

FOI response for EH60476

Email 01 (60)

From: Andrew Dillon
Sent: 03 June 2015 10:06
To: Simon Stephens
Cc: Tom Easterling
Subject: Safe staffing

Simon,

[REDACTED] s.36(2)(b)(ii)

[REDACTED] s.36(2)(b)(ii)

[REDACTED]
s.36(2)(b)(ii)

[REDACTED] s.36(2)(b)(ii) and s.40(2)

Regards,

Andrew

Email 02 (47)

From: Andrew Dillon
Sent: 03 June 2015 15:54
To: David Haslam
Cc: Gillian Leng
Subject: Safe staffing

David,

[REDACTED] s.36(2)(b)(ii) In his speech he

said: *I have asked Jane Cummings to look at whether it would make sense to remit the consideration of staffing levels to the important service reviews we are currently undertaking (urgent & emergency care review, maternity review, mental health task force), rather than taking a more mechanistic approach to the setting of nurse staffing ratios.* [REDACTED]

[REDACTED] s.36(2)(b)(ii)

[REDACTED]
s.36(2)(b)(ii)

In the light of this, I have suspended further work on the programme. I have spoken to the Committee chair and have emailed the committee members. I have also spoken to the staff in the safe staffing team and [REDACTED]
[REDACTED]

S.40(2). I will let the non-execs know and the wider staff group. We will wind up external contracts.

I have prepared a statement for use in the event of any enquiries, to be attributed to me:

“Making sure that hospitals and community services are safely staffed remains an important priority for the NHS. The guidance that NICE has already published on safe staffing levels in adult acute wards and in maternity settings was widely welcomed and will continue to be used.”

“Today’s announcement means that the work to secure safe levels of staffing in Accident and Emergency Departments and in mental health and community settings will be taken forward as part of NHS England’s wider programme of work to help the NHS deal with the challenges it is facing over the next few years. NICE stands ready to support this work using the experience we have gained over the last two years.”

Sorry to break into your holiday with this unwelcome news.

Andrew

Email 03 (30)

From: Andrew Dillon
Sent: 03 June 2015 18:20
To: Bill Mumford
Subject: Re: In confidence: Safe staffing programme

Bill,

[REDACTED] s.36(2)(b)(ii)

Andrew

Email 04 (50)

From: Andrew Dillon [REDACTED] s.40(2)
Sent: Wednesday, June 03, 2015 07:38 PM GMT Standard Time
To: Woodeson, Elizabeth
Cc: Cavendish, Will; Gill Leng [REDACTED] s.40(2) David Haslam
[REDACTED] s.40(2)

Subject: Safe staffing programme

Liz,

Following our conversation this afternoon, I wanted to let you know the action I have taken in response to my conversation with Simon Stevens today and following his speech at the NHS Confederation.

[REDACTED]
[REDACTED] s.36(2)(b)(ii)

I have written to the advisory committee, referring to the text of Simon Stevens speech to let them know that I am suspending further work on the programme. It would clearly not be sensible to commit to any further activity in the circumstances. I have also advised the staff involved in the programme [REDACTED]

[REDACTED] s.40(2). In the meantime, I have asked them to complete two current evidence reviews, which may be of value to Jane Cummings as she takes this work forward.

I assume that at some point, the Department and NHS England will want to confirm the decision formally, at which point we will stand down the advisory committee. s.36(2)(b)(ii)

Regards,

Andrew

Andrew Dillon
Chief Executive
National Institute for Health and Care Excellence
10 Spring Gardens | London | SW1A 2BU | United Kingdom
Tel: [REDACTED] s.40(2)

Email 05 (43)

On 3 Jun 2015, at 22:01, Andrew Dillon [REDACTED] s.40(2) wrote:

Great - thanks.

[REDACTED]
[REDACTED] s.36(2)(b)(ii)

[REDACTED]
[REDACTED] s.40(2) We agreed that they would finish off two current evidence reviews.

[REDACTED] s.40(2)

I also said that the decision was no reflection on the quality of their work and that the published guidance would remain in force.

Chris and Gill can add more detail if you need it.

Andrew

Email 06 (44)

From: Christine Carson [REDACTED] s.40(2)
Sent: 04/06/2015 07:59
To: Andrew Dillon; Mark Baker
Cc: Gillian Leng
Subject: RE: Safe staffing

Mark,

We have also moved to stop 2 contracts that were being agreed.

[REDACTED] (Out of scope)

Chris
Christine Carson
Programme Director

Email 07 (114)

From: Mark Baker
Sent: 04 June 2015 17:03
To: Tonya Gillis; Gillian Leng
Subject: RE: Safe staffing - Daily Telegraph query on A+E work

My assumption is that we will not publish anything as guidance, including A&E. The outstanding evidence reviews in progress are for organisation and management and for community nursing. A&E and Mental Health are finished.

M

Sent from my Windows Phone

From: Gillian Leng
Sent: 04 June 2015 16:38
To: Tonya Gillis
Cc: Mark Baker
Subject: RE: Safe staffing - Daily Telegraph query on A+E work

Tonya

We haven't agreed the detail, but I'm pretty clear that we won't be publishing either piece as formal guidance. Mark has proposed publishing the underpinning reviews on the NICE

website, as we have in other situations, which makes sense – but we haven't yet agreed with Andrew. Perhaps the best response is something like:

'We will make all reviews relating to safe staffing available on the NICE website, and will work with NHS England to support their application in the work they are leading on service configuration'.

G

Email 08 (113)

From: Mark Baker
Sent: 09 June 2015 11:08
To: John Davidson
Subject: RE: Nursing Standard - A&E staffing guidance story

I didn't answer the point about publication. We will not issue guidance but do expect to make the analysis available in due course.

M

Sent from my Windows Phone

Email 09 (6) – attachment is listed as email 15 (9a)

From: Andrew Dillon
Sent: 10 June 2015 22:57
To: Jane Cummings [REDACTED] s.40(2)
Cc: Gillian Leng; Jane Gizbert; Simon Enright [REDACTED] s.40(2)
Subject: FW: Letter to Nursing Directors - Confidential
Importance: High

Jane,

I've just seen your letter to nursing directors. We didn't get the chance to comment on it and so this may be too late, since I understand it is being sent out at 8.30 tomorrow morning.

Thanks for confirming that the published guidance will still be used. And we will be happy to talk to you about preparing evidence reviews for further topics.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] s.36(2)(b)(ii)

Thanks,

Andrew

Andrew Dillon
Chief Executive
National Institute for Health and Care Excellence
10 Spring Gardens | London | SW1A 2BU | United Kingdom
Tel: [REDACTED] s.40(2)

Email 10 (36)

From: Cummings Jane (NHS ENGLAND) [REDACTED] s.40(2)
Sent: 10 June 2015 23:04
To: Andrew Dillon
Subject: Re: Letter to Nursing Directors - Confidential

Andrew,
Thanks and I can understand your comments and [REDACTED]
[REDACTED] s.36(2)(b)(ii)

The plan is to release at 8.30 in the morning and I agreed with Gill she would get an advance copy.

[REDACTED]
[REDACTED] s.36(2)(b)(ii)

I hope that is OK with you and thanks for responding so quickly.

Best wishes

Jane

Email 11 (21)

From: Andrew Dillon
Sent: 12 June 2015 09:02
To: Moya Alcock; Christine Carson
Cc: Jane Gizbert; Mark Baker; Gillian Leng; John Davidson
Subject: RE: FOI request for final guidance on safe staffing for A&E

Moya,

It has been my intention, since the decision to suspend the programme, to publish the guidance. However, it won't be classified as guidance because we have been advised, by NHS England, that guidance is no longer required. My intention is to publish the outcome of the committee's consideration of comments made at consultation as a document of record and Chris Carson is working on how best to format it for that purpose.

I hope that helps!

Andrew

From: Moya Alcock
Sent: 12 June 2015 08:59
To: Andrew Dillon; Christine Carson
Cc: Jane Gizbert; Mark Baker; Gillian Leng; John Davidson
Subject: FOI request for final guidance on safe staffing for A&E

Andrew and Chris,

Jane has updated me on the proposal to publish the safe staffing guidance for A&E in an appropriate format at the end of July.

In order to respond to the FOI request for the final guidance from the Guardian I have considered preparing a response to withhold the document citing exemption s22 future publication, on the grounds that we intend to publish the information at a later date. There is no requirement under s22 to specify an actual publication date.

However, we are only able to apply s22 if we had the intention to publish on the day the request was made. If we decided to publish it, after the request was made we are unable to use s22.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] s.36(2)(b)(i)

I would welcome your views on this approach.

Best regards,

Moya

Moya Alcock

Associate Director (Enquiry Handling and Internal Communications)

National Institute for Health and Care Excellence

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Tel: [REDACTED] s.40(2) Fax: 44 (0)845 003 7785

Web: <http://nice.org.uk>

Email 12 (22)

From: Moya Alcock

Sent: 12 June 2015 09:31

To: Mark Baker; Andrew Dillon; Christine Carson

Cc: Jane Gizbert; Gillian Leng; John Davidson

Subject: RE: FOI request for final guidance on safe staffing for A&E

Hi,

[REDACTED]
[REDACTED]
[REDACTED] s.36(2)(b)(i)

Best regards,

Moya

From: Mark Baker

Sent: 12 June 2015 09:14

To: Moya Alcock; Andrew Dillon; Christine Carson

Cc: Jane Gizbert; Gillian Leng; John Davidson

Subject: RE: FOI request for final guidance on safe staffing for A&E

The guideline, which was completed and ready for publication, will not be published in that form. The introduction is being redrafted to reflect the fact that it does not now constitute

guidance. We have been clear from the outset that the work of the committee would be published. However, it will not be in quite the form that the Committee will have seen due to the changes mentioned above. Does that invalidate s22?

M

Email 13 (115)

From: Lorraine Taylor
Sent: 22 June 2015 13:01
To: Simon Wilde
Cc: [REDACTED] (Technical Adviser) s.40(2); Mark Baker
Subject: RE: Safe staffing
Importance: High

Hi

The answer quickly is yes - we are hoping to have evidence reviews available on NICE website for remaining topics that not published guidelines to date:

Topic 3 (A&E), topic 4 (mental health), topic 5 (management and organisational approaches) and topic 6 (community nursing).

Let me know if any more queries.

Many thanks, L

Lorraine Taylor
Associate Director Safe Staffing Guidelines National Institute for Health and Care Excellence
10 Spring Gardens | London SW1A 2BU | United Kingdom
Tel: [REDACTED] s.40(2)
Web: <http://nice.org.uk>

Email 14 (102)

From: Lorraine Taylor
Sent: 23 June 2015 21:31
To: Mark Baker; Christine Carson
Subject: Publication of report for A&E report and associate documents - couple of queries

Hi

The team are preparing the A&E report (based on guideline) as requested and this will be with you soon for final approval.

We previously discussed and agreed to make available the following documents when we publish this report

- Evidence review
- Economic analysis and modelling report.

[REDACTED]

s.36(2)(b)(ii)

We also usually publish a EIA and I'd like to suggest we amend the usual EIA template to change reference to guideline and recommendations to report and conclusions respectively so we can publish a EIA alongside the report – is this OK?

Finally, we usually also publish the following documents at final publication stage:

- Stakeholder and individual comments response tables
- Field testing report

Given we have already been out to pre-publication check with the response tables and the draft version of the guideline is still available on the NICE website I think we could make these documents available in current format – would you agree?

[REDACTED]

s.36(2)(b)(ii)

Thoughts on the above queries would be greatly appreciated.

Many thanks, Lorraine

Email 15 (9a)

Jane Cummings' Office
Room 6B7
Skipton House
London Road
London
SE1 6LH
[REDACTED] s.40(2)

Will Cavendish
Department of Health
Richmond House
Whitehall
SW1A 2NS

DRAFT

Andrew Dillon
Chief Executive
National Institute for Health and Care Excellence
10 Spring Gardens
London
SW1A 2BU

DRAFT

Dear Andrew

Thank you for your letters dated 8th June to Simon Stevens and to Will Cavendish. Please accept this letter as a joint response on behalf of the Department and NHS England.

First of all we would like to record our thanks to you and your team for the important work you have done on safe staffing over the last two years to support our ambition to enable competent, safe and compassionate care. The Guidelines NICE published covering acute wards and maternity settings are a very important resource for the NHS and represent a firm foundation for future work.

NHS England have confirmed that the work already undertaken by NICE will inform and become part of the wider programme going forward. With this in mind, we would be very grateful if you could share a copy of the guidance on nurse staffing in accident and emergency departments with NHS England so that it can inform their work as they look at staffing across the urgent and emergency care pathways.

As NHS England continues to develop the work on safe staffing, they would like to draw on the expertise of NICE in this field. Jane Cummings letter dated 11th June ('Ensuring the NHS is safely staffed'), confirms that NHS England would like to continue to work with NICE, commissioning evidence reviews where appropriate, as well as calling on other independent professionals and experts. NHS England would like to draw on the expertise of NICE to review national and international best practice and wish to use the expertise of existing NICE staff and their experience in this field. The Department is supportive of this approach, and would be keen in 15/16 at least for NICE to maintain its capability in this area as already planned within current business planning and resource constraints.

NHS England are currently looking at establishing their governance arrangements, and Jane will be in touch with you soon to discuss this further and will write formally to you to invite NICE to be part of the programme governance in due course

We hope that NICE will be able to continue to contribute to this programme and support the approach to ensure safe staffing reflects the way services are delivered across the NHS now, and in the future.

Email 16 (9)

From: Andrew Dillon
Sent: 28 June 2015 21:44
To: 'Cummings Jane (NHS ENGLAND)'
Cc: 'Will Cavendish'; 'Easterling Tom (NHS ENGLAND)'
Subject: RE: Safe staffing - joint DH NHS E response to Andrew Dillon - CA

Jane,

Thanks for letting me see this letter. It was good to have the opportunity to talk to you about it today.

We're happy to help where we can, based on the expertise and experience we have gained over the last couple of years. As I mentioned, we will complete the outstanding work on evidence reviews (3 topics) and we will publish the outcome of the work on A&E, though not, of course, as guidance. You already have a copy of it.

I am concerned that the letter suggests that 'The Department would be keen in 15/16 at least for NICE to maintain its capability in this area as already planned within current business planning and resource constraints.' We can't do this because the team we had in place was designed to support the NICE guidelines development process. What you might want us to do will be different and we will need to work through what kind of resources will be needed. [REDACTED]

[REDACTED] s.40(2)

What I suggest we do, as quickly as possible, is agree the specification of the work you'd like us to do. We can then decide what kind of resources we need to provide it. I'll involve key people in NICE to help work this through.

Regards,

Andrew

Email 17 (106)

From: Mark Baker
Sent: 13 July 2015 16:26
To: [REDACTED] (Technical Analyst) s.40(2)
Cc: Christine Carson; Lorraine Taylor; [REDACTED] (Technical Analyst) s.40(2)
Subject: RE: A&E safe staffing report for sign off & supporting documents for information

Thank you. That all looks fine to me.

Mark

From: [REDACTED] (Technical Analyst) s.40(2)
Sent: 10 July 2015 16:50
To: Mark Baker
Cc: Christine Carson; Lorraine Taylor; [REDACTED] (Technical Analyst) s.40(2)
Subject: A&E safe staffing report for sign off & supporting documents for information

Hi Mark

Please find attached the A&E safe staffing report, together with appendix 1 'committee discussions', for your sign off prior to publication. There is one remaining comment in the report, where we are awaiting guidance from the editing team about whether the last section is necessary.

I have also attached for information the following supporting documents:

EIA
Evidence report
Economic analysis
Field testing report

The stakeholder consultation response table is to follow; Lorraine and [REDACTED] s.40(2) are kindly picking this up for me next week as I am on leave. They will also be happy to pick up any queries in my absence.

Many thanks

[REDACTED] s.40(2)

[REDACTED] s.40(2)

Technical Analyst – Safe Staffing Guidelines
National Institute for Health and Care Excellence
Level 1A | City Tower | Piccadilly Plaza | Manchester M1 4BT | United Kingdom
Tel: [REDACTED] s.40(2)

Email 18 (26)

From: Gillian Leng
Sent: 15 July 2015 16:34
To: Andrew Dillon
Subject: Re: In confidence - safe staffing update

[REDACTED] s.36(2)(b)(ii)

I haven't yet replied to Liz W, as I think you were going to call her? But I can send a holding email?

Gill

On 15 Jul 2015, at 15:40, "Andrew Dillon" <Andrew.Dillon@nice.org.uk> wrote:

[REDACTED] s.36(2)(b)(ii)

Andrew

Email 19 (25)

From: John Davidson
Sent: 15 July 2015 17:09
To: Moya Alcock; Andrew Dillon
Subject: RE: In confidence - safe staffing update

I spoke to Sam Lister again earlier to explain the FOI issue. [REDACTED] s.36(2)(b)(ii) He said Liz Woodeson may have spoken to Gill.

I again said we may not have a choice because of the FOI request.

John Davidson
[REDACTED] s.40(2)

From: Moya Alcock
Sent: 15 July 2015 17:06
To: Andrew Dillon; John Davidson
Subject: RE: In confidence - safe staffing update

Andrew,

Just waiting for the advice from Beachcroft to come through formally but they have reviewed the case file and [REDACTED] s.40(2) has discussed directly with them. [REDACTED]

[REDACTED] s.42

Beachcroft's advice will come through shortly and will give the detail but these are the key points.

Best regards,

Moya

From: Andrew Dillon
Sent: 15 July 2015 15:24
To: John Davidson
Cc: Moya Alcock
Subject: Re: In confidence - safe staffing update

John, Moya,

Thanks - can you ask Beachcroft for advice on the FoI point urgently, please, on my behalf. My understanding is the same as Moya's.

Moya, can you remind me from whom we have received the FoI, please.

Andrew

On 15 Jul 2015, at 14:06, John Davidson <John.Davidson@nice.org.uk> wrote:

Thanks Moya. I'll flag that with Sam Lister and see if he has any thoughts or suggestions.

John Davidson

[REDACTED] s.40(2)

From: Moya Alcock

Sent: 15 July 2015 14:00

To: John Davidson; Andrew Dillon

Cc: Gillian Leng

Subject: RE: In confidence - safe staffing update

Just to comment on the FOI point – the DH can use S 35 for information being used for policy development, but we can't use this exemption as we are not a government department. It is more complex for us [REDACTED]

[REDACTED] s.36(2)(b)(i)

Moya

From: John Davidson

Sent: 15 July 2015 13:39

To: Andrew Dillon

Cc: Moya Alcock; Gillian Leng

Subject: In confidence - safe staffing update

Importance: High

Andrew –

I have just had a call with Sam Lister (in Jane's place), DH's director of comms.

[REDACTED]

[REDACTED] s.36(2)(b)(ii)

I explained that we had been FOI'ed and had announced that we would be publishing the material. He said that if the information was being used to develop policy (which it will be, he said) then it did not have to be released.

[REDACTED] s.36(2)(b)(ii)

John

John Davidson

Associate Director, Media Relations

National Institute for Health and Care Excellence

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Email 20 (17)

From: David Haslam
Sent: 16 July 2015 11:09
To: SMT; NEDs events ([REDACTED] s.40(2))
Subject: Jeremy Hunt and Safe Staffing

This morning I attended a major (and lengthy) speech by Jeremy Hunt, portions of which you will already have heard about from the media. The full speech is at :

<https://www.gov.uk/government/speeches/making-healthcare-more-human-centred-and-not-system-centred>

You may be particularly interested in this section (which refers to safe staffing):

. And as trusts embark on that journey, they will need all the support they can get. So today I can announce that the operating name for the new jointly-led Monitor and TDA will be NHS Improvement. I am also delighted to announce that Ed Smith is to be the new chair, supported by Ara Darzi as a new non-executive director. Ed will launch a recruitment process for the new chief executive immediately, which will be completed by the end of September. I would like to take this opportunity to thank Baroness Hanham, David Bennett, Peter Carr, David Flory and Bob Alexander for their outstanding service to the NHS over many years for which we are incredibly grateful.

Because safety and quality will be at the heart of the new organisation's remit, Dr Mike Durkin's safety function will move there with 2 early priorities. Firstly, to work with the Chief Nursing Officer to complete the work started by NICE on safe staffing levels. There can be no compromise on the issue of safe staffing and we need a methodology that properly assesses and publishes what appropriate levels of staffing should be, taking full account of the changes that can be made with new technology and modern multidisciplinary work practices. This will be independently reviewed by NICE, the Chief Inspector of hospitals, and Sir Robert Francis to ensure it meets the high standards of care the NHS aspires to.

And, secondly, Dr Durkin will set up a new Independent Patient Safety Investigation Service modelled on the Air Accident Investigation Branch used by the airline industry. A 'no blame' learning culture in that industry has led to dramatic reductions in both fatalities and cost - and we now need to do the same in healthcare.

David

Professor David Haslam CBE
Chair
National Institute for Health and Care Excellence
10 Spring Gardens | London SW1A 2BU
Tel: [REDACTED] s.40(2)
Web: <http://nice.org.uk>

Email 21 (1) – final draft guidance attached to this email exempt under section 22. Committee discussions attached to this email exempt under section 36(2)(c)

From: Lorraine Taylor

Sent: 16 July 2015 13:27

To: Andrew Dillon

Cc: Mark Baker; Christine Carson; John Davidson; Elizabeth Adelanwa; [REDACTED] (Technical Analyst) s.40(2)

Subject: A&E Safe staffing report

Dear Andrew,

John (Comms) has let me know you would like to have sight of the A&E report we are proposing to publish at the end of July – please find attached the final proposed version of the report which was produced by [REDACTED] (Technical Analyst) s.40(2) and quality assured by myself and approved by Mark. We plan to send the attached, alongside the following documents, to the Uploads team on 27th July with publication planned for the 30th July. In line with Chris and your discussions we are also planning to publish the following accompanying documents for this topic:

- Evidence review (final)
- Economic analysis and modelling report (final)
- Equality impact assessment (final)
- Stakeholder comments and response table - draft guideline consultation
- Field testing report
- Safe Staffing Advisory Committee minutes for meeting 4

The following documents are already available on the NICE website for this topic:

- Draft and final scope, scoping workshop notes and scope consultation comments and response table
- Safe Staffing Advisory Committee minutes for meetings, 1, 2 and 3
- Consultation version of the draft guideline and associated evidence documents and economic plan

We are also planning to publish on 30th July the following additional documents we were working on or were completed before the programme was suspended:

| Mental health inpatient settings (topic 4) | Management & organisational approaches (topic 5) | Community nursing care settings (topic 6) |
|--|--|---|
| Evidence review | Evidence review | Evidence review |
| Economic analysis and modelling report | | |

Draft scopes were already available on NICE website for topics 5 & 6; and for topic 5 we had also already published the final scope, scoping workshop notes and accompanying stakeholder response table.

Please let me know if you would like to have sight of any of these documents as well.

With best wishes, Lorraine

Lorraine Taylor
Associate Director Safe Staffing Guidelines
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10 Spring Gardens | London SW1A 2BU | United Kingdom
Tel: [REDACTED] s.40(2)
Web: <http://nice.org.uk>

Email 22 (80)

From: Alexia Tonnel
Sent: 16/07/2015 18:31
To: Mark Baker; Jane Gizbert
Subject: publishing the A&E safe staffing material

Mark,
I made a note during the morning board session yesterday about the publication of the A&E safe staffing material. Given this is not guidance, it may be worth considering a different 'format' of publication. A Pdf, rather than a browsable format, may be more suited.

Jane,
There was a discussion about the type of message / positioning / publishing suitable for this material as it will not have guidance status. The format was not mentioned per se. I thought I would keep you in the loop on this discussion. [REDACTED] (out of scope)

Alexia

Alexia Tonnel
Director, Evidence Resources
National Institute for Health and Care Excellence
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Mobile [REDACTED] s.40(2) Main Switchboard 0845 003 7780
Web: <http://nice.org.uk>

Email 23 (81)

From: Christine Carson
Sent: 20 July 2015 09:15
To: Lorraine Taylor; Andrew Dillon
Cc: Mark Baker; John Davidson; Elizabeth Adelanwa; [REDACTED] (Technical Analyst) s.40(2)
Subject: RE: A&E Safe staffing report

Lorraine,

I'm sure you are aware but just to be clear, none of the final safe staffing products will now be published.

Andrew will be dealing with the FOI request.

I will, however, be forwarding the A&E report (and all additional outputs) and the reviews to Jane Cummings. Please could you send me these when they are completed.

Many thanks,

Chris

Christine Carson
Programme Director

Centre for Clinical Practice
National Institute for Health and Care Excellence
10 Spring Gardens | London SW1A 2BU

Tel: [REDACTED] s.40(2) Fax: 44 (0)845 003 7784

Web: <http://nice.org.uk>

Email 24 (20)

From: Moya Alcock

Sent: 23 July 2015 12:40

To: Andrew Dillon

Subject: RE: A&E safe staffing guidance

Andrew,

[REDACTED]
(Out of scope)

For example, I am aware the committee members were informed we would be publishing so I suggest they are told that we now won't be, at the same time we send the report to the Guardian. I will talk to Lorraine Taylor and the press team to agree a consistent statement we can use for all correspondence and will get your sign off.

I have seen the final report but I would suggest removing some of the introductory text which still implies it is guidance that should be considered at a local level. I think it needs to be clearer it is a report for NHS England only. I will discuss this with Lorraine.

[REDACTED] (Out of scope)

I hope this is ok.

Best regards,

Moya

From: Andrew Dillon

Sent: 23 July 2015 10:48

To: Moya Alcock

Subject: RE: A&E safe staffing guidance

Moya,

Thanks. I appreciate your advice.

[REDACTED]
s.36(2)(b)(ii)

We should release the version that has references to 'guidance' and 'recommendations' removed, so that it is clear that it represents the conclusions of the advisory committee and not guidance from NICE. Can you let me see the final version of our response before it goes out, please?

Andrew

From: Moya Alcock
Sent: 20 July 2015 16:09
To: Andrew Dillon
Subject: RE: A&E safe staffing guidance

Andrew,

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
s.36(2)(b)(ii)

Best regards,

Moya

From: Andrew Dillon
Sent: 20 July 2015 14:22
To: Moya Alcock
Subject: A&E safe staffing guidance

Moya,

[REDACTED]

[REDACTED]
[REDACTED] s.36(2)(b)(ii)

Andrew

Email 25 (103)

From: Mark Baker
Sent: 24 July 2015 15:21
To: Lorraine Taylor
Subject: RE: A&E safe staffing guidance

My inclination would be to send draft with a history of the process and health warning.

[REDACTED]
[REDACTED] (Out of scope)

M

Sent from my Windows Phone

From: Lorraine Taylor
Sent: 24/07/2015 15:14
To: Mark Baker
Subject: RE: A&E safe staffing guidance

Hi

Sorry just re-read [REDACTED] s.40(2) email and he is asking for advance copy of the final document before it formally made available/published. The latest decision is that the report version of A&E which will be made available on request at the end of the month (next Thursday). Comms team (ie Moya) and also Andrew are currently reviewing and there may be some further changes – so am I better waiting until they have finished reviewing and commenting before sending to [REDACTED] s.40(2) (ie he will get Tuesday/Wednesday next week), or should I send over draft version with caveat that may be further changes?

Thanks, L

Lorraine Taylor
Associate Director Safe Staffing Guidelines
National Institute for Health and Care Excellence
10 Spring Gardens | London SW1A 2BU | United Kingdom
Tel: [REDACTED] s.40(2)
Web: <http://nice.org.uk>

Email 26 (85) – final draft guidance attached to this email exempt under section 22. Committee discussions attached to this email exempt under section 36(2)(c)

From: Lorraine Taylor
Sent: 24 July 2015 16:00
To: [REDACTED] Senior policy manager, DH - s.40(2)
Cc: Mark Baker; Moya Alcock
Subject: FW: A&E safe staffing guidance

Dear [REDACTED],s.40(2)

Mark Baker has asked me to send you a copy of the A&E staffing document. I have attached a draft copy of the A&E report and associated appendix which is currently undergoing its final review internally and therefore may be subject to change. The attached has been informed by the content of the final version of the A&E guideline which was ready for publication. We are currently planning to make the final version of the report available on request only at the end of the month (30th July 2015).

With best wishes, Lorraine

Lorraine Taylor
Associate Director Safe Staffing Guidelines
National Institute for Health and Care Excellence
10 Spring Gardens | London SW1A 2BU | United Kingdom
Tel: [REDACTED] s.40(2)
Web: <http://nice.org.uk>

From: [REDACTED] s.40(2)
Sent: 24/07/2015 13:58
To: Mark Baker
Subject: A&E safe staffing guidance

Hi Mark

You've previously been discussing the A&E guidance with [REDACTED] s.40(2) (who is now on leave) so apologies if you've already discussed this, but will it be possible to have an advance copy of the A&E safe staffing guidance/report before it is published, please? I think the plan is that it will be published at the end of the month?

Many thanks

[REDACTED] s.40(2)



[REDACTED] s.40(2)
Senior policy manager, NICE sponsorship
NICE and MHRA sponsor team
Department of Health, Quarry House, Leeds LS2 7UE
E-mail: [REDACTED] s.40(2)
Tel: [REDACTED] s.40(2)

Email 27 (66)

From: McLeod, Kristen [mailto: [REDACTED]] s.40(2)
Sent: 28 July 2015 15:57
To: Andrew Dillon
Cc: Woodeson, Elizabeth; Mike Durkin [REDACTED] s.40(2); Lister, Sam
Subject: Safe staffing work

Dear Andrew

I thought it would be helpful to confirm in writing our conversation. We agreed that it could be confusing for staff and the public if NICE were to release one piece of work on safe staffing now without any context and in isolation of any final guidance on safe staffing levels. However, we both agreed that this work should be put in the public domain as soon as practically possible.

We therefore agreed that this work should be published by NHS Improvement as part of a package of supporting evidence at the same time as the final safe staffing guidelines are published. The SofS is keen for this work to be done as quickly as possible, and I understand the current plan is to get the guidelines out later this year.

I am copying Mike Durkin so he is aware that this should happen.

Thanks

Kristen

Kristen McLeod
Principal Private Secretary to the Secretary of State for Health

[REDACTED] s.40(2)

Email 28 (74)

From: Andrew Dillon
Sent: 28 July 2015 15:59
To: Moya Alcock
Cc: Gillian Leng; Mark Baker; David Haslam
Subject: Safe staffing FoI

Moya,

DH have, this afternoon, confirmed that they will arrange for the final version of our work on A&E safe staffing to be released as part of the evidence base for the safe staffing advice that NHS England and NHS Improvement will be publishing. They will confirm this in an email top me.

In these (changed) circumstances, we should advise the current and any other FoI enquirers that we will not be releasing the guidance on 30 July because it is intended to be published at a later date.

Once I have the email from the Department, we can formulate the precise wording to be used in our communications.

Thanks,

Andrew

Email 29 (32)

From: [REDACTED] s.40(2)
Sent: 28/07/2015 17:41
To: Mark Baker
Subject: RE: Interview transcript

Hi Mark,

I've been told NHS England and the DH (one or both?) have been applying pressure on you guys not to publish the A&E guidance on your website and instead NICE will be making it available on request.

I completely understand your position at NICE is not to comment publicly but I think this is a very serious situation and an attack upon the independence of NICE. I want to understand exactly what the nature of the pressure being applied was and who was doing it. I also want to understand what the thinking is at NICE about the decision to make the guidance available only on request.

Does this apply to the four evidence reviews as well?

I would really welcome an off the record conversation about this situation. No one other than you and I would need to know that we have spoken about it.

If you are able to speak to me in the next 24 hours please don't hesitate to give me a call on [REDACTED]

Best regards,

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] s.40(2)

Email 30 (55)

From: Cummings Jane (NHS ENGLAND) [mailto:[REDACTED]]
Sent: 30 July 2015 10:08

To: Andrew Dillon

Cc: Thomson Leticia (NHS ENGLAND); Durkin Mike (NHS ENGLAND)

Subject: Recommendations on NHS safe staffing not published - BT

Hi Andrew,

We have agreed that it will be the NQB not NHS I that publish the staffing guidelines following approval by NICE, CQC & Robert Francis.

Hopefully we can get the letter out very soon so stop all the confusion.

Thanks

Jane

Jane Cummings' Office
NHS England
Skipton House, 6B7
80 London Road
London
SE1 6LH

To: Directors of Nursing at
NHS Trusts, NHS
Foundation Trusts and
CCGs

11 June 2015

Dear Colleague,

Ensuring the NHS is safely staffed

I am writing to update you on the next steps on our shared work programme to improve the safety and quality of NHS staffing. But let me first tackle head on three misconceptions.

First, nothing we are doing changes the NICE guidance that has already been issued. 'Safe staffing for nursing in adult inpatient wards in acute hospitals' (July 2014) and 'Safe Midwife Staffing in Maternity Settings' (January 2015) are important parts of our approach to ensuring safe and high quality care. The next phase of the NHS' role in this area is focusing on new care areas and will not involve going back on the guidance already published.

Second, nothing in this work programme in any way challenges or contradicts the CQC's important role to inspect and rate hospitals and indeed providers across health and adult social care. They make their own judgements on what is or is not safe, and are free to form their own independent judgements about safety and safe staffing.

Finally, this is not about saving money; more about using the money we have as efficiently and effectively as possible. I would not suggest anything that would compromise patient safety. It would be against all I have repeatedly highlighted since I became CNO and is fundamental to our profession. It would also be a false economy – compromising safety just causes distress to patients, adds to the cost of care and a growing litigation bill.

But to see NICE's work as the totality of our focus on safe staffing is to miss the point. The ultimate outcome of good quality care is influenced by a far greater range of issues than how many nurses are on any particular shift, even though that is important.

As we continue to develop our approach to safe staffing for those working in mental health, urgent and emergency care, learning disability and community services there are six things that will help to guide us. These are six reasons why we now need to take a different approach.

First, we must take into account all the staff involved, not just nurses. In urgent and emergency care, as in other care settings, we need to look at doctors, paramedics and other Allied Health Professionals (AHPs) as well as nurses. As the NHS Five Year Forward View acknowledges, healthcare is increasingly delivered by a multi-professional workforce – for example, nurses, care assistants, psychiatrists, psychologists, activity leaders and AHPs are all crucial to a well-run mental health service. Getting the right mix of staff in these multi-disciplinary teams is vital.

Second, many care settings are not in a hospital and span organisational boundaries. It would therefore be inappropriate to develop a staffing structure for one type of organisation and then expect it to span multiple institutions and roles.

Third, we must remember that this is not just about filling rotas or looking only at numbers or input measures. It is also about how much time nurses spend with or supporting patients, their families and carers and what the outcomes for those people are.

Fourth, as you know we are working to develop new ways of providing care. Just as there is no one-size fits all approach for these new models of care, there will be no identikit approach to the mix of staff we need. The number of staff caring for patients on an orthopaedic ward in Cornwall or Doncaster is a good guide to how safe those wards are – we are not changing the current NICE guidance in acute hospitals for this reason. But the different settings for other types of care mean there is no one right answer.

Fifth, underpinning these will be the work outlined in my letter of 4 June, which sets out the need for career progression for non-registered staff, nurse retention and flexible working.

Sixth, we must recognise that, unlike in acute wards, there is as yet little research or evidence into what safe staffing looks like for other care settings. We need to find a new approach to testing what is right, which includes looking at what evidence exists, commissioning new research and national and international best practice.

I believe if we use these principles it will guide us in our planned next steps. We will continue to use NICE for commissioning evidence reviews where appropriate and also bring in other independent professionals and experts to guide us. This will include professional organisations such as the RCN, RCM, QNI, AHP organisations and medical Royal Colleges.

The Mental Health Taskforce has agreed to lead the work on establishing what is the right balance of staff in the many settings treating those with mental illness. They will report back by the end of the year and take into account the mental health staffing guidance that has recently been developed with colleagues from the Mental Health Directors of Nursing Network and commissioned through the Compassion in Practice Strategy.

NICE has already done some excellent work on nurse staffing in urgent and emergency care. We will ask the new Urgent and Emergency Care Vanguard to

build on this guidance, developing it to take into account other professionals from clinical pharmacists to care assistants, junior doctors to GPs, paramedics to other AHPs whom we should include. This work will help to inform us about the appropriate balance of staff for the Emergency Department as well as alternative urgent care services of the future.

For the areas of work such as learning disability and community care, we will establish work programmes to support the development of guidance by working with the new learning disability fast-track sites and the Five Year Forward View vanguards.

We also recognise the importance of safe staffing in nursing homes, which collectively have more than two hundred thousand beds (more than in acute hospitals) and a high turnover of nursing staff.

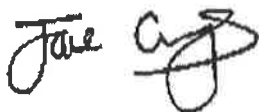
The National Quality Board and its members will help oversee this programme, working closely with the NHS TDA, Monitor, Health Education England, the Care Quality Commission and the Department of Health.

At the Provider Directors of Nursing meeting we held on 9 June, it was clear that those present agreed with our approach and offered to support the work. I will confirm the governance and organisational arrangements in the next few weeks, ensuring that key stakeholders are involved.

I look forward to working with you on this, and will ensure there is regular communication about our ongoing work as it progresses, together with opportunities for you to support and contribute.

Many thanks.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Jane Cummings'.

Jane Cummings
Chief Nursing Officer
England



Jane Cummings
Chief Nursing Officer England
Room 6B7
Skipton House
London Road
London
SE1 6LH

S.40(2)

Will Cavendish
Director General, Innovation, Growth & Technology
Department of Health
Richmond House
Whitehall
SW1A 2NS

Andrew Dillon
Chief Executive
National Institute for Health and Care Excellence
10 Spring Gardens
London
SW1A 2BU

6th July 2015

Dear Andrew

Thank you for your letters dated 8th June to Simon Stevens and to Will Cavendish. Please accept this letter as a joint response on behalf of the Department and NHS England.

First of all we would like to record our thanks to you and your team for the important work you have done on safe staffing over the last two years to support our ambition to enable competent, safe and compassionate care. The Guidelines NICE published covering acute wards and maternity settings are a very important resource for the NHS and represent a firm foundation for future work.

NHS England has confirmed that the work already undertaken by NICE will inform and become part of the wider programme going forward. With this in mind, we are grateful you shared a copy of the guidance on nurse staffing in accident and emergency departments with NHS England so that it can inform their work as they look at staffing across the urgent and emergency care pathways.

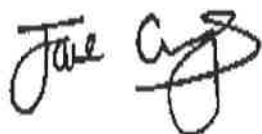
As NHS England continues to develop the work on safe staffing, they would like to draw on the expertise of NICE in this field. Jane Cummings letter dated 11th June ('Ensuring the NHS is safely staffed'), confirms that NHS England would like to continue to work with NICE, drawing on your expertise to commission reviews of any evidence and to review national and international best practice.

Jane Cummings has been in touch with you to discuss this, and the Department welcomes these discussions and is supportive of this approach to ensure there is continuity in taking forward this important work and as planned in your 15/16 programme of work.

NHS England are establishing their governance arrangements, and Jane will be in touch with you soon to discuss this further and will write formally to you to invite NICE to be part of the programme governance.

We hope that NICE will be able to continue to contribute to this programme and support the approach to ensure safe staffing reflects the way services are delivered across the NHS now, and in the future.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jane Cummings'.

Jane Cummings
Chief Nursing Officer England

A handwritten signature in black ink, appearing to read 'Will Cavendish'.

Will Cavendish
Director General
Innovation, Growth & Technology

NICE National Institute for
Health and Care Excellence

10 Spring Gardens
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8 June 2015

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Will Cavendish
Director General
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Department of Health
Richmond House
79 Whitehall
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SW1A 2NS



Safe staffing guidance

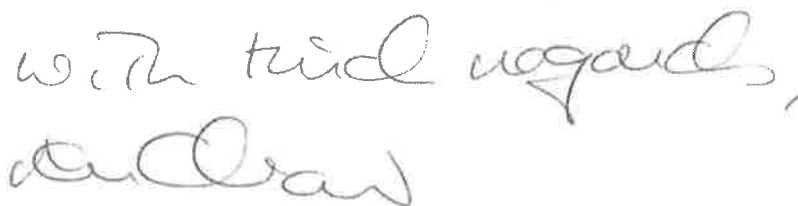
Simon Stephens' announcement at the NHS Confederation conference last week, my earlier conversations with him, and the letter from Jane Cummings, to him and Ian Cumming, referring to a range of workforce planning initiatives indicates that NICE safe staffing guidance is no longer required.

I have therefore informed the independent advisory committee and the staff involved in the programme and I have suspended the work they have been doing. I have let them know that NHS England would like the published guidance on acute adult wards and maternity settings to remain in force.

In order to close the programme, which NHS England and the Department of Health referred to us on 15 November 2013, I need you to write to confirm that you do not want further guidance to be produced. I will then stand down the advisory committee.

We will not publish the completed guidance on nurse staffing in accident and emergency departments, though we will leave material already put into the public domain on our website. Two evidence reviews, currently in progress will be completed and made available on our website, for those who might find them useful.

I am writing in similar terms to Simon Stevens at NHS England.



Andrew Dillon
Chief Executive