

<b>TRUST BOARD IN PUBLIC</b>		<b>Date: 29<sup>th</sup> May 2014</b>	
		<b>Agenda Item: 1.5</b>	
<b>REPORT TITLE:</b>		CHIEF EXECUTIVE'S REPORT	
<b>EXECUTIVE SPONSOR:</b>		Michael Wilson Chief Executive	
<b>REPORT AUTHOR:</b>		Gillian Francis-Musanu Director of Corporate Affairs	
<b>REPORT DISCUSSED PREVIOUSLY:</b> (name of sub-committee/group & date)		N/A	
<b>Action Required:</b>			
<b>Approval</b>	<b>Discussion</b>	<b>Assurance (√)</b>	
<b>Summary of Key Issues</b>			
<b>National Issues:</b> <ul style="list-style-type: none"> <li>Proposed amendments to Health and Social Care Act – Fit &amp; Proper Persons Test</li> </ul> <b>Local Issues</b> <ul style="list-style-type: none"> <li>Outcome of Monitor's Review of SaSH &amp; BSUH Pathology Joint Venture</li> <li>Chief Inspector of Hospitals Inspection</li> <li>Announcement of Planner Merger</li> <li>BSUH Hospital Redevelopment</li> <li>Development Work with CCGs</li> <li>Opening of Dental Simulation Laboratory</li> </ul>			
<b>Relationship to Trust Strategic Objectives &amp; Assurance Framework:</b>			
SO5: Well - led			
<b>Corporate Impact Assessment:</b>			
<b>Legal and regulatory implications</b>	Ensures the Board are aware of current and new requirements.		
<b>Financial implications</b>	N/A		
<b>Patient Experience/Engagement</b>	Highlights national requirements in place to improve patient experience.		
<b>Risk &amp; Performance Management</b>	Identifies possible future strategic risks which the Board should consider		
<b>NHS Constitution/Equality &amp; Diversity/Communication</b>	Includes where relevant an update on the NHS Constitution and compliance with Equality Legislation		
<b>Attachments: N/A</b>			

## TRUST BOARD REPORT – 29<sup>th</sup> MAY 2014 CHIEF EXECUTIVE'S REPORT

### 1. National Issues

#### 1.1 Health and Social Care Act 2009 (Regulation of Regulated Activities) Amendment of Regulations 2014 – Fit and Proper Person's Test

The Francis report made 7 recommendations regarding implementing a "Fit and proper persons test". New statutory powers are planned to bring in this test during this financial year. The CQC will maintain a record of concerns about individual directors (including those who resign before the regulator has had time to act and impose any conditions on their trust). Any individual deemed unfit, would then be removed from their posts and/or barred from joining a new organisation, preventing movement between different providers.

Initial suggestions are that the test will be used when an organisation first registers with the CQC and when a new director is appointed. The draft regulations describe that to qualify as a fit and proper person a director must:

- Be of good character;
- Be competent (qualifications, skills and experience) for the role;
- Be capable of undertaking the position

A director could be deemed to be unfit if:

- They have been convicted of a criminal offence or sentenced to three months in prison within the last five years;
- They are included on any barring list preventing them working with children and vulnerable adults;
- Been responsible for misconduct or mismanagement in the course of any employer with a CQC registered provider;
- They are an undischarged bankrupt; are subject of a bankruptcy order;
- They have undischarged arrangements with creditors;
- Be prohibited from holding the position under existing laws.

Consultation on the new regulations has recently concluded and the outcome will be published in the next few months with the expectation that this will be added to statute by October 2014. New guidance will be published once the draft regulations become statute to facilitate implementation of new tests and corporate records.

It is anticipated that the test will be applied universally and will bar approximately 7 people a year from holding a Director level role within healthcare organisations registered with the CQC. A copy of the full consultation report is available at:

<https://www.gov.uk/government/consultations/fit-and-proper-persons-test-regulations>

## **2. Local Issues**

### **2.1 Outcome of Monitor's Review of Surrey & Sussex Healthcare NHS Trust and Brighton & Sussex University Hospitals Pathology Joint Venture**

The Trust Development Authority have confirmed the outcome of their consideration of the advice received from Monitor and the assessment in respect of the impact on choice and competition that the merger may have on patients and taxpayers.

Monitor's investigation found that the proposed merger is not likely to result in a material adverse effect on patients and taxpayers as a result of a loss of choice or competition in the following markets:

- Direct access to cold pathology services (purchased on behalf of GPs and CCGs)
- Cold pathology services (purchased by healthcare providers)
- Hot pathology services (purchased by healthcare providers)
- Specialist pathology services

Monitor also found the merger was not likely to reduce the incentives of merger parties to continue improving their elective and non-elective healthcare services.

The TDA have confirmed their support of Monitor's advice that the merger of SaSH and BSUH Pathology services is not likely to have a negative impact on patients and taxpayers and have given clearance for the proposal.

### **2.2 Chief Inspector of Hospital's Inspection**

The Board will note that the Chief Inspector of Hospitals Inspection took place from 20<sup>th</sup> – 20<sup>th</sup> May 2014. The unannounced visit is likely to take place within the next 10 days. The Trust will receive a formal report from the Care Quality Commission within the next six weeks. On behalf of the Board we would like to express our thanks to all staff for their sterling efforts in preparation for and during the inspection.

### **2.3 Announcement of Planned Merger**

The Royal Surrey County Hospital in Guildford and Ashford & St Peter's Hospitals NHS Foundation Trust have formally announced plans to merge.

### **2.4 Brighton & Sussex University Hospital's Redevelopment**

The Board would like to congratulate Brighton and Sussex University Hospital's NHS Trust who have recently received treasury approval of £420 million for the redevelopment of their main hospital site. This will be of strategic importance for local people.

### **2.5 Development work with local CCGs**

Following a series of meetings with our local CCGs we have agreed to jointly focus on four strategic areas across the health system during 14/15:

- Reducing emergency demand
- Community stroke and rehabilitation

- Community orthopaedic rehabilitation
- End of Life care

This is an important strategic development which will continue our partnership working, improvement journey, quality of services provided for our patients and local community across the health system.

## **2.6 Opening of Dental Simulation Laboratory**

In conjunction with the Dental Dean of Health Education Kent Surrey and Sussex, the official opening of Dental Simulation Laboratory takes place on 3<sup>rd</sup> June 2014 at 4.00pm. There will be an opportunity to meet the Trust Executive, Consultants from the Dental and Maxillofacial department and view the new clinical training facility.

## **3. Recommendation**

The Board is asked to note the report and consider any impacts on the trusts strategic direction.

**Michael Wilson**  
**Chief Executive**  
**May 2014**