

Reference: 3118A2022

Date issued: September 2022

Key contact: Sara Utley/ Darren Griffiths, Rhys Jones / Vanessa Davies

Updated Terms of Reference - Joint Review Follow-up of Quality Governance Arrangements at Cwm Taf Morgannwg University Health Board

Introduction

- 1 In 2019, growing concerns around Quality Governance arrangements led to Healthcare Inspectorate Wales (HIW) and Audit Wales (AW) undertaking an urgent joint review of the Quality Governance arrangements at the Health Board.
- 2 The findings of that review were published on 19th November 2019 in a report that made 14 recommendations for the Health Board to address on issues related to:
 - Improving the strategic focus on quality, patient safety and risk;
 - Strengthening leadership of quality and patient safety;
 - Improving organisational scrutiny and directorate level arrangements of quality and patient safety;
 - Improving the identification and management of risk;
 - Strengthening the management of incidents, concerns, and complaints; and
 - Improving the organisational culture and approach to organisational learning.
- 3 In May 2021, Audit Wales and HIW jointly undertook a follow up review which concluded that the Health Board has made good progress in addressing the recommendations made in 2019, particularly when taking account of the challenges it has faced in response to the COVID-19 pandemic. The report noted the considerable commitment, drive and enthusiasm from the Health Board, and a clear desire to get things right. However, despite the progress made, work was still required in each area where recommendations were made. It was therefore agreed that each of the 14 recommendations would remain open.
- 4 Given the nature of the concerns identified by the joint review in 2019, and the Health Board's position in May 2021 in relation to the progress made with addressing the recommendations, HIW and AW have decided to undertake a further follow up review to ascertain the progress made in addressing and implementing the required actions in line with the recommendations.
- 5 We have updated the Terms of Reference to reflect the revised timing of this work following ongoing discussions with the Health Board. The substantive fieldwork has been rescheduled to allow us to see sufficient evidence of the impact of the new operating model and associated developments in quality governance

arrangements. This document sets out the updated Terms of Reference for the additional follow up review.

Scope of the work and overall aims

- 6 This follow up review will seek to assess the further progress made by the Health Board in implementing the recommendations and addressing the substantive concerns identified during our joint review in 2019. It will look for evidence of additional improvement and progress from the position we described in our 2021 follow up work and consider whether any of the recommendations can be closed. It will also look at the effectiveness of the Health Board's own processes for overseeing the progress made in addressing the issues and recommendations from our 2019 work.
- 7 The work will primarily be undertaken to provide wider assurance on the robustness of the organisation's quality governance arrangements. Its findings will also be used to inform discussions on the Health Board's escalation status as part of the NHS Wales escalation framework. The key lines of enquiry for our follow up work are set out in **Exhibit 1**.

Exhibit 1: key lines of enquiry

Has the Health Board made progress in addressing the recommendations made in the 2019 review of quality governance arrangements?

Are the Health Board's arrangements for overseeing its ongoing response to the Joint Review's findings and recommendations effective?

- Is there evidence of clear and up-to-date action plans in place to support the Health Board's management response to the review findings?
- Are there clear accountability and management structures in place to support delivery of the action plan/s?
- Is progress monitored and reported appropriately and effectively?
- Is the Board appropriately and effectively involved?

Is there evidence that the substantial concerns identified by the Joint Review, and associated recommendations have been /are being addressed effectively?

- Has the Health Board clearly set out the quality priorities and outcomes to support quality and patient safety?
- Is the Health Board taking a strategic and planned response to risk management across the breadth of its services and organisational structures?
- Has the Health Board strengthened management and clinical leadership structures to ensure collective responsibility for quality and patient safety across the organisation?

- Is the Health Board demonstrating strong organisational scrutiny of quality and patient safety?
- Are there clear arrangements and sufficient resources in place for the management of incidents, concerns, and complaints?
- Has the Health Board implemented a values and behaviour framework?
- Is the Health Board demonstrating effective approaches to organisational learning?
- Is there early evidence of the Health Board's new operating model supporting the required improvements?

Approach to the follow up work

- 8 The following sections provide information on the follow up methodology, timing, and reporting arrangements.
- 9 In undertaking the follow up work, the joint review team will be mindful of the impact the COVID-19 pandemic has had, and continues to have, on the Health Board. Whilst the immediate public health emergency has subsided, the Health Board is still facing significant challenges as it deals with the legacy of COVID-19 and seeks to recover and transform healthcare services in response to the increased demand on services and the additional pressures built up throughout the pandemic.
- 10 We are also mindful that the timing of this follow up work may coincide with a resurgence of COVID-19, coupled with winter pressures. We acknowledge that these factors may impair the Health Board's ability to respond to our requests for information, and the planning of our discussions in a timely manner. We will, therefore, endeavour to adopt a pragmatic approach when planning and undertaking our work.
- 11 The methodology for this review is outlined in Exhibit 2.

Exhibit 2: methodology

Fieldwork to be undertaken at Health Board level:

- We will ask the Health Board to complete and return a self-assessment.¹
- We will review key documents, including any Health Board reports to the Board showing progress against the key issues and recommendations from the joint review.

¹ We will not require the Health Board to complete another self-assessment, only to update in January as necessary.

- We will hold interviews (either via MS Teams or in person) with key Board members and other senior clinical and managerial staff within the Health Board. The interviewee list may not be as comprehensive as the original joint review, as we intend this to be a shorter and more focussed exercise. We will, however, seek to hold interviews with selected senior staff in the surgical services directorate to help establish the progress made against the concerns and recommendations made following the original review.
- We will hold discussion with Internal Audit staff.
- We will seek views from Welsh Government and other key stakeholders, such as the Community Health Council and the Delivery Unit to inform our findings. We will also ensure that our findings are informed by the on-going work of the Independent Maternity Services Overview Panel.
- We will observe Board and Committee meetings and a relevant operational meetings where these fall within the timescale of the follow up fieldwork
- We will hold focus groups with operational staff
- We will undertake a staff survey, using the same approach as the original joint review to help assess the progress made over the last 12 months.

- 12 The joint review team will also draw on work undertaken at the Health Board by HIW and AW since the follow up review was completed. The Audit Wales 2022 Structured Assessment review will also be used to inform some areas of work.
- 13 The review team will require the Health Board's support in accessing the relevant documents for review. A list of the documents will be discussed with the Health Board in advance of the fieldwork. Similarly, a full list of the staff to be interviewed will be agreed with the Health Board as part of the set-up discussions.

Reporting our findings

- 14 The review team will provide interim feedback to the Health Board if any immediate areas of concern are identified during the review. This may include HIW using its Immediate Assurance process if required.
- 15 The product of the review will be a published report setting out the progress made by the Health Board in addressing the recommendations and highlighting any further work that is required. A draft of the final report will be shared with the Health Board and cleared for factual accuracy before publication. The published report will be laid before Senedd and made available to the public via our respective websites.
- 16 If areas for improvement are identified, the Health Board will be required to complete an improvement plan detailing how it will address the findings set out in the report.

Timescale for the follow-up review

- 17 The indicative timescales for the key stages of review are set out in **Exhibit 3**. These may be subject to change if any difficulties are encountered in gathering the required evidence to inform the review.

Exhibit 3: timescale

Key stage	Date
Set up meeting with the Health Board	August 2022
Receipt of self-assessment and relevant background documents from the Health Board	End of September / beginning of October 2022
Opportunity for the Health Board to provide additional documentation as necessary, to support its self-assessment completed in September 2022.	January 2023
Substantive fieldwork	February 2023
Draft report	April 2023
Final report	May 2023

Contacts for the review

18 The key contacts for the review within HIW and AW are set out in **Exhibit 4**.

Exhibit 4: key contacts

Name	Contact Details
Audit Wales	
David Thomas, Audit Director	Dave.Thomas@audit.wales 07798 503064
Darren Griffiths, Audit Manager	Darren.Griffiths@audit.wales 02920 320 591
Sara Utley, Performance Audit Lead	Sara.Utley@audit.wales 02920 829 399
Healthcare Inspectorate Wales	
Rhys Jones, Head of Escalation and Enforcement, Cwm Taf Morgannwg University Health Board Relationship Manager	Rhys.Jones2@gov.wales 0300 0628256
Vanessa Davies, Head of Reviews	Vanessa.Davies008@gov.wales 0300 0628546

Data Protection

Where we process personal data, this is in accordance with data protection legislation, including the Data Protection Act 2018 and the General Data Protection Regulation. Further information is set out in our fair processing notice attached at **Appendix 1**. We ask that you share this project brief with Board members, and anyone we intend to interview, to ensure they understand the purpose and scope of our review and how information may be used and shared.

Appendix 1 – Audit Wales Fair Processing Notice

This privacy notice tells you about how the Wales Audit Office processes personal data provided by you in connection with our Structured Assessment of NHS Trusts and Health Boards in Wales.

Who we are: The Auditor General for Wales examines how public bodies manage and spend public money, and the Wales Audit Office (WAO) provides staff and resources to enable him to carry out his work.

Data Protection Officer (DPO): Our DPO is Martin Peters, who can be contacted by telephone on 029 20320500 or by email at: infoofficer@audit.wales.

The relevant laws (legal basis): We process personal data in accordance with the Data Protection Act 2018 (DPA) and the General Data Protection Regulation (GDPR). Our lawful basis for processing is the statutory powers and duties under the Public Audit (Wales) Act 2004, the Government of Wales Act 1998 and Well-being of Future Generations (Wales) Act 2015.

Purpose of processing: We are collecting opinions and information to help us carry out our Structured Assessment of health bodies. Some of this information may be about identifiable individuals, which would make it personal information, even though the purpose of our work is not in itself to collect information about identifiable individuals. The information collected will be used for this work and may also be used in our wider statutory audit work.

Who will see the data? The Auditor General and the WAO audit team will have access to the information you provide. We may share some information with senior management at the audited bodies involved, and our published report may include some information. We may share some data with the NHS Wales Audit and Assurance Service for the purpose of its internal audit and such information will be processed in accordance with the NHS Wales Audit and Assurance Service privacy policies.

How long we keep the data? We will keep the information collected, including your personal data, for a period of 6 years following publication of our report, or 25 years if published within a report, and we will hold your data securely in accordance with our Information Security Policy.

Your rights: You have rights to ask for a copy of the current personal information held about you or to object to data processing that causes unwarranted and substantial damage and distress. Contact the Information Officer, Wales Audit Office, 24 Cathedral Road, Cardiff, CF11 9LJ or email infoofficer@audit.wales.

Our rights: The Auditor General has rights to information, explanation, and assistance under paragraph 17 of schedule 8 Government of Wales Act 2006 and/or section 52 Public Audit (Wales) Act 2004 and/or section 26 of the Local Government (Wales) Measure 2009. It may be a criminal offence, punishable by a fine, for a person to fail to provide information.

The Information Commissioners Office: If you require further information in relation to your rights under data protection law or are dissatisfied with how we are handling your personal data you may contact the Information Commissioner at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF, or email casework@ico.gsi.gov.uk or telephone 01625 545745.

Appendix 2 – HIW Processing Notice

Personal data

This review forms part of HIW's work to provide independent assurance on the quality and safety of healthcare services in Wales. The Health and Social Care (Community Health and Standards) Act 2003 (Part II, Chapter 4) gives HIW the power to carry out inspections, reviews and investigations of the NHS or services provided for the NHS. This document sets out our intended approach to the review.

Where we process personal data, this is in accordance with data protection legislation, including the Data Protection Act 2018 and the General Data Protection Regulations. Further information is set out in HIW's privacy notice which can be found on our website <https://hiw.org.uk/privacy-policy>