

Position Specification

September 2015

Care Quality Commission

National Guardian

#760085

Private and Confidential

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 going wrong 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'*.

The Role

The National Guardian will have a key role to play in creating a more open and honest reporting culture in the NHS. When staff raise concerns, they very often know where things are not working well and when care is not safe, so they can help enormously in improving and ensuring acceptable levels of patient care. The role of the National Guardian will be to support Trusts to build confidence in the system so that everyone feels safe to raise a concern and confident that action will be taken.

The current role description is set out below. This will be informed by consultation and developed in consultation with the new postholder.

It is our intention to recruit the National Guardian as quickly as possible, so that the appointed individual can play a full role in designing how the service will operate. To support this, however, we intend to consult on some high-level principles before the National Guardian is appointed, so that they can reflect on the feedback received when they arrive in post.

We plan to publish principles for the role in early September, for up to 12 weeks of formal consultation, during which we will run events to ensure we are engaging with key stakeholders including people who have raised concerns.

The principles are intended to set clear parameters for how the Office of the National Guardian will work in practice, and we will invite views on whether these are the right principles:

- a) The National Guardian will be independent of NHS Trusts, and their decisions will be free from any interference, including from national bodies.
- b) NHS Trusts will continue to be responsible for the effective handling of staff concerns.

- c) The National Guardian will work within existing authorised processes for raising concerns and existing legal remedies.
- d) The National Guardian, whilst not having specific statutory powers, will have sufficient authority from CQC, Monitor, the NHS Trust Development Authority (NTDA) and NHS England to ensure recommendations are taken seriously and acted upon.
- e) The National Guardian will challenge others (locally and nationally) to look again at cases, and advise on appropriate actions rather than undertaking investigations directly.
- f) The National Guardian will be nimble and non-legalistic, with wide discretion on whether or not to get involved in specific cases. The National Guardian will be able to act swiftly, unhindered by bureaucratic processes.
- g) The National Guardian may consider cases where the original concern was raised in the past but ill-treatment of the staff member is a current issue. This means they may become involved in a case where the original concerns was raised several years ago. They would not review events in the past (such as the original raising of the concern), but they would consider the current situation and whether the individual was being treated in line with good practice, suggesting appropriate actions if not.

Key Responsibilities:

To provide support and advice for the Local Guardians:

The National Guardian will support the Local Guardians, building a strong national network, for example through convening regular meetings and sharing learning. The National Guardian will have a key role in designing the consistent framework within which Local Guardians operate, and the training they receive. While Local Guardians will report to the Chief Executive of their organisation to ensure local ownership, the National Guardian should be there to provide professional support and advice.

To review how staff concerns have been handled

The National Guardian will have wide discretion over whether or not to review how individual concerns have been handled, in situations where it appears good practice has not been followed locally and the individual has suffered detriment and / or safety and quality issues raised have not been investigated and resolved.

As the National Guardian would not have any statutory powers, this would not be a system of case management, would not involve investigation, and would not be a means of appeal. Staff looking for advice on how to raise a concern or what to expect should continue to contact the Whistleblowing Helpline. Where the National Guardian decides to review an individual case, they will focus on the process that has been followed, and consider whether or not it represents good practice. They will not consider the content of concerns or investigations or the outcome of these. They may make recommendations to NHS Trusts, Arm's Length Bodies or other national bodies to look again at how they handled an individual case, and suggest actions they should take to ensure good practice is followed.

These recommendations would have no statutory force. Where the National Guardian felt further regulatory action was needed, it would be able to refer issues to CQC, Monitor, NTDA and NHS England (those raising a concern may be signposted to other relevant organisations outside system regulators such as the professional regulators or the ombudsmen).

To provide support and challenge for the system:

The National Guardian will have a highly visible role in providing support to the system. This will include the sharing of good practice, reporting on common themes in concerns raised and actions taken, identifying barriers to improvement and how these might be overcome, and reporting on progress towards the creation of a safe and open culture.

To advise providers (NHS Trusts):

The National Guardian will advise providers on good practice in responding to staff concerns. This could be through the publication of guidance and also responding to direct requests from providers. Where a specific case is raised with the National Guardian (either by a provider or staff member), the National Guardian will provide advice on processes, including identifying where good practice has not been followed and suggesting actions to correct this.

Where the National Guardian finds that a provider has not followed good practice, s/he should be able to refer issues to CQC, Monitor, NTDA or NHS England for action.

The National Guardian role will be limited to NHS Trusts initially. Further work is needed to understand the issues for staff raising concerns in primary care and adult social care, and to consider whether a National Guardian approach is the best way to support culture change in these sectors.

Candidate Profile

- The successful candidate will bring demonstrable leadership, rigour and independence to the role.
- He or she will have excellent leadership skills and experience, and the ability to develop trusted relationships.
- They will be a good communicator and be approachable, accessible and flexible, capable of interacting at all levels.
- The successful candidate will possess sound negotiation and mediation skills.
- He or she will have stature, political awareness and gravitas appropriate to a national role, bringing immediate credibility and authority to the post.
- Approachable, collegiate and inclusive with excellent communication and people skills; able to represent the organisation at the highest level on the one hand, and to communicate with individual NHS staff on the other; capable of listening sensitively and gaining the trust of a wide range of individuals.
- Decisive and determined, they will equally be ready to take advice and consider contrary views.
- An understanding of the structure, operations and governance of the NHS is expected.
- An understanding of, and affinity with, the issues relating to Freedom to Speak Up is expected.
- A track record of public service would be desirable, as would an understanding of the wider public sector and regulation.

Governance

The Care Quality Commission (CQC) 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. The appointee will be managed by the Chief Executive 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.

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

Resources

The National Guardian will be supported by a small team of staff (c. six FTE), including a Deputy and a private secretary.

Accountability

The National Guardian role will be hosted by the CQC and report to David Behan, the CQC Chief Executive.

The relationship between the National Guardian and the appointing ALBs (Monitor, TDA and NHS E) 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 and there will be a steering group of key national bodies to ensure that the recommendations of the National Guardian can be shared and acted upon swiftly.

Salary

A competitive six-figure salary.

Terms and Conditions

It is expected that the role will require a time commitment of around three days per week, pro-rata.

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, share holdings, positions of authority, retainers, 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. 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 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 and subject to change

| | |
|---|-------------------------------|
| Closing date for applications | Noon, Monday 28 September |
| Preliminary assessment interviews | In advance of week 26 October |
| Informal discussions with selected stakeholders Potential psychometric tests | Weeks 2 and 9 November |
| Panel interviews | Week 16 November |
| Announcement of appointment | November 2015 |

Diversity and Equality:

The CQC is committed to appointing a diverse, talented and high-performing individuals 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

Closing date is Noon on Monday 28 September 2015.

Applications must include the following:

- The reference number 1509-019L 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.
- Notification of any dates you are unable to accommodate within the indicative timetable set out in the previous section.
- 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

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

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

P1507-096L

Annex 1

Monitoring Forms: Care Quality Commission

Section 1 - Personal Details

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

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.