

## TRUST BOARD

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Title:	<b>Freedom to Speak Up Guardian Annual Report 2017/18</b>
Action:	<b>FOR DECISION/DISCUSSION/NOTING</b>
Meeting:	<b>11 July 2018</b>

### **Purpose:**

This paper is an annual review of the Trust's raising concerns processes and the role of the Freedom to Speak Up Guardian. It will provide members of the Board assurance that concerns raised are robustly managed in line with current best practice. The latest guidance for Boards from the National Guardian's Office and NHS Improvement is attached in [Appendix 1](#).

It is also to benchmark our organisation against the principle recommendations set out in Sir Robert Francis' report in 2014, data submitted quarterly to the National Guardian's Office, the findings of the Freedom to Speak up Guardians National Survey and national staff survey results.

The Trust has also undertaken a self-assessment which is attached in [Appendix 2](#). The Board is asked to assess the proposed rag rating against the evidence and consider the proposed improvement actions where gaps have been identified. [Appendix 4](#)

The Board is also asked to review and approve the updated Whistleblowing (Raising Concern) Policy attached in [Appendix 3](#).

In addition, the Board is asked to discuss and approve the Freedom to Speak Up Vision and Strategy. [Appendix 5](#).

### **Appendices:**

Appendix 1 - FTSU Guidance for Boards

Appendix 2 - FTSU Self Review Tool

Appendix 3 - Whistleblowing (Raising Concern) Policy

Appendix 4 – FTSU Improvement Action Plan 2018/19

Appendix 5 – FTSU Vision and Strategy

Appendix 6 – Summary of Trust National Staff Survey Results

Appendix 7 - National Guardian – Freedom to Speak Up – Case review

### **Recommendation:**

The Board is asked:

1. to note the FTSU Guidance for Boards from the National Guardian's Office and NHS Improvement
2. to assess the proposed rag rating against the evidence and consider the proposed improvement actions ([Appendix 4](#)) where gaps have been identified.
3. to review and approve the updated Whistleblowing (Raising Concern) Policy
4. to approve the FTSU Vision and Strategy

	Name	Title
Author:	Taff Gidi	Assistant Director of Corporate Governance
Executive sponsor:	Anita Pisani	Deputy Chief Executive

## Trust Objectives

Objective	How the report supports achievement of the Trust objectives:
Provide outstanding care	The report includes an update on whistleblowing cases which included an element of patient safety/quality of care.
Collaborate with other organisations	The report includes an update on how the FTSU Guardian and the Trust have engaged with the National Guardian's Office and the local network of FTSU Guardians.
Be an excellent employer	The report includes raising concerns in relation to staff morale, wellbeing and welfare.
Be a sustainable organisation	The report includes information on whistleblowing on counter fraud cases.

## Trust risk register

Staff Morale

## Legal and Regulatory requirements:

- Public Interest Disclosure Order 1999

## Equality and Diversity implications:

Objective	How the report supports achievement of objectives:							
Achieve an improvement in the percentage of service users who report that they are able to access the Trust services that they require	Not referenced in the report							
Enhance our approach to involving and capturing the experience of hard to reach / seldom heard / varied community groups	Not referenced in the report							
Using the national 'A Call to Action on Bullying and Aggression', internally take action to promote our Zero tolerance policy and address bullying and aggression when it occurs.	An effective raising concern process is crucial to ensuring that staff are confident about raising concerns in relation to bullying and harassment. The paper highlights staff survey results in relation to bullying and harassment.							
Ensure that the Workforce Race Equality Standard is embedded and undertake proactive work around any areas of under-representation identified. In particular, we will seek innovative methods to have co-opted representation on the Trust Board from more diverse backgrounds.	Not referenced in the report							
Are any of the following protected characteristics impacted by items covered in the paper								
Age	Disability	Gender Reassignment	Marriage and Civil Partnership	Pregnancy and Maternity	Race	Religion and Belief	Sex	Sexual Orientation
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

## 1. Executive Summary

- 1.1 The Freedom to Speak Up Review undertaken by Sir Robert Francis and published in February 2015 was commissioned by the Secretary of State as a result of the failings at Mid Staffordshire. The aim of the report was to provide advice and recommendations to ensure that NHS staff felt safe to raise concerns, were confident that they would be listened to and that concerns would be acted upon. The review identified concerns about the way NHS organisations dealt with concerns raised by NHS staff and the treatment of some of those who had spoken up.
- 1.2 From the evidence, the review identified five overarching themes as follows.
- need for culture change;
  - need for improved handling of cases;
  - need for measures to support good practice
  - need for particular measures for vulnerable groups; and
  - need for extending the legal protection.
- 1.3 As a result of this review, a number of recommendations have now been implemented including:
- the establishment of the National Guardian's Office - an independent, non-statutory body with the remit to lead culture change in the NHS so that speaking up becomes business as usual; and
  - all NHS Organisations are now required to appoint a Freedom to Speak Up Guardian.

**National Guardian**  
Freedom to Speak Up

## 2. Update of Raising Concerns Programme in 2017/18

- 2.1 The Trust implemented the 'standard integrated policy' which had been adopted in line with recommendations of the review by Sir Robert Francis into whistleblowing in the NHS.
- 2.2 The Freedom to Speak Up Guardian held discussions with leaders from across the Trust in various forums including the Executive Committee to discuss 'raising concern' issues within the Trust.
- 2.3 Utilising the Weekly Comms Cascade and other internal communications channels to raise awareness with all staff on:
- how to raise concerns within the Trust;
  - support available to Junior Doctors through the Guardian of safe Working Hours
  - encouraging all our clinical staff to raise concerns about patient safety and unsafe working in light of concerns emerging after the conclusion of the Dr Hadiza Bawa-Garba case with the general medical council.
- 2.4 The Freedom to Speak Up Guardian attended the National Guardian. Freedom to Speak Up Conference which was an opportunity to share learning with peers from other organisations and to hear from the National Guardian's Office on best practice.
- 2.5 The Trust actively engages with the regional network of Freedom to Speak Up Guardians and regularly shares learning with partner organisations.
- 2.6 The Freedom to Speak Up Guardian collaborated with the Local Counter Fraud Specialist to record and investigate cases of suspected fraud that were reported. He also supports services undertaking investigations when concerns have been raised.
- 2.7 The Freedom to Speak Up Guardian seeks support from the Executive Lead and the Chief Executive when required. There are no concerns about the support that has been provided.

2.8 The Trust submits data quarterly to the national Guardian's Office on the number and nature of concerns raised.

### 3. Feedback from the CQC Inspection

3.1 The Trust received positive feedback from the CQC on the trust's culture in relation to speaking up as quoted below.

*"Staff described a no blame culture and how they were actively encouraged to raise concerns and report incidents without fear of retribution. They also told us they were encouraged to be open and honest in relation to issues arising. Candour, openness, honesty, transparency and challenges to poor practice were encouraged by senior leaders."*

*"Senior leaders demonstrated an understanding of the importance of enabling staff to raise concerns without fear of retribution."*

*"The trust had a whistleblowing policy and staff we spoke with knew how to raise the whistleblowing process"*

*"All staff we spoke with throughout our core service inspection knew who they could raise concerns with at the Trust."*

*"The Trust had appointed a freedom to speak up guardian who worked with the Trust leadership teams in continuing to be an open and transparent organisation and to enable a safe means by which staff could speak up. The Freedom to Speak Up Guardian was passionate about enabling staff to raise concerns and providing a link by which they could be heard."*

3.2 CQC were concerned that the Trust only had one Freedom to Speak Up Guardian. We were able to challenge that we had alternative channels for raising concerns available to our staff including:

- Non-executive Lead for whistleblowing
- Staff side Chair is available for staff to raise concerns anonymously if required.

The Trust uses staff survey results as shown below to assess whether the arrangements in place for raising concerns are effective. The Trust score better than average and our staff rated the Trust as the best in the country when compared to our peers on the following key findings:

- KF28 - Percentage of staff witnessing potentially harmful errors, near misses or incidents in last month
- KF 29 - Percentage of staff reporting errors, near misses or incidents witnessed in the last month
- KF30 - Fairness and effectiveness of procedures for reporting errors, near misses and incidents
- KF31 - Staff confidence and security in reporting unsafe clinical practice

However, in light of the feedback, the Trust will be reviewing its processes to consider whether to appoint local Freedom to Speak Up Champions.

#### 4. Benchmarking

4.1 The National Guardian’s Office collected data from Freedom to Speak Up Guardians in all Trusts and Foundation Trusts on cases raised with them in 2017/18. The latest results are set out in the table below:

Description	All Trusts	CCS
No. of cases were raised to Freedom to Speak Up Guardians/Ambassadors/Champions	6,768	10
No. of cases which included an element of patient safety/quality of care.	2,163	3
No. of cases which elements of bullying and harassment.	3,069	4
No. of cases raised anonymously	1,259	4
No. of cases which related to incidents where the person speaking up may have suffered some form of detriment.	356	0

4.2 The Trust uses staff survey results as attached in Appendix 6 to benchmark itself against peer organisations on indicators relevant to raising concerns. The Trust's overall staff engagement score was the best for Community Trusts and ninth best nationally at 3.97 compared to the 3.78 as the national average for Community Trusts. In particular, the Board’s attention is drawn to KF22 – KF31. An action plan is now in place focussing on areas on improvement identified in the staff survey. See attached appendix which shows a summary of our national staff survey results.

4.3 In addition, some concerns are raised locally and dealt with by local managers as part of their day-to-day work. These concerns would not be logged onto the whistleblowing log.

#### 5. Learning and Improvement

5.1 The Trust is committed to continuing to learn and improve its systems and processes for raising concerns. The table below highlights how the Trust learns.

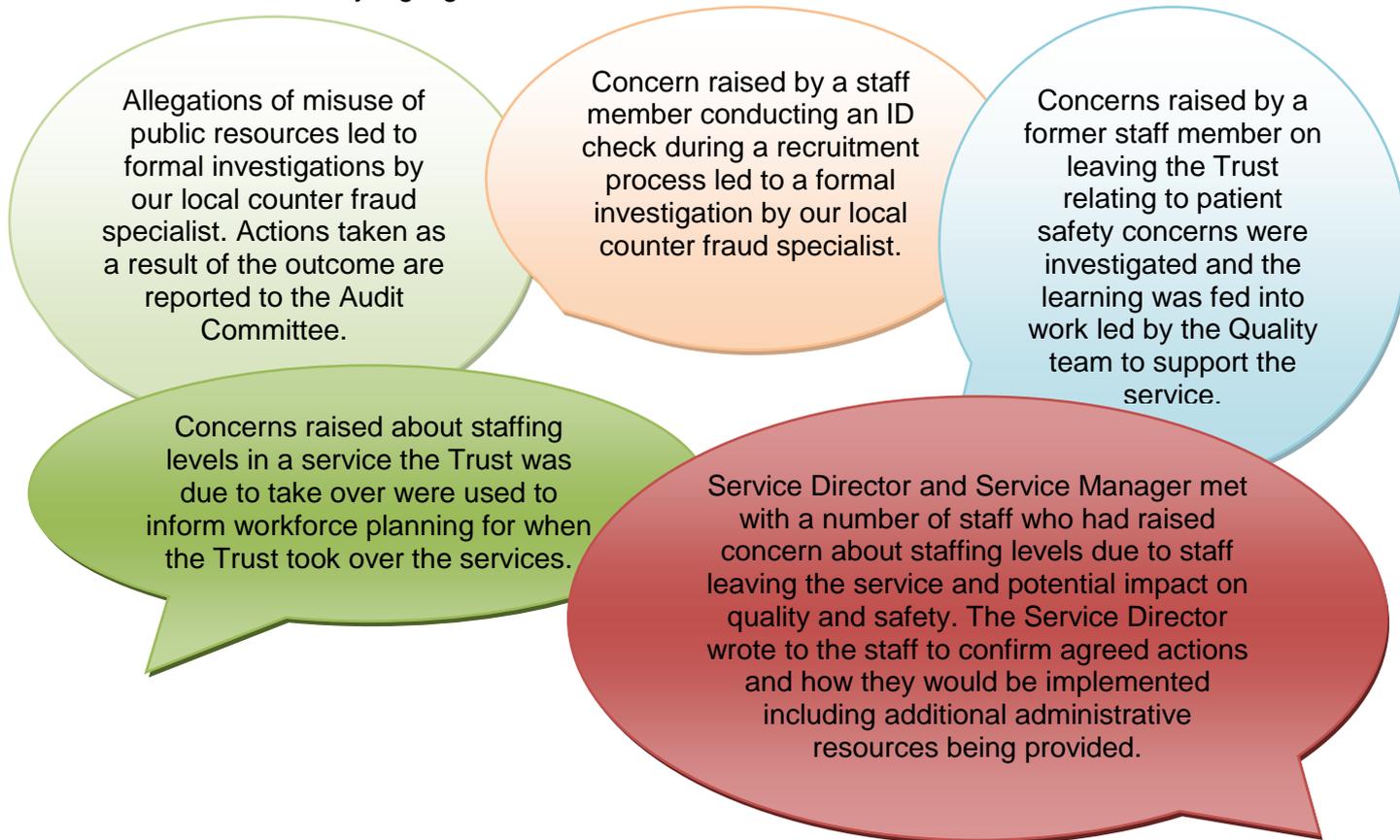
How does the Trust learn?	Description
Case reviews	<p>The National Guardian’s Office also undertakes case reviews how a NHS trust or foundation trust has supported its workers to speak up, where it receives evidence that this support has not met with good practice.</p> <p>Each review will identify areas of good practice observed and areas where improvement is required. Case review reports are published on the CQC website to share the learning. See Appendix 7 for the latest case review.</p>
Bi-annual update to the Board	The Board receives an update on raising matters of concern every 6 months including number of cases raised and any themes. This is detailed within the CEO report.

Internal Audit and Local Counter Fraud Specialist	In line with the annual work plans approved by the audit committee, the Trust's internal auditors and local counter fraud specialist undertake periodic reviews of the raising concern processes within the Trust to assess whether they are working effectively. Recommended actions identified during these reviews are implemented in line with the agreed timelines.
Actions identified during investigation of concerns raised.	One of the outcomes from each investigation when a concern is raised is to make recommendations on improvement actions, both, in terms of the case under investigation and also on how to improve the process and experience of staff raising concerns.
CQC and other regulatory reviews	Where the CQC conduct an independent review of our service, the Trust is committed to implement recommended actions. CQC recently completed a review of the Trust and identified areas that require strengthening in relation to raising matters of concern. The action plan below includes actions recommended by the CQC.
Best Practice/Guidance	The Trust reviews best practice and national guidance produced by the National Guardian's Office and NHS Improvement and revises its policies and processes as a result. For example, the Trust has adopted the standard integrated policy and has incorporated guidance issued in May 2018 into the policy attached for approval by the Board.
The wider Executive meeting reviewed narrative comments from the 2017 staff survey results and identified the main positive and negative themes highlighted by staff.	<p><b>Positive</b> Approachable senior management; Trust is well-led; supportive managers; good training opportunities; positive work culture and feeling valued.</p> <p><b>Negative</b> NHS Pay; business focus – meeting targets versus providing care – have we got the balance right?; communication loops across and within services could be improved; service changes and how they are managed; manager availability and ability; staff shortages and workloads; working extra hours and stress; lack of opportunity for career progression for administrators</p> <p>These will now be shared with all staff including actions being taken to address these concerns.</p>

5.2 Key messages and awareness are raised to all staff through the intranet, weekly communications cascade and other internal communications e.g. screensavers.

5.3 Lessons and feedback on cases are also shared locally with staff via the Service Directors, through team meetings and face-to-face meetings where relevant.

5.4 Below are some key highlights and lessons learnt from the cases raised in 2017/18:



**Appendices:**

Appendix 1 - FTSU Guidance for Boards (*attached*)

Appendix 2 - FTSU Self Review Tool (*attached*)

Appendix 3 - Whistleblowing (Raising Concern) Policy (*attached*)

Appendix 4 – FTSU Improvement Action Plan 2018/19 (*below*)

Appendix 5 – FTSU Vision and Strategy (*attached*)

Appendix 6 – 2017 National NHS Staff survey - Summary of all Key Findings for Cambridgeshire Community Services NHS (*attached*)

Appendix 7 - Speaking Up Case Review for Derbyshire Community Health Services (*attached*)

#### Appendix 4 – FTSU Improvement Action Plan 2018/19

Action	Owner	Due Date
To present draft FTSU vision and strategy to the Board for approval	Anita Pisani Taff Gidi	31 Jul 2018
To conduct an annual review of the FTSU strategy, policy and process including introducing a more structured process for testing a sample of cases annually.	Anita Pisani	30 Jun 2019
To develop a poster for display across all services to raise awareness of FTSU Guardian.	Taff Gidi	31 Aug 2018
To share anonymised case studies and other learning with staff throughout the year.	Taff Gidi	30 Jun 2019
To include high level, anonymised data relating to speaking up as well as information on actions the Trust is taking to support a positive speaking up culture in 2018/19 annual report	Taff Gidi Karen Mason	28 Feb 2019
To introduce local Freedom to Speak-Up champions	Anita Pisani Taff Gidi	30 Sept 2018
FTSU to hold at least one meeting annually with the Chair, Chief Executive, and the Executive and Non-Executive Leads.	Taff Gidi	30 Jun 2019