

**Board of Directors:** 08.03.18  
**Agenda Item:** Bo.3.18.13

## FREEDOM TO SPEAK UP QUARTER 3 REPORT

<b>Presented by:</b>	Karen Dawber – Chief Nurse	<b>Author:</b>	Sue Franklin – Associate Chief Nurse for Quality Improvement
<b>Previously considered by:</b>	Quality Committee – 28.02.18		

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 3 and Year to Date at BTHFT and inclusion of the latest Q3 national data	To discuss and note
3. Updates from the National Guardian's Office (NGO) received in Quarter 3, including the latest case review completed at Northern Lincolnshire and Goole NHS Foundation Trust	To discuss and note
4. Internal audit report on Freedom To Speak Up at BTHFT	To discuss and note

### Executive Summary:

This paper provides an update for the Executive management team and 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 3 and any themes that have emerged from these.

The report (in its appendices) will also include:

- the data submitted from the Trust for Q3 to the National Guardian's office (NGO)
- Northern Lincolnshire and Goole NHS Foundation Trust case review completed by the National Guardian's office (published February 2018)
- the Internal audit report on Freedom To Speak Up at BTHFT

### Financial implications:

No

### Regulatory relevance:

**Monitor:** Quality Governance Framework

### Equality Impact /

Choose an item.  
Choose an item.  
Choose an item.



# FREEDOM TO SPEAK UP Q3 REPORT

## 1.0 Introduction

1.1 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 Q3 and Year to date and demonstrate the main learning points from these concerns.

1.2 It will include any relevant updates from the National Guardian's Office that have been received in Q3.

1.3 In the appendices of the report are the following:

- Q3 data submitted from BTHFT to the National Guardian's Office
- Northern Lincolnshire and Goole NHS Foundation Trust case review completed by the National Guardian's office (published February 2018)
- Internal audit report on Freedom To Speak Up at BTHFT carried out in November 2017

## 2.0 Background

2.1 One of the recommendations from Sir Robert Francis' *Freedom to Speak Up* review of the NHS, published in April 2015, was that each NHS Trust should appoint a Freedom to Speak up Guardian. The review sets out 20 principles and actions to ensure that NHS workers can speak up freely at work, without fear of detriment, to create a safer and more effective service for everyone.

2.2 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.

2.3 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.

2.4 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 5<sup>th</sup> 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 Q3 (**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

## 4.0 Concerns raised at BTHFT in Q3

<b>Number of issues raised to FTSU Guardians in Q3</b>	9	
The number of these issues raised anonymously	0	
The number of issues with an element of patient safety/ quality	1	
The number of issues with an element of bullying/harassment/dignity at work/unacceptable behaviours	7	
The number of issues with an element of discrimination	1	
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	0	
The number of issues raised by particular staff groups	5	Nurses
	1	AHP's
	1	A&C
	1	Cleaning, Catering, Maintenance, Ancillary staff
	1	Corporate service staff
	0	Other
<b>Total number of concerns raised Year to date, in Q1, Q2 and Q3 via FTSU</b>	<b>21</b>	

## 5.0 Summary of the themes

5.1 In Quarter 3, the 9 concerns raised are grouped into the following categories:

- Bullying and harassment – 2 concerns
- Dignity at work – 1 concern
- Behaviours and values – 4 concerns
- Patient safety – 1 concern
- Discrimination – 1 concern

5.2 None of these concerns were raised anonymously and the breakdown of staff groups is in the above table.

5.3 The main theme of the Q3 concerns was unacceptable behaviour which includes, dignity at work and bullying and harassment in the work place. The ongoing work that Lily Hurford is doing based on values and behaviours will go some way in supporting this theme. The HR team have been involved with those concerns that required further investigation under an HR policy. Any recommendation and actions to come out of an investigation are monitored through the relevant division.

## **6.0 Risk Management**

6.1 An update from Q2 where concerns had been raised about equitable opportunities for Black, Asian, minority ethnic (BAME) staff in regards to recruitment within the Womens and Children division. The FTSU Guardian had escalated these concerns to the Director of HR who then commissioned an investigation into recruitment practices. This has been completed and a number of actions are being taken forward at both divisional level and Trust level. The HR director is monitoring the action plans.

6.2 In Q3 there were a number of concerns raised that have required an HR investigation. The completed reports, recommendations and action plans are being monitored within the relevant divisions.

6.3 In Q3, the main theme of the concerns raised was unacceptable behaviours, bullying and harassment or dignity at work. Five of these have either sought further advice from HR or an HR investigation has/is taking place.

6.4 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 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 In September 2017 the NGO carried out their second case review of speaking up processes, policies and culture at Northern Lincolnshire and Goole NHS Foundation Trust (**See appendix 2**). Their key findings included:

- Evidence of a poor speaking up culture in the trust where issues raised by workers were not always responded to according to good practice, including where staff had raised serious safety issues
- Evidence of bullying in the trust, including the existence of a bullying culture within specific teams, that made workers fear the consequences of speaking up
- The trust's speaking up policy not meeting national minimum standards as set out by NHS Improvement

The Trust's bullying and harassment policy needed improvement to ensure it met the standards set out in guidance by NHS Employers.

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.

7.7 The National Q3 data headlines include:

- Over 92 percent of trusts provided data this quarter.
- 919 cases were raised to Freedom to Speak Up Guardians / ambassadors / champions.
- 598 of these cases included an element of patient safety / quality of care.
- 899 included elements of bullying and harassment.
- 103 related to incidents where the person speaking up may have suffered some form of detriment.
- 336 anonymous cases were received.
- 22 trusts did not receive any cases through their Freedom to Speak Up Guardian.

214 of the 232 NHS trusts listed in our directory sent returns.

## **8 Recommendations**

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

8.2 To note the main themes raised in Q3.

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



## **Appendix 1**

### **Speaking up data Q3 (1 October – 31 December 2017)**

**This form requests information about the cases brought to Freedom to Speak Up Guardians between 1 October – 31 December 2017.**

**Please submit a single return from your trust by Monday 22 January 2018.**

**A summary of this data will be published on the National Guardian's Office webpages on 29 January.**

**If you have any queries in relation to this request, please contact the National Guardian's Office using [enquiries@nationalguardianoffice.org.uk](mailto:enquiries@nationalguardianoffice.org.uk) or 0207 448 9469.**

**Email address \***

[susan.franklin@bthft.nhs.uk](mailto:susan.franklin@bthft.nhs.uk)

**About you**

**Person completing the form.**

**First name \***

**Susan**

**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**

**Bradford Teaching Hospitals NHS Foundation Trust ]**

**Region 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 October and 31 December 2017 \***

**9**

**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 \***

**0**

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

**1**

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

**7**

**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 \***

**5**

**Healthcare Assistants \***

**0**

**Midwives \***

**0**

**Dentists \***

**0**

**Allied Healthcare Professionals \***

**1**

**Administrative/Clerical staff \***

**0**

**Cleaning/Catering/Maintenance/Ancillary staff \***

**0**

**Board members \***

**0**

**Corporate service staff \***

**1**

**Other \***

**2**

## **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 \***

**7**

**The number of these that responded 'Yes' \***

**6**

**The number of these that responded 'No' \***

**0**

**The number of these that responded 'Maybe' \***

**1**

**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. Maximum character count – 3,000 characters.**

- 1. I am so pleased that the issues I raised have been taken seriously and actions in place.**
- 2. Thank you again for your support, with your help and advice I feel completely different to how I was in your office a few weeks ago.**
- 3. Felt happy that they had discussed options available.**

## **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**

- 1. We need to give more information to promote FTSU to the divisional management teams.**
- 2. Important to develop further work with the HR department about FTSU.**
- 3. To plan in the review dates and be more thorough in completing this part.**

## Appendix 2



20180131\_ngo\_nline  
onshire\_gooole.pdf

## Appendix 3



Freedom to Speak  
Up Final internal review