

Board of Directors: 11.01.18
Agenda Item: Bo.1.18.11

Freedom to Speak Up Quarter 2 report

Presented by:	Karen Dawber – Chief Nurse	Author:	Sue Franklin – Associate Chief Nurse for Quality Improvement
Previously considered by:	Quality Committee – 29.11.17		

Key points	Purpose:
1. Update on BTHFT's Freedom to Speak Up (FTSU) campaign	To note and gain assurance
2. Update of FTSU Concerns raised in Quarter 2 and Year to Date	To discuss and note
3. Updates from the National Guardians Office (NGO) received in Quarter 2, the published Case review completed at Southport and Ormskirk Trust and the NGO's Annual report	To discuss and note

Executive Summary:

This paper provides an update for the Board of Directors on Freedom to Speak Up at BTHFT and includes the progress to date of the FTSU focus group. It will also include the number of FTSU concerns that have been raised in Quarter 2 and any themes that have emerged from these.

The report also includes, in the appendices the;

- data submitted from the Trust for Q2 to the National Guardians office (NGO)
- published case review of speaking up processes, policies and culture at Southport and Ormskirk NHS Trust
- National Guardian's Office Annual Report 2017.

Financial implications:

No

Regulatory relevance:

Monitor: Quality Governance Framework

Equality Impact / Implications:	Choose an item.
	Choose an item.
	Choose an item.
	Is there likely to be any impact on any of the protected characteristics? (Age, Disability, Gender, Gender Reassignment, Pregnancy and Maternity, Race, Religion or Belief, Sexual Orientation, Health Inequalities, Human Rights) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, what is the mitigation against this?

Other:	
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Strategic Objective: <i>Reference to Strategic Objective(s) this paper relates to</i>	To provide outstanding care for patients
	To be a continually learning organisation
	To be in the top 20% of NHS employers
	To deliver our financial plan and key performance targets
	To collaborate effectively with local and regional partners

Freedom to Speak up Q2 report

1.0 Introduction

This paper provides an update on Freedom to Speak up (FTSU) and the progress to date. It will also report on the number of concerns that have been raised via FTSU in Q2 and Year to Date and demonstrate the main learning points from these concerns.

It will include information relating to the Public Interest Disclosure Act 1988 (PIDA) in regards to Freedom to Speak Up and any relevant updates from the National Guardians Office.

In the appendices of the report are the following:

- Q2 data submitted from BTHFT to the National Guardians Office
- Southport and Ormskirk Hospital NHS Trust case review
- National Guardian's Office Annual Report 2017

2.0 Background

2.1 One of the recommendations from Sir Robert Francis' *Freedom to Speak Up* review of the NHS, published in February 2015, was that each NHS Trust should appoint a Freedom to Speak up Guardian. The FTSU Guardian has a key role in helping to raise the profile of raising concerns in their organisation and provide confidential advice and support to staff in relation to concerns they have about patients' safety and/or the way that the concern has been handled. There is also a National Guardian for the NHS too, Dr Henrietta Hughes.

2.2 The Trust's Freedom to Speak up Guardian is Karen Dawber, Chief Nurse and there are a number of Associate Guardians who have completed the national training.

2.3 Freedom to Speak Up sits within the Trust's *Policy of raising Concerns at Work (Whistleblowing)*.

3.0 Progress of the FTSU group to date

3.1 Since April 2017, the FTSU focus group has met monthly. This meeting is to update the FTSU group on any new updates from the National Guardian's office and also to discuss and monitor any ongoing FTSU concerns.

3.2 The Trust's full launch of Freedom to Speak Up was the week of the 5th June 2017, following a soft launch in October 2016.

3.3 When a concern is raised, a brief meeting is called of the FTSU group members available. Any conflicts of interest are asked e.g. direct line management and if there is, those guardians are not privy to the information. The group immediately discuss and allocate a FTSU guardian to oversee the concern and make contact with the person who has raised the concern, (unless it has been raised anonymously).

3.4 The National Guardian's office issues regular information and updates that are discussed at the monthly meetings to ensure that the Freedom to Speak Up focus group are using the most up to date information that the National office provide. It also directs how we listen to concerns and document those concerns.

3.5 The National Guardian's office requests regular updates and currently requests quarterly reports (in a standard template) on the concerns raised from each NHS Trust. We have recently submitted FTSU data for Q2 (**see Appendix 1**)

3.6 The FTSU Associate Guardians include the following staff members:

Rupert Allen – Principal Dietitian

Lorraine Cameron – Head of Equality and Diversity

Anthony Doggett – Business support Lead

LeeAnne Elliott – Deputy Medical director

Sue Franklin – Associate Chief Nurse for Quality Improvement

Sarah Freeman – Head of Nursing

Andrea Gillespie – Nursing and Midwifery quality lead

Melinda Howard – Matron

Laura Jones – Lead Cancer manager

Amandeep Singh – Partnership Lead

3.7 From the NGO annual report 2017 they state that the Guardian role is novel and challenging. It has proactive, reactive, strategic and tactical elements and requires excellent partnership working. The person in the role needs to gain the trust of workers throughout the organisation so that everyone feels supported and empowered to speak up. It also requires both independence and the skills to work in partnership with an organisational leadership team so that senior leaders are fully engaged in the agenda and lead from the top.

3.8 Results of the first FTSU guardian survey were published in September 2017 (see NGO website). These gave valuable information on how the role is being implemented and, for the first time, asked guardians and associates for their perceptions of Freedom to Speak Up in their organisations.

4.0 Concerns raised in Q2

Number of issues raised to FTSU Guardians in Q2	6	
The number of these issues raised anonymously	1	
The number of issues with an element of patient safety/ quality	2	
The number of issues with an element of bullying/harassment/dignity at work	3	
The number of issues where people indicate that they are suffering detriment as a result of speaking up	0	
Required information of who to go to resolve an issue	1	
The number of issues raised by particular staff groups	2	Nurses
	1	AHP's
	1	A&C
	1	Cleaning, Catering, Maintenance, Ancillary staff
	1	Corporate service staff
	0	Other
Total number of concerns raised Year to date, in Q1 and Q2 via FTSU	12	

5.0 Summary of the themes

5.1 In Quarter 2 there are a number of issues raised with the following themes:

- When negative 'cliques' develop within large departments it can cause other staff to feel marginalised and excluded. The FTSU guardians have recognised this and think it will link closely with the work Lily Hurford has started around values and behaviours.

- One concern raised was from a member of staff from a Black, Asian and minority ethnic (BAME) background felt that recruitment practices were unfair and unjust. A further concern in Q3 specifically relates to unfair recruitment practice. Concerns around BAME recruitment practices have been escalated to the Director of HR by the FTSU Guardian.
- Three of the concerns raised were where the person raising the concern had felt bullied or harassed or their dignity at work had been compromised. One of these led to an HR investigation with recommendations for the line management of the area. The second case is closed as the staff member felt supported to challenge some of the issues and has now changed posts into one that they feel they are more suited to. The third case is still ongoing.
- Of the 6 concerns raised in Q2, one has required an HR investigation and one has been referred to counter fraud.

6.0 Risk Management

6.1 In Q2 there has been a concern raised from a member of staff from a BAME background around alleged poor and unjust recruitment processes. At the beginning of Q3 a second member of staff raised concerns because she felt that barriers had been put in place to prevent her professional development. The second member of staff felt that there had been unjust and unfair recruitment processes and inequitable opportunities. This issue has been raised to the HR director both verbally and via email from the FTSU Guardian.

6.2 The FTSU Associate guardians have no protected time within their substantive roles to perform their Associate guardian duties. The NGO annual report 2017 (see Appendix 3) and the results of their survey said that they can see great benefits being drawn from the diverse experience and expertise of individuals who have been appointed to the role but it is important that the role is properly supported and resourced.

7.0 National Guardians office update

7.1 The National Guardians office was established in 2016 to support FTSU in NHS trusts. It has a list of priorities;

- To support a strong regional network of FTSU Guardians.
- It highlights the NHS organisations that are successful in creating the right environment for staff to speak up safely and share their best practice across the NHS.

- They will independently review cases where NHS organisations have failed to follow good practice and work with statutory bodies to take action when required.
- The principles of the FTSU review will be used to assess how NHS trusts have supported the freedom of their staff to speak up in particular cases.

7.2 On the 19th July the NGO carried out a case review at Southport and Ormskirk NHS Trust. (**See appendix 2**).

7.3 The NGO has been working with the Care Quality Commission (CQC) to support its development of the inspection of how NHS hospitals are led to ensure that an assessment of speaking up is at the heart of the inspection. CQC inspectors' evaluation of how NHS trusts support speaking up is an important element in their overall rating of how well led a service is.

7.4 The National Guardians office is a prescribed body under the Public Information Disclosure Act (PIDA) 1988. The Act applies to people at work raising genuine concerns about crimes, civil offences, miscarriages of justice, dangers to health and safety or the environment and the cover up of any of these.

7.5 To be protected most disclosures must be made in good faith. Essentially this means the disclosure is made honestly so that the concern can be addressed. A disclosure made in good faith to the employer will be protected if the whistleblower has a reasonable belief the information tends to show that the malpractice has occurred, is occurring or is likely to occur.

7.6 This means that where a worker makes a disclosure, which is a protected disclosure within the meaning of the PIDA legislation, they may be able to claim unfair dismissal at an Employment tribunal if they are victimised or dismissed for doing so.

8.0 Recommendations

8.1 To note the contents of the paper and the updates it provides.

8.2 Feed in to the work already being undertaken in the Trust to address equality and diversity issues.

8.3 Continue with the FTSU campaign including the raising awareness sessions.

Appendix 1

Speaking up data Q2 (1 July - 30 September 2017)

This form requests information about the cases brought to Freedom to Speak Up Guardians between 1 July - 30 September 2017.

Please submit a single return from your trust by Wednesday 8 November 2017.

A summary of this data will be published on the National Guardian's Office webpages by mid-November 2017.

If you have any queries in relation to this request, please contact the National Guardian's Office using datacollection@nationalguardianoffice.org.uk or 0207 448 9469.

Email address *

susan.franklin@bthft.nhs.uk

About you

Person completing the form.

First name *

Sue

Surname *

Franklin

Freedom to Speak Up job title *

- ☐ Freedom to Speak Up Guardian
- ☐ Freedom to Speak Up Champion
- ☐ Freedom to Speak Up Ambassador
- ☒ Other: Freedom to Speak Up Associate Guardian

Section 3 - Your Trust

NHS trust (please select from list) *

[Bradford Teaching Hospitals NHS Foundation Trust ✓]

Region (please select from list) *

[Yorks and Humber ✓]

Type of trust *

- ☒ Acute
- ☐ Acute specialist

- ☐ Ambulance
- ☐ Community
- ☐ Combined acute and community
- ☐ Community/ learning disability
- ☐ Mental health
- ☐ Mental health / learning disability
- ☐ Combined mental health / learning disability / community
- ☐ Other:

Size of trust *

- ☐ Small (up to 5,000 staff)
- ☒ Medium (between 5,000 and 10,000 staff)
- ☐ Large (more than 10,000 staff)

Section 4 - Freedom to Speak Up cases

Please include all cases that have been brought to you or members of your network during this period, irrespective of whether they have been 'closed' or not. Please give a single total figure for your trust. Note: each individual coming to you should be recorded as a separate 'case' even if they are coming to you as part of a group about the same matter.

Total number of cases brought to Freedom to Speak Up Guardians, Champions and Ambassadors in your trust between 1 July and 30 September 2017 *

6

Section 4 – About the case being raised

Please give details of the types of cases being reported. Each case may contain several issues and may be categorised using multiple categories e.g. where a case has been reported anonymously, and is stated to involve patient safety, and bullying issues, it should be recorded under all three of those categories.

Number of cases raised anonymously *

1

Number of cases with an element of patient safety/quality *

2

Number of cases related to behaviours, including bullying/harassment *

2

Number of cases where people indicate that they are suffering detriment as a result of speaking up *

0

People speaking up

Please give details of the number of cases raised to you by particular professional groups.
Your return for this section should equal the total number of cases raised, given in section 4.

Doctors *

0

Nurses *

2

Healthcare Assistants *

0

Midwives *

0

Dentists *

0

Allied Healthcare Professionals *

1

Administrative/Clerical staff *

1

Cleaning/Catering/Maintenance/Ancillary staff *

1

Board members *

0

Corporate service staff

1

Other *

0

Section 7 - Feedback

Please give the total number of responses you have had to the feedback question: 'Given your experience, would you speak up again?' Please include information on the feedback you have received this quarter, even if it relates to a case submitted prior to 1st July

Total number of cases that you have received feedback on *

2

The number of these that responded 'Yes' *

2

The number of these that responded 'No' *

0

The number of these that responded 'Maybe' *

0

The number of these that responded 'I don't know' *

0

Please state the top 3 most common themes from the responses to the feedback question *

For example, "I felt listened to; the feedback was welcome; nothing will change; this didn't help," etc. Please note that this question is not asking you for the themes of cases brought to you.

Definitely speak up again and encourage others to do so. Difficult to say whether they were satisfied by the outcome until sometime had elapsed.

Section 8 - Your learning

Summary of the main learning points *

Please provide a short summary of the main learning points you have made over this quarter (e.g. ensuring feedback is given; further communications are needed; updates to policies and processes are required, etc.) Maximum character count – 3,000 characters

We've done a number of ways to communicate Trust wide about Freedom to Speak Up, including information stands, medical and Trust induction, screen saver, intranet page, pop up banner, leaflets, but as a group we feel that we still need to continually promote Freedom to Speak Up in order to reach all staff groups. We have developed a flow chart for the group to ensure that when a concern is raised it is managed consistently to ensure that the right process is followed for each type of concern raised, e.g. a concern requiring an investigation under an HR policy. We have learned that we require references to PIDA in our documents, e.g. terms of reference for investigations. We've learned how valuable it is as a Freedom to speak up group to meet immediately after a concern is raised to ensure that we are making objective decisions about the concern.

Appendix 2 – Southport and Ormskirk Hospital NHS Trust case review



20171115_ngo_southportormskirk.pdf

Appendix 3 – National Guardian's office Annual report 2017



20171115_ngo_annualreport201617.pdf