



# Position Specification

Care Quality Commission

National Guardian

April 2016 FINAL

#799675

Private and Confidential

### Introduction

“No service can be effective without listening to and acting on the concerns raised by its staff, let alone one which employs such skilled and dedicated people as the NHS. They are the lifeblood of the service, and the lifeline for their patients. Freedom to speak up is that important. The evidence clearly shows that many staff are fearful of speaking up. It is important that every part of the NHS develops a culture in which it is entirely normal to raise issues about safety, quality and effectiveness of the service, for those issues to be addressed and for those who raise them to be protected from any adverse consequences arising out of their disclosures. So it is essential that a variety of channels of communication are available to staff, and also support and advice to enable them to take necessary but challenging action.

I believe that a network of local Freedom to Speak Up Guardians has an invaluable role to play in supporting these changes. That network needs national level support and thought leadership, advice and guidance. Individual members of staff whose cases may have been poorly handled by their local Trusts also need a source of independent review and guidance on where they can receive further advice and support.

That is why the National Guardian is such an important post. It is a job for someone who wants to make a real difference to the lives of NHS staff and their patients through independently minded leadership. It will require someone who has the ability to be trusted by a very wide range of people, and to promote the open culture required throughout the healthcare system.”

### Sir Robert Francis – Freedom to Speak Up Review

#### Background

In June 2014 the Secretary of State for Health commissioned Sir Robert Francis to carry out an independent review into creating the open and honest reporting culture in the NHS. Sir Robert’s report - ‘Freedom to Speak Up’ - was published in February and included recommendations for:

- a Freedom to Speak Up Guardian in every NHS trust – a named person in every hospital to give independent support and advice to staff who want to speak up and hold the board to account if it fails to focus on the patient safety issue.
- a National Independent Officer who can support local Guardians, to intervene when cases are poorly handled and identify any failing to address dangers to patient safety, the integrity of the NHS or injustice to staff.

The recommendations of the Freedom to Speak Up report were consulted on by the Department of Health between March and June 2015, following which the SoS announced on 21 July that the National Independent Officer, now known as the independent National Guardian, would be hosted by the Care Quality Commission (CQC).

This new role provides a unique opportunity to shape the implementation of the Report’s recommendations. As Sir Robert said, this is an opportunity to move towards an NHS culture that *‘celebrates openness and commitment to safety and improvement. If these things are achieved, the NHS will be a better place to work. Above all, it will be a safer place for patients’*.

## Progress to Date

A small team has been put in place to progress the set-up of the National Guardian's Office (NGO) with the objective of it becoming operational shortly. The team comprises four full-time staff who have been appointed on an interim basis, supported by CQC staff that are providing functional expertise, as well as overall programme leadership in the set-up phase.

When fully established, the NGO will undertake four main functions to discharge its duties:

- To build a strong network of Freedom to Speak Up Guardians.
- To review how staff concerns have been handled.
- To support and advise providers on good practice in responding to staff concerns.
- To provide challenge and support for the system.

Prior to the appointment of the National Guardian, the set-up team will focus on building a network of local Freedom to Speak Up Guardians and providing them, and those responsible for appointing them, with guidance and advice on the role. The team will also be organising a programme of engagement events for non-executive directors, senior executives, and newly appointed local guardians, to share advice and learning and to explain the role of the National Guardian's Office (NGO). In its early months, the NGO will be unable to review the handling of specific cases, but the team will be developing some options on the criteria for accepting cases and the review process, based on good practice.

The Office will soon be in a position to field queries via a dedicated phone line and mailbox and as an interim measure; the NGO will have a presence on the CQC website providing some on-line resources and information.

The National Guardian role will be limited to NHS Trusts initially. NHS England (NHSE) is currently consulting on the introduction of Local Freedom to Speak Up Guardians in Primary Care, with a view to them being in place by March 2017. Although NHSE will provide some support to this network of local guardians, it is anticipated that the NGO will also extend its expertise to this group. Further work is needed to understand the issues for staff raising concerns in adult social care, and to consider whether a National Guardian approach is the best way to support culture change in this sector.

## The Role

This is a unique opportunity to be involved from the outset in the creation of a new role to lead and promote a change of culture in the NHS to make it safer for staff to speak up and raise concerns without fear of reprisal. It is a challenging role subject to high degrees of public scrutiny which requires resilience and integrity, but which has potential to make a real difference to both staff in the NHS and patient safety.

The main challenges and responsibilities of this position will be to

- Define the role of the National Guardian, and how the office will operate to leverage the greatest influence
- Establish the credibility and reputation of the Office as a position of national leadership and a source of independent advice

- Promote and support the role of local guardians, helping to establish both regional and national networks, supporting training and sharing best practice and consistency across the country
- Work with and through others to drive a change in the culture so that it is safe for staff in the NHS to raise concerns
- Provide oversight of individual case review, including making final decisions about when it is appropriate to make recommendations to Trusts for improvements, or to leverage the support of the appropriate regulator.
- Provide advice to NHS healthcare providers on best practice in supporting staff to raise concerns
- Make recommendations to individual and national organisations (NHS trusts and foundation trusts, NHS England, NHS improvement, CQC and the Secretary of State for Health) on trends, common issues and interventions to drive and support culture change across the NHS
- Represent the office and the network of local Guardians to key stakeholder groups

The National Guardian will be responsible for managing a small team of approximately 8 FTE and budget of approximately £1m.

## Candidate Profile

The successful candidate will demonstrate the following skills and experience.

### Interpersonal, networking and communication skills

- Ability to work collaboratively with individuals from Board level to the frontline
- Ability to present complex issues clearly and with sensitivity to individuals, groups and the media
- Excellent communication skills, both written and oral
- Ability to inspire trust and confidence of a wide range of stakeholders
- Strong influencing skills
- High level of resilience and experience of dealing with the media

### Leadership and Management

- Experience of leadership at a senior level, including working with advisory boards, chairing committees and reporting to senior officials and Ministers
- Experience of leading multifunctional teams and managing resources
- Understanding of the role and governance of arm's length bodies and cross organization accountability and reporting
- Providing thought leadership to drive improvement in the culture of speaking up in the NHS.

### Strategic and Analytical thinking

- Ability to see the big picture and set direction for the Office, for Local Guardians and for stakeholders
- Strong analytical skills and an incisive and independent mind, with the ability to extract the key factors from complex issues
- Sound judgement and insight to provide advice on handling individual cases
- Experience of dealing with complex issues

**Personal qualities and experience**

- Resilience and integrity
- An understanding of the issues relating to raising concerns, and commitment to driving a change in the culture
- Knowledge and/or experience of working in the NHS and/or the public sector is desirable

**Governance and Accountability**

The National Guardian's Office will be hosted by The Care Quality Commission (CQC) which is the regulator of health and adult social care in England. It was created in April 2009 following the merger of three predecessor commissions. Its purpose is to make sure health and social care services provide people with safe, effective, compassionate, high quality care and it encourages care services to improve. Its role is to monitor, inspect and regulate services to make sure they meet fundamental standards of quality and safety and it publishes what it finds, including performance ratings to help people choose care.

The National Guardian will be an appointment by the Chief Executive of CQC on behalf of the Board in consultation with NHSI and NHSE. The National Guardian will report to David Behan the CQC Chief Executive, in his role as Accounting Officer but, to support independence this function will not be a member of the executive team, allowing the role to operate independently of the executive function of the Care Quality Commission. The National Guardian will also have half yearly meetings with Ministers and senior Department of Health officials, to report on plans and progress.

Although the role is independent, the National Guardian will act with the authority of CQC, NHS Improvement and NHS England to have sufficient authority to ensure that reviews and recommendations are taken seriously and acted upon quickly.

The NGO will set its own priorities, have its own budget and identity and speak independently of its sponsor bodies.

The relationship between the National Guardian and the appointing ALBs (NHS Improvement and NHSE) will be governed through Memorandums of Understanding, an annual steering group, and an annual report from the National Guardian presented to each ALB Board.

Similar agreements would be needed with other national bodies, including the professional regulators. The National Guardian will need to consider how best to incorporate different stakeholders perspectives into the NGOs governance and oversight framework.

**Terms and Conditions**

It is anticipated that this will be a 3-4 day per week, near full-time role, and that it would form the successful candidate's principal employment. A full-time equivalent salary of up to £125,000 is offered, pro-rated for a commitment of less than full-time.

**Location**

Flexible base, national travel, with some time in London.

**Pension**

CQC operates the NHS Pension Scheme, and all new starters are automatically placed into the scheme on starting employment.

The scheme is currently a contracted out, final salary, defined benefit arrangement and contributions are banded depending on the appointee's rate of whole time equivalent pay.

For more information, please visit the NHS Pension Scheme's official website:

<http://www.nhsbsa.nhs.uk/pensions>

**Leave entitlement**

There is an annual leave allowance of 27 days, plus 8 days bank holidays, pro rata.

**Conflict of Interest**

Candidates will have to declare any interests they may have that might cause questions to be raised about their attitude to the business of the Care Quality Commission. Candidates are required to declare any relevant business interests, shareholdings, positions of authority, retainers, and consultancy arrangements or other connections with commercial, public or voluntary bodies, both for themselves and for their spouse/partner. The successful candidate will be required to give up any conflicting interests and other business and financial interests may be published.

**Transparency**

The Government has set out its clear commitment to improved transparency about how it spends public money. Greater transparency is at the heart of the Government's commitment to enable the public to hold politicians and public bodies to account. Details of the successful candidate's remuneration including pension benefits will be subject to disclosure.

**Nationality**

The post is open to EU nationals, members of the Commonwealth, European Economic Area (EEA), Swiss nationals and certain non-EEA family members. Candidates from the Commonwealth must be free from any restrictions to reside and take up employment in the UK.

**Equal Opportunities**

The Care Quality Commission aims to be a modern and equitable employer. We recognise and encourage the potential of a diverse workforce, positively welcome all applications, and appoint on merit.

### Guaranteed Interview Scheme for Disabled People

The Care Quality Commission operates a guaranteed interview scheme for disabled people (as defined by the Disability Discrimination Act 1995), who meet the minimum essential criteria for this appointment outlined in this document.

### Complaints

The CQC's recruitment processes are underpinned by the principle of selection for appointment on merit based on fair and open competition as outlined in the Civil Service Commission's Code which can be found at [www.civilservicecommission.org](http://www.civilservicecommission.org). If you feel your application has not been treated in accordance with the Code and you wish to make a complaint, you should contact Jacqueline Jackson at [Jacqueline.jackson@cqc.org.uk](mailto:Jacqueline.jackson@cqc.org.uk) in the first instance. If you are not satisfied with the response you receive, you can contact the Civil Service Commission.

### The Selection and Recruitment Process

Russell Reynolds Associates has been appointed to assist in the recruitment of this post.

Short listing of candidates will be undertaken by assessing the information provided in your CV and Application Documentation. The short listing will be undertaken by a selection panel against strict criteria.

#### Timetable:

*Indicative Timetable, subject to change:*

Noon Wednesday 18 May	▪ Close advertisement
<i>End-May</i>	▪ <i>Long Listing Review</i>
Target Weeks 30 May and 6 June	▪ RRA Assessment Interviews
<i>Mid-June</i>	▪ <i>Short Listing Review</i>
Target Week 20 June	▪ Likely offer of informal conversations with selected stakeholders
Monday 27 June	▪ Final Panel Interviews

#### Diversity and Equality:

The CQC is committed to appointing a diverse, talented and high-performing individual and welcomes applications from candidates irrespective of their background, gender, race, sexual orientation, religion or age, providing they meet the required criteria. Applications from women and BME candidates in particular are encouraged. Annex 1 includes Monitoring Form(s) for completion.

**Application Instructions**

This role will be advertised on Friday 29 April 2016, with a closing date of Noon, Wednesday 18 May 2016.

**Applications must include the following:**

- The reference number 1509-019L2 in the subject line.
- A short covering letter of not more than two A4 sized pages explaining why this appointment interests you and how you meet the appointment criteria and competencies as detailed in the candidate profile.
- A current CV with educational and professional qualifications and full employment history where possible giving details where applicable, of budgets and numbers of people managed, relevant achievements in recent posts, together with reasons for absence within the last two years.
- Names of at least two referees who may be contacted at short list stage, i.e. *before* final interview.
- Confirmation from you that you are happy for Russell Reynolds Associates or its client to undertake any necessary background checks, including career, credit and qualifications, or similar, post short list stage.
- Your mobile number – and any other useful contact telephone numbers – together with your preferred e-mail address which will be used for all correspondence between us.
- The completed monitoring forms contained in **Annex 1**.

Please submit your full application to:

By email (preferred): [Responses@RussellReynolds.com](mailto:Responses@RussellReynolds.com)

Or, by post: Russell Reynolds Associates  
c/o Fiona Birkmire  
1509-019L2  
Almack House  
28 King Street  
London SW1Y 6QW

If you need assistance, please email [fiona.birkmire@russellreynolds.com](mailto:fiona.birkmire@russellreynolds.com) or call +44 (0) 20 7830 8052.

P1507-096L

## Annex 1

### Monitoring Forms: Care Quality Commission

#### Section 1 - Personal Details

<b>Surname:</b>	<b>Forename(s):</b>	<b>Title:</b>
<b>Address for correspondence:</b>		
<b>Postcode:</b>		
<b>Contact Telephone Number (including national or international dialing code):</b>		
<b>Mobile Telephone Number:</b>		
<b>E-mail address:</b>		

## Section 2 - Diversity Monitoring Questionnaire

Name (BLOCK  
CAPITALS)

This section of the application form will be detached from your application form. The information collected will only be used for monitoring purposes in an anonymised format and will help the organisation analyse the profile and make up of applicants and appointees to jobs in support of their equal opportunities policies. NHS organisations recognise and actively promote the benefits of a diverse workforce and are committed to treating all employees with dignity and respect regardless of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. We therefore welcome applications from all sections of the community. Your answers will be treated confidentially and will not affect your job application in any way. We thank you in advance for your co-operation

### Part A: Gender

- Male  
 Female

### Part B: Age

- |                                   |                                |
|-----------------------------------|--------------------------------|
| <input type="checkbox"/> Under 25 | <input type="checkbox"/> 45-49 |
| <input type="checkbox"/> 25-29    | <input type="checkbox"/> 50-54 |
| <input type="checkbox"/> 30-34    | <input type="checkbox"/> 55-59 |
| <input type="checkbox"/> 35-39    | <input type="checkbox"/> 60-64 |
| <input type="checkbox"/> 40-44    | <input type="checkbox"/> 65+   |

### Part C: National Identity

What do you consider your nationality to be?

- British  
 English  
 Irish  
 Scottish  
 Welsh  
 Other (please specify if you wish)

### Part D: Ethnic Background

What is your ethnic background?

#### Asian

- Bangladeshi  
 Indian  
 Pakistani  
 Other Asian background (specify below if you wish)

#### Mixed ethnic background

- Asian and White  
 Black African and White  
 Black Caribbean and White  
 Other mixed ethnic background (specify below if you wish)

**Black**

- African
- Caribbean
- Other Black background (specify below if you wish)

**White**

- Any White background (specify below if you wish)

**Chinese**

- Any Chinese background (specify below if you wish)

**Other ethnic background**

- Any other ethnic background (specify below if you wish)

Other information you wish to specify

**Part E: Disability monitoring**

The Disability Discrimination Act 1995 (DDA) defines a disabled person as someone with a physical or mental impairment, which has a substantial and long-term adverse effect of at least one year on a person’s ability to carry out normal day-to-day activities.

Do you consider yourself to be disabled as defined in the Disability Discrimination Act?

- Yes
- No

If you are selected for interview will you require any additional arrangements at interview? If so please specify below:

**Part F: Sexual orientation**

Which of the following best describes how you think of yourself?

- Bisexual
- A gay man
- A gay woman / lesbian
- Heterosexual
- Other (please specify)

**Part G: Religion**

What is your religion?

- No Religion
- Buddhist
- Christian
- Hindu
- Any other religion (please specify)?
- Jewish
- Muslim
- Sikh

**Please return the completed questionnaire together with your application form. This form will not be disclosed to anyone involved in assessing your application.**