Special measures for NHS Foundation Trusts – Frequently Asked Questions

Special measures is an open and transparent way to make sure that swift action is taken by trusts which need to improve the quality of their services. Details of what is happening are provided in each trust’s 2013/14 Improvement Plan. These plans will be updated monthly by trusts so that patients and the public can see for themselves how each trust is completing its action plan and improving its services.

What are special measures?
A hospital trust is said to require “special measures” on quality grounds when serious failings in relation to quality of care have been identified, and intensive support is needed to help resolve the problems.

How does a trust get into special measures?
Monitor – see below – will declare when NHS Foundation Trusts are in special measures. The Chief Inspector of Hospitals will recommend whether special measures are needed, normally after an inspection, if the quality of any services provided by a trust are judged to be inadequate.

Remind me what Monitor is
Monitor is the sector regulator for health services in England. Its job is to protect and promote the interests of patients by ensuring that the whole sector works for their benefit. Monitor exercises a range of powers granted by Parliament which include setting and enforcing a framework of rules for providers and commissioners, implemented in part through licences it issues to NHS-funded providers.

And the Care Quality Commission?
The Care Quality Commission (CQC) is the independent regulator of health and social care in England. It make sure health and social care services provide people with safe, effective, caring, well-led and responsive care, and it encourages care services to improve. The CQC monitor, inspect and regulate services to make sure they meet fundamental standards of quality and safety and it publishes what it finds to help people choose care.

What happens when a trust is in special measures?
When a trust is in special measures, it will:

- publish an Improvement Plan which lists the measures taken by the trust to improve their services, including who is leading on the actions within a trust. Trusts have a responsibility to update their plans on a regular basis for members of the public to see, to show patients and the public the progress that is being made by trusts to improve their services.
- changes to the management of the trust could be made if needed to make sure that the trust leadership is best placed to make the required improvements.
- be under intense external scrutiny. Monitor is the health sector regulator and will provide intense oversight of NHS Foundation Trusts in special measures to ensure that improvement actions are being taken. Monitor will be assisted in doing this by allocating an “Improvement Director” to each trust.
- be given extensive support. A range of support will be given to trusts depending on its particular needs. This support could include getting a partner from a high performing trust, getting further support from commissioners and being given access to local health science networks.
What are Improvement Directors?
Improvement Directors are appointed by Monitor, and are “embedded” in trusts to provide a level of independent scrutiny of the day-to-day progress being made by trusts.

The key roles of the Improvement Director include:

- oversight: acting on behalf of the Monitor to ensure delivery of the improvements in the trust
- advice: to support the successful leadership and delivery of improvements by the trust
- challenge: to ensure that leaders in the trust at every level take the necessary action to the achieve the improvements needed
- relationships: to ensure strong and productive working relationships are developed within the trust and with external stakeholders

How does a trust leave special measures?
The Chief Inspector of Hospitals will re-inspect trusts after allowing a period of time for them to improve. The CQC will take account of the action plans developed by the trust in determining the timing of a follow-up inspection. Trusts will exit special measures if the Chief Inspector of Hospitals recommends, after a re-inspection, that the trust has improved the quality of its services sufficiently.

What happens to a trust after its re-inspection?
If the Chief Inspector of Hospitals judges that a trust has improved its services sufficiently, MHS Foundation Trusts will be subject to the normal regulatory and scrutiny regimes which other trusts are subject to. Monitor would still be more involved with a trust just out of special measures.

If the Chief Inspector of Hospitals judges that a trust has not improved its services sufficiently, Monitor will determine what further action should be taken. This may include further leadership changes, the triggering of special administration where appropriate or other significant changes to the operation of the trust, depending on its specific circumstances.

Overleaf/… what is happening in Colchester?
What is happening in Colchester?
Monitor is requiring Colchester Hospital University NHS Foundation Trust to do a number of things to address the failings that have been identified by CQC; in particular:

- Monitor has ordered the Trust to put right the patient quality, safety and governance concerns highlighted by the CQC last week
- an Improvement Director will be appointed by Monitor to ensure the trust turns itself around
- a high performing foundation Trust will be asked by the regulator to offer support and expertise in delivering improvements to the cancer pathway
- the Trust will publish and regularly update an action plan to enable the public to monitor the progress it makes and hold it to account
- the regulator has also imposed an additional licence condition to make sure the trust has the necessary capability in place to run the Trust. If the leadership of the Trust fails to act appropriately, this condition allows Monitor to take further action.

How long will the trust be in special measures?
We expect the special measures process to last approximately a year. However the Secretary of State for Health has publicly stated it takes three to five years to turnaround a failing trust.

Who is the Improvement Director?
Monitor will announce the appointment of an Improvement Director shortly.

Will the improvement director replace Chief Executive Dr Gordon Coutts?
No. The Improvement Director will work with the Trust’s management and will report to Monitor on progress.

Which trust is going to offer advice? How will it work?
Monitor will confirm an organisation that the Trust must partner with to provide the support and expertise in delivering improvements to the cancer pathway.

Will Colchester be run by this trust?
No – the Trust will still be responsible for its action plan.

So who is in charge of the trust, the partners or the Improvement Director?
The Board of Colchester Hospital University NHS Foundation Trust remain responsible for the Trust and the improvements it needs to make. The partners are there to offer support and guidance, while the Improvement Director is a Monitor employee who will be offering support and holding the Trust Board to account.

The Trust has launched an independent investigation, but how can it be independent of the Trust is running it? What role has Monitor had in it?
The investigation is being undertaken by Professor Pat Troop and Carole Taylor Brown.

Monitor’s Regional Director has provided regulatory oversight and agreed the terms of reference of the review. Monitor will also receive a copy of the report.

ENDS