Board of Directors

28 November 2019

Paper title:	Improving our People Practices	Agenda item
Presented by:	Sandra Knight Director of Human Resources and Organisational Development	**19**
Prepared by:	Fiona Sherburn, Deputy Director of Human Resources and Organisational Development	

Purpose of the report

To propose the establishment of a Workforce and Equality Sub Committee of the Board from 2020.	For approval	X
	For discussion	
	For information	

Executive summary

One of the recommendations from the Well Led review undertaken by Deloitte in 2019 was for the Trust to consider establishing a workforce committee that would report directly into the board and provide greater focus to strategic workforce issues.

The Board agreed to undertake a review of current workforce governance issues but to wait for the new Chair to join the Trust before instigating any new changes. The recommendations of the review were discussed at the 11th November 2019 Board Away Day where the following was agreed: -

- To establish a Board sub-committee focused on 'workforce' from 2020.

- To call the sub-committee the Workforce and Equality Committee to show the Trust's commitment to the equality agenda too.

- For the sub-committee to meet twice a year - February and August.

There are a number of benefits in seeking to establish a single Workforce and Equality sub - committee including: -

- providing valuable time to both the executive and non-executive directors to focus on assurance and scrutiny at Board sub-committee level where strategic workforce and equality matters can be looked at in more detail,
- reducing duplication of information and repetition of discussion,

- ensuring better use of non-executive directors' time to scrutinise in detail matters of governance and performance in detail at sub-committee level.

Do the recommendations in this paper have any impact upon the requirements of the protected groups identified by the Equality Act?	State below 'Yes' or 'No' **No**	If yes please set out what action has been taken to address this in your paper

Recommendation

The Board of Directors is asked to:
- Support the establishment of a Workforce and Equality Committee that will report to the Board,
- Consider and comment on the draft TORs detailed in *appendix two,* before the committee agree a final version for the Board to ratify,
- Note the Workforce governance arrangements detailed in *appendix three*
- Agree that is if there is additional workforce workstreams that are presented to the Board or its existing sub-committees they should not duplicate any existing work,

Strategic vision				
Please mark those that apply with an X				
Providing excellent quality services and seamless access	**Creating the best place to work**	**Supporting people to live to their fullest potential**	**Financial sustainability growth and innovation**	**Governance and well-led**
	X			**X**

Care Quality Commission domains				
Please mark those that apply with an X				
Safe	**Effective**	**Responsive**	**Caring**	**Well Led**
			X	**X**

Relationship to the Board Assurance Framework (BAF)	The work contained with this report links to the following strategic risk(s) as identified in the BAF: • 2.2, 3.1, 3.2, 3.3.
Links to the Corporate Risk Register (CRR)	The work contained with this report links to the following corporate risk(s) as identified in the CRR: • 1601 • 1831

Compliance and regulatory implications	The following compliance and regulatory implications have been identified as a result of the work outlined in this report:
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Proposal to Establish a Workforce and Equality Committee of the Board

1 Introduction

One of the recommendations from the Well Led review undertaken by Deloitte in 2019 was for the Trust to consider establishing a workforce committee that would report directly into the board and provide greater focus to strategic workforce issues.

Considering this recommendation, the Board agreed to undertake a review of current workforce governance issues but to wait for the new Chair to join the Trust before instigating any new changes.

It is worth noting the the main duties of the Board of Directors are to set the strategic direction of the Trust and receive assurance on the delivery of the strategic objectives, and performance against key targets and standards. To assist with carrying out these duties it is supported by a number of sub-committees and other governance meetings. The role of these committees and meetings is to provide a greater level of assurance to the Board on specific matters of governance and performance than cannot be achieved in a Board meeting alone.

2 Proposed Outcome

The review of current workforce governance issues examined where workforce issues were currently discussed across the Board sub committees.

Appendix one provides an overview of the sub committees that were reviewed and the workforce issues that were discussed at the committee meetings.

The review highlighted the fact that workforce features across a diverse range of workstreams and that there is some duplication of information or similar information being discussed at more than one sub-committee. A key risk of the current arrangement is that because workforce features in such a diverse way it could be difficult to isolate its assurance and escalation, and performance reporting without creating a duplication of work and reporting mechanisms. It could also lead to discussions taking place in isolation and not in full. It is important for the Board to be able to triangulate the information that it receives and look at the bigger picture as opposed to specific workstreams in isolation. It is also worth noting that some of the workforce issues are more operational in nature rather than strategic.

The Board is asked to note that in addition to the various workforce workstreams set out in *appendix one* the Integrated Performance Report is presented at each public Board meeting; performance data is presented to the Finance Business and Investment and the Quality and Safety Committees.   These reports contain high-level performance data on agreed workforce metrics. In addition to this, through the Board

sub-committees, the Board can also commission a 'deep-dive' into any area where further assurance is sought.

As part of the review discussions have taken place with NEDs to seek their views on the establishment of a dedicated Workforce Committee, which would of course need serving and require NED membership. Overall the NEDs were supportive about the establishment of a workforce committee.

Appendix 2 suggests draft TOR for the new group and **appendix 3** details the workforce and equality governance structure. Comments and feedback on the TOR are invited.

3   Recommendation

The proposal to establish a single Workforce Committee was discussed at the 11th November Board Away Day where it was agreed to establish a Board sub-committee focused on 'workforce' from 2020 that would be called the Workforce and Equality Committee to demonstrate the Trust's commitment to the equality agenda. It was agreed that the sub-committee would meet twice a year - February and August.

There are several benefits of seeking to establish a single Workforce and Equality subcommittee. These have been highlighted in the executive summary above.

The focus on the agendas will be on key strategic workforce and equality issues including the following breakthrough projects; talent management, retention of staff and equality, diversity and inclusion as well as workforce planning and staff engagement.

4   Risk and Implications

Although the proposal has several benefits as outlined above, there are of course resource implications. The new committee will need servicing and will require Executive and NED time. It will therefore be important to ensure that the committee's business focuses on strategic workforce issues and woks within the agreed scope and function with operational issues discussed at care group/directorate level and at the Workforce Transformational Steering Group.

5   Recommendations

The Board is asked to note the arrangements that were in place for workforce workstreams reporting to the Board of Directors and its sub-committees during 2018/19.

Considering the review and proposals made at the 11th November 2019 Board Awayday the board is asked to: -

- support the establishment of a Workforce and Equality Committee that will report into the Board,

- consider and comment on the draft TORs detailed in ***appendix two***,
- note the operational workforce governance arrangements detailed in ***appendix three***,
- agree that if any additional workforce workstreams are to be presented to the Board or its existing sub-committees, they should not duplicate any existing work

MEETING	MEMBERSHIP	NUMBER OF MEETINGS
Board of Directors	15 directors. Seven of whom are non-executive directors (NEDs), eight of whom are executive directors (EDs), with two EDs not having voting rights. The meetings are chaired by a NED.	Met on 11 occasions
Audit Committee	Three NEDs (one of whom is the Senior Independent Director); ED as deemed appropriate. The meetings are chaired by a NED.	Met on five occasions
Finance, Business and Investment Committee	Three NEDs (one of whom is the Senior Independent Director); three ED regular attendees with other ED attending as deemed appropriate to agenda items being discussed. All Board members have full membership rights within the Committee when they attend. The meetings are chaired by a NED.	Met on nine occasions for business meetings, with one additional extraordinary meeting taking place that year
Mental Health Legislation Committee	Three NEDs; three ED regular attendees with other ED attending as deemed appropriate to agenda items being discussed. All Board members have full membership rights within the Committee when they attend. The meetings are chaired by a NED.	Met on six occasions
Quality and Safety Committee	Three NEDs; three ED regular attendees with other ED attending as deemed appropriate to agenda items being discussed. All Board members have full membership rights within the Committee when they attend. The meetings are chaired by a NED.	Met on eight occasions

From reviewing the workstreams that were presented the following workforce themes emerged:

Board of Directors
- updates on workforce issues related to risk via the Board Assurance Framework (quarterly), and the Corporate Risk Register (quarterly)
- presentation of workforce performance data (bi-monthly) Board Integrated Performance Report

- presentation of serious incidents (<u>monthly</u>)
- workforce risks, including safer staffing levels (<u>bi-annual</u>)
- transforming care update (<u>bi-annual</u>)
- updates on workforce issues related to the Trust's Operational Plan (<u>bi-annual</u>)
- updates on workforce issues related to the Care Quality Commission (<u>bi-monthly</u>)
- compliance including medical revalidation (<u>annual</u>)
- work of the Freedom to Speak Up Guardian (<u>annual</u>)
- workforce, leadership and organisational development issues (<u>as required, was presented twice</u>)
- review of leadership priorities (<u>bi-annual</u>)
- business development and innovation and the workforce implications (<u>as required, was presented eight times</u>)
- organisational and workforce strategies, well-led, and Trust priorities (<u>bi-annual</u>) including organisational strategy (<u>annual</u>), operational strategy, nursing structure (<u>annual</u>) employment strategy (<u>annual</u>) Health and Wellbeing Strategy (<u>annual</u>) Research and Development Strategy (<u>annual</u>)
- NHS Improvement Quarterly Submission (<u>quarterly</u>)
- equality and national salary data (<u>bi-annual</u>)
- Staff Survey results (<u>bi-annual</u>)
- system and partnership working and national challenges, including recruitment and benchmarking (quarterly).

Audit Committee:
- compliance with policies including presentation of the Gifts and Hospitality Register (<u>annually</u>)
- updates on workforce issues related to risk via the Board Assurance Framework (<u>bi-annual</u>), and the Corporate Risk Register (<u>bi-annual</u>)
- compliance with new national guidance including GDPR (<u>as required, presented once</u>)
- workforce implications of procurement, contacting arrangements, and business cases (<u>as required, presented once</u>)
- learning from fraud (<u>as required, presented once</u>)
- review of losses and special payments (<u>quarterly</u>)
- presentation of related party interest / transactions data (<u>annual</u>)
- Freedom to Speak Up Guardian report (<u>annual</u>)
- learning from internal audits and workforce implications (<u>quarterly</u>)
- learning from workforce implications of procurement, contacting arrangements, and business cases (<u>as required, presented three times</u>).

Finance, Business and Investment Committee:
- workforce implications of procurement, contacting arrangements, and business cases (<u>as required, presented at each meeting</u>)
- NHS Improvement Quarterly Report (<u>quarterly</u>)
- presentation of workforce performance data (<u>each meeting</u>)
- Operational Plan (<u>bi-annual</u>)
- compliance including CQUIN data (<u>bi-annual</u>)
- Workforce Strategy (annual)
- Informatics strategies and workforce implications (<u>as required, presented three times</u>)

- Trust policies and strategy compliance including Fire Safety; Health and Safety; Ligature; Local Security; workforce Environment (<u>as required, presented five times</u>)
- recruitment and retention and future planning (<u>annual</u>)
- absence deep dive (<u>annual</u>)
- lone working deep dive (<u>annual</u>)
- salary data (<u>bi-annual</u>)
- E-Rostering and Banka and Agency report (annual)
- learning from internal audits and workforce implications (<u>as required, presented three times</u>)
- data on mandatory training and compliance (<u>annual</u>)
- Talent and Workforce Transformation Report (<u>annual</u>)
- future planning, Cost Improvement Programmes (<u>annual</u>)
- developments of the WorkSmart strategy (<u>bi-annual</u>)
- agenda for change readiness risks and mitigations (<u>annual</u>)

Quality and Safety Committee:
- workforce implications of procurement, contacting arrangements, and business cases (<u>as required, presented four times</u>)
- workforce performance data (<u>quarterly</u>)
- risk management and workforce implications (<u>annual</u>)
- Freedom to Speak up Guardian (<u>bi-annual</u>)
- claims, complaints, and serious incidents (<u>each meeting</u>)
- research, development, and innovation (<u>annual</u>)
- updates on workforce issues related to the Care Quality Commission (<u>each meeting</u>)
- resilience and emergency preparedness (<u>annual</u>)
- safeguarding report and learning (<u>bi-annual</u>)
- medicine management report and learning (<u>bi-annual</u>)
- infection prevent and control report and learning (<u>annual</u>)
- learning from internal audits and workforce implications (<u>as required, presented once</u>)
- equality data (<u>bi-annual</u>)
- service improvement plans and workforce implications (<u>bi-annual</u>)
- recruitment and retention data and developments (<u>bi-annual</u>)
- quality and safety, and staff wellbeing initiatives (bi-annual)

Mental Health Legislation Committee:
- learning from internal audits and workforce implications (<u>as required</u>)
- updates on workforce issues related to risk; Care Quality Commission (<u>as required, was presented five times</u>)
- workforce implications of national policies and guidance (<u>as required, was presented five times</u>)
- training and compliance data (<u>annual</u>)
- workforce performance data (<u>quarterly</u>).

Appendix two

Workforce and Equality Committee

Terms of Reference

1 Name of group / committee

Workforce and Equality Committee (Committee).

2 Composition of the Committee

Members: full rights

Title	Role in the group / committee
Non-executive Director	Committee Chair
Non-executive Director	Additional non-executive member
Non-executive Director	Additional non-executive member
Chief Executive	Accountable Officer for the Trust
Director of Human Resources and Organisational Development	Executive lead for workforce development. Assurance and escalation provider to the Workforce and Equality Committee.
Director of Finance	Executive lead for finance and resources. Assurance and escalation provider to the Workforce and Equality Committee.
Chief Operating Officer	Executive lead with day-to-day responsibility for operational delivery of services. Assurance and escalation provider to the Workforce and Equality Committee.
Medical Director	Executive lead for medics. Assurance and escalation provider to the Workforce and Equality Committee.
Director of Nursing, Professions and Compliance	Executive lead for nursing and professional standards. Assurance and escalation provider to the Workforce and Equality Committee.

The Deputy Director of Human Resources and Organisational Development will attend all meetings. In addition to anyone listed above, the Chair of the Committee may also request individuals to attend on an ad-hoc basis to provide advice and support for specific items from its work plan when these are discussed in the meetings.

2.1 Governor Observers

The Committee welcomes and encourages governors to attend its meetings. The role of a governor at Board sub-committee meetings is to observe the work of the Committee. The governor observes Board sub-committee meetings in order to get a better understanding of

the work of the Trust and to observe non-executive directors appropriately challenging the executive directors for the operational performance of the Trust. At the meeting the governor observer(s) will be required to declare any interest they may have in respect of any of the items to be discussed.

3   Quoracy

Number: The minimum number of members for a meeting to be quorate is three, two of whom must be non-executive directors. Attendees do not count towards quoracy.

If the Chair is unable to attend the meeting, and if otherwise quorate, the meeting will be chaired by one of the other non-executive directors.

Deputies: Where appropriate members may nominate deputies to represent them at a meeting. Deputies do not count towards the calculation of whether the meeting is quorate except if the deputy is representing the member under formal "acting up" arrangements. A schedule of deputies, attached at appendix 1a, should be reviewed at least annually to ensure adequate cover exists.

Non-quorate meeting: Non-quorate meetings may go ahead unless the Chair decides not to proceed.   Any decisions made by the non-quorate meeting must be reviewed at the next quorate meeting.

4   Meetings of the Committee

Frequency: Bi-annual.

Urgent meeting: Any member of the Committee may request an urgent meeting.

Minutes: The Committee Secretariat will be provided by the Executive Support Team.

Assurance and Escalation Reporting: The Chair of the Committee will provide an update of key issues arising from the meeting to the next Board of Directors meeting.

5   Authority

Establishment: The Committee is a sub-committee of the Board of Directors and has been formally established by the Board.

Powers: Its powers, in addition to the powers vested in the executive members in their own right, are detailed in the Trust's Scheme of Delegation.

Cessation: The Committee is a standing Board sub-committee in that its responsibilities and purpose are not time limited. However, the Committee has a responsibility to review its effectiveness annually.

6   Role of the committee

6.1   Purpose of the committee

The Committee's remit will encompass strategic oversight of all workforce development, planning equality and performance issues   It will provide assurance to the Board that the Trust has the necessary strategies, policies and procedures in place

to ensure a high performing, engaged and motivated workforce that is supporting the Trust objectives and organisational success.

The Committee will consider cultural development within the Trust to align behaviours with strategic objectives to promote a working environment that is supportive and fosters life-long learning and development, including culture, leadership and career development.

6.2   Guiding principles for members (and attendees) when carrying out the duties of the Committee

In carrying out their duties members of the Committee and any attendees must ensure that they act in accordance with the values of the Trust, which are:
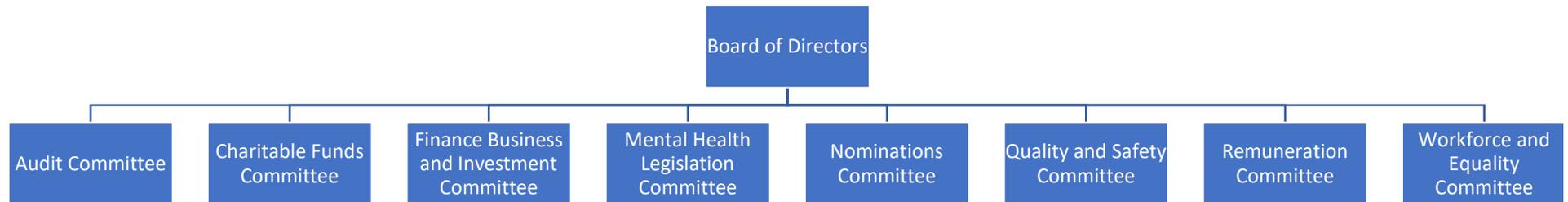- we care
- we listen
- we deliver.

Duties of the Committee

The Committee will:
- oversee the development and implementation of the Trust's People Development plan
- oversee the development and implementation of plans to support workforce breakthrough projects
- provide assurance to the Board of the effective use of human resource through workforce planning and re-design strategies, succession planning and the monitoring of pay costs (including agency spend/usage)
- oversee the development and implementation of a workforce education and development plan to ensure the knowledge and skills of the workforce enable continuous improvement in the delivery of services
- ensure the staff survey results are reviewed and monitor the implementation of the action plan and effectiveness of staff engagement initiatives and interventions
- oversee the effectiveness of the Trust's and Workforce Equality, Diversity and Inclusion plan
- identify risks associated with workforce issues ensuring ownership with mitigating actions, escalating to Board as required
- consider the control and mitigation of workforce related risks and provide assurance to the Board that such risks are effectively controlled and managed.

7   Relationships with the Board of Directors

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                          │  Board of Directors │
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| Audit Committee | Charitable Funds Committee | Finance Business and Investment Committee | Mental Health Legislation Committee | Nominations Committee | Quality and Safety Committee | Remuneration Committee | Workforce and Equality Committee |

The Committee does not have any sub-committees. It is linked to the Trust's operational groups as an assurance receiver and provides a route of escalation to the Board of Directors.

8   Duties of the Chair

The Chair of the Committee shall be responsible for:

- agreeing the agenda in partnership with the Director of Human Resources and Organisational Development
- directing the meeting ensuring it operates in accordance with the Trust's values whilst ensuring all attendees have an opportunity to contribute to the discussion
- giving direction to the secretariat and checking the draft minutes
- ensuring the agenda is balanced and discussion is productive
- ensuring sufficient information is presented to the Board of Directors in respect of the work of the Committee.

9   Reviews of the terms of reference and effectiveness

The terms of reference shall be reviewed by the Committee at least annually and be presented to the Board of Directors for ratification.

It will be the responsibility of the Chair of the Committee to ensure that it carries out an assessment of effectiveness annually, and ensure the outcome is reported to the Board of Directors along with any remedial action to address weaknesses. The Chair will also be responsible for ensuring that the actions to address any areas of weakness are completed.

Schedule of deputies

It may not be necessary or appropriate for all members (or attendees) to have a deputy attend in their absence. If this is the case, please state below "no deputy required".

Full member (by job title)	Deputy (by job title)
Non-executive Director Chair	Another Non-executive Director
Non-executive Director	Another Non-executive Director
Non-executive Director	Another Non-executive Director
Chief Executive	Nominated Executive Director
Director of Human Resources and Organisational Development	Deputy Director of Human Resources and Organisational Development
Director of Finance and Deputy Chief Executive	Deputy Director of Finance
Chief Operating Officer	General Manager
Medical Director	Associate Medical Director
Director of Nursing, Professions, and Compliance	Deputy Director of Nursing

Attendee (by job title)	Deputy (by job title)
Deputy Director of Human Resources and Organisational Development	Head of Workforce Development Head of Workforce Planning Head of Equality, Diversity and Inclusion

Appendix three

Workforce Governance Arrangements

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│ Workforce & Equality │
│      Committee       │
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┌──────────▼───────────┐
│      Workforce       │
│   Transformation     │
│   Steering Group     │
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- Equality & Diversity Inclusion Group
- Health & Wellbeing Steering Group
- Recruitment & Retention Task & Finish Group
- Staff Bank Task & Finish Group
- Talent Management
- E-Rostering Group
- Workforce Planning
- Safer Staffing