Armed Forces Covenant in the updated Constitution, to ensure equal access to services.

Implications for YAS

- a. The Trust Board, through receiving this report today, has been made cognisant of the implications of enshrining the Armed Forces Covenant in the Constitution, to ensure equal access to services;
- b. The Trust has already recognised and responded to these implications through their inclusion, as a 'disadvantaged group', in YAS' Clinical Quality Strategy Implementation Plan, delivery of which will be monitored through YAS' systems of internal control;
- c. YAS' evidence of compliance with the requirements relating to the Armed Forces has been updated (**Appendices: B (Patients & Public); C (Staff)**).

2.4.5 **Duty of Candour**

The Department of Health has also introduced a new duty of candour into the Constitution, to promote a culture of openness within the NHS. The inclusion of a patient right to candour helps to achieve this.

Implications for YAS

- i. The Trust Board is already cognisant of the implications of the Duty of Candour which the Trust has appropriately actioned through its *Policy on Being Open and Duty of Candour*; performance is monitored through YAS' systems of internal control;

- ii YAS' evidence of compliance with the Duty of Candour has been updated (**Appendices: B (Patients & Public); C (Staff)**).

3. PROPOSALS/NEXT STEPS

- 3.1 Given the implications for YAS (at 2. above) that the Trust Board today take assurance from and approve YAS' updated evidence of compliance with the NHS Constitution, 2015, followed by publication on the Trust's website.

4. RISK ASSESSMENT

If the Trust were to fail to comply with the NHS Constitution it would fail to fulfil a statutory purpose. In publishing its evidence of compliance the Trust is being open and transparent.

5. RECOMMENDATIONS

- 5.1 That the Trust Board approves:
 - 1. YAS' evidence of compliance with the principles, values and pledges of the NHS Constitution, 2015, evaluated against the high level assurances provided in Appendices B and C; and
 - 2. agrees to publish that evidence on YAS' website.

6. APPENDICES/BACKGROUND INFORMATION

Appendix A: NHS Constitution, 2015 – with highlighted amendments to the previous version

Appendix B: NHS Constitution, 2015: Rights and Pledges to Patients and the Public – with tracked changes to reflect amendments to the previous published version

Appendix C: NHS Constitution, 2015: Rights and Pledges to Staff – with tracked changes to reflect amendments to the previous published version

Appendix D: Glossary of Terms