

Healthwatch Sandwell Advisory Board

Decision Making Policy (DMP) – Breach report

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### **Background events**

1<sup>st</sup> Dec 2020 a colleague at Healthwatch Sandwell contacted the Healthwatch Advisory Board (HAB) Chair and an Executive (Exec) Director from Engaging Communities Solutions to alert them that they had heard from a member of the public some troubling information about a person needing treatment for their Sickle Cell condition who had been in hospital but discharged themselves from Birmingham City Hospital due to finding out they were on a ward that had patients in it who were Covid-19 positive whereas the member of the public wasn't so had left to avoid catching the virus and was struggling to get effective pain management support as the Sickle Cell & Thalassaemia centre Birmingham City Hospital would not allow her access for pain management (generally morphine) until her 14 day isolation period was up due to infection control measures, she also needed a regular blood transfer which would now be delayed by a few days.

The colleague's manager was absent due to contracting the virus themselves so phoned the CQC directly to seek support for the person in terms of what could they do and where could they get support for the pain management. The CQC call centre rightly flagged this as an important issue and passed it on to an inspector. The colleague in alerting the HAB Chair and Exec Director signalled they may need support.

The relevant senior managers at the Birmingham City Hospital were made aware of the concerns we had, that they CQC were involved and we apologized for not having drawn this to their attention sooner so they could look into from a patient safety perspective but that we would most likely have still made the CQC aware given the seriousness of the issues shared with us.

### **What is a relevant decision? Does this constitute a breach of the DMP?**

Section 3 of the Healthwatch Sandwell DMP details what is the definition of a relevant decision: paragraph 3.1 details decisions to be taken by the Healthwatch Sandwell HAB under the delegated authority of Engaging Communities Solutions Board who hold ultimate accountability for the delivery of the Healthwatch Sandwell contract. Paragraph 3.1.1. states the HAB should decide when to escalate issues of concern to the CQC.

### **Who can make relevant decision/s?**

Paragraph 4.3 says:

'Most relevant decisions will be made at HWW Advisory Board meetings in public. When it is necessary to make a decision at other times, they will be ratified at the subsequent Board meeting in public. If an urgent decision needs to be taken and the Board cannot be urgently contacted, then the Chair will make a decision on approving the decision or not. As soon as possible thereafter, the Board will be informed of the Chair's decision and it will be recorded in the minutes of the next public HWW Board meeting.'

### **Does this constitute a breach of the DMP?**

The HAB Chair was not consulted as the manager had not been informed due to their absence and external executive support had not been sought. Therefore, the DMP has been breached as information was escalated to the CQC without paragraph 3.1.1. and 4.3 having been followed.

### **Remedial action**

The colleague has been provided with guidance about proper procedures to follow in the event of the absence of the manager and / or the HAB Chair. The colleague had believed that they were simply seeking advice and were not escalating the issues themselves but given the seriousness of the issues the CQC rightly acted in reporting this to their inspector.

Ultimately, had we been able to follow paragraph 4.3 in due regard to paragraph 3.1.1. we would have escalated the issues directly to the CQC and to the Birmingham City Hospital so they could firstly address any patient safety issues and look into the matter further.

### **Recommendations**

1. In the end analysis the issues shared with Healthwatch Sandwell would have been escalated to the CQC, therefore, the Healthwatch Sandwell HAB are recommended to note this report.
2. The Manager of Healthwatch Sandwell to remind and refresh the knowledge of the whole team at the next team meeting of the DMP and relevant decision that must be taken by the Healthwatch Sandwell HAB
3. The escalation to the CQC of the issues detailed in the background be retrospectively approved and recorded as such in the public minutes of the Healthwatch Sandwell Advisory Board meeting
4. That this report be published on the Healthwatch Sandwell website
5. That this does not need reporting to the Healthwatch Sandwell commissioning officers as the decision to escalate would have still been taken and the DMP was not breached recklessly.
6. To create a Flowchart to support the DMP to guide colleagues when needing to escalate issues.

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