

APPENDIX 3

Derbyshire Community Health Services NHS Foundation Trust – A case review of speaking up processes, policies and culture – June 2018

An assessment of BTHFT speaking up processes is made against these recommendations, in italics.

Recommendations to be implemented within 3 months

Recommendation 1

Within 3 months the trust should publish its new speaking up policy. The new policy should be written in a way that encourages workers to speak up and is easily understood. Unnecessary references to PIDA and malicious intention in speaking up should not be present.

BTHFT – the Trust’s current speaking up policy has been completed in line with National guidance. It does not include unnecessary references to PIDA and malicious intent is not present in speaking up.

Recommendation 3

Within 3 months the trust should ensure that workers who wish to raise matters with the trust non-executive director responsible for speaking up are able to do so via routes of communication that appropriately support their confidentiality.

BTHFT – this is currently being confirmed and regional training is available in October for this.

Recommendation 4

Within 3 months the trust should ensure that, in line with its practices, it continues to value the views of its workers, including consulting staff about changes to their services where appropriate.

BTHFT – This recommendation is specific to the Derbyshire findings.

Recommendation 5

Within 3 months the trust should take all appropriate steps to ensure that all cases of speaking up are investigated within reasonable timescales and without undue delay.

BTHFT – This is something that currently is not audited. However there are plans to audit the timescales of investigations completed under FTSU.

Recommendation 6

Within 3 months the trust should take appropriate steps to ensure that all cases of speaking up are investigated by suitably independent persons.

BTHFT – All cases have been investigated by suitably independent persons.

Recommendation 7

Within 3 months the trust should take all appropriate steps to ensure that responses to cases of workers speaking up, including decisions relating to the investigation of those cases, are not focused on whether or not the matters in those cases are qualifying disclosures under the Public Interest Disclosure Act.

BTHFT – This has not been the case in any of the FTSU investigations at BTHFT.

Recommendation 9

Within 3 months the trust should ensure that their speaking up arrangements, including the support provided by the Freedom to Speak Up Guardian, appropriately protect workers' confidentiality, and demonstrates appropriate understanding and empathy for the needs of individuals.

BTHFT – This is always paramount in all our cases to protect workers' confidentiality if requested to do so.

Recommendation 10

Within 3 months the trust should ensure that the Freedom to Speak Up Guardian records all instances of speaking up raised to them, not just those cases where workers state that they are raising a matter 'formally'.

BTHFT – There is a fully completed FTSU database where all cases, either formally or informally are logged.

Recommendation 11

Within 3 months the trust should take appropriate steps to ensure that where the grievance process is used to respond to a worker speaking up the trust's grievance policies and procedures are correctly followed, including in respect of providing an initial scoping meeting to discuss the matter the worker is speaking up about and the range of alternative processes for handling it.

BTHFT – This recommendation is specific to the Derbyshire findings.

Recommendation 13

Within 3 months Capsticks HR Advisory Service should take all appropriate steps to ensure that it communicates to workers at their first contact whose speaking up concerns it is investigating of the actions it takes to ensure the independence of its investigations. This assurance should be provided to the workers concerned prior to the commencement of the investigation.

BTHFT – This recommendation is specific to the Derbyshire findings.

Recommendations to be implemented within six months

Recommendation 2

Within 6 months the trust should take steps to ensure all existing and new workers are aware of the contents of the new freedom to speak up policy.

BTHFT – Promotion of FTSU is ongoing throughout the year and is also an item discussed at the Trust induction and Junior Doctors induction

Recommendations to be implemented within twelve months

Recommendation 8

Within 12 months the trust should develop a plan for embedding speaking up in the organisation. This plan should consider the use of staff inductions, team meetings, leadership training and other mechanisms to ensure that all staff have the necessary skills and knowledge to speak up well and respond to issues being raised appropriately.

As part of this plan, a communication strategy should be developed to promote the trust's Freedom to Speak Up Guardian and encourage workers to speak up to them when they feel they cannot speak up using other channels.

BTHFT – This has already been completed at BTHFT and the promotion of FTSU is ongoing.

Recommendation 12

Within 12 months the trust should take appropriate steps to ensure that all workers who speak up are meaningfully thanked for doing so, in accordance with trust culture, training and good practice.

BTHFT – This does happen at BTHFT.

Recommendation 14

Within 12 months, The Department for Health and Social Care should commission NHS Employers to develop and communicate guidance to NHS trusts and foundation trusts that will help ensure HR policies and processes do not present real or perceived barriers to speaking up. This should focus on how trusts can ensure that investigations into speaking up matters are undertaken by suitably independent persons and are completed within reasonable timescales, to enable workers who speak up to have trust and confidence in the process.

Guidance should also be provided on how to support individuals who are speaking up about a grievance to prevent undue burdens being placed on those individuals and to ensure that they receive the support they need at what is likely to be a difficult and stressful time.

BTHFT – This recommendation is specific to the Derbyshire findings.