

Meeting Title	Board of Directors	
Date	07.03.19	Agenda item: Bo.3.19.30

FREEDOM TO SPEAK UP (FTSU)

QUARTER 3 REPORT 2018/19

Presented by	Karen Dawber Chief Nurse	
Author	Sue Franklin Associate Chief Nurse for Quality Improvement	
Lead Director	Karen Dawber Chief Nurse	
Purpose of the paper	This paper provides assurance to the Board of Directors in relation to the conduct and outcome management of the Freedom to Speak Up arrangements in the Trust	
Key control	This paper is a key control for the strategic objectives to provide outstanding care for patients and to be in the top 20% of NHS Employers	
Action required	To note	
Previously discussed at/ informed by		
Previously approved at:	Committee/Group	Date
	Quality Committee	27.02.19
Key Options, Issues and Risks		
This paper provides an update for the Board of Directors on Freedom to Speak Up (FTSU) at Bradford Teaching Hospitals NHS Trust.		
Analysis		
<p>The paper describes the number of FTSU concerns that have been raised during Quarter 3 2018/19 both at BTHFT and also Nationally.</p> <p>It includes the updated FTSU action plan following on from the Board self-assessment.</p> <p>In addition the report includes the latest case review which the National Guardian's Office (NGO) published in December 2018. The NGO completed a review of the handling of speaking up cases at Royal Cornwall NHS Foundation Trust in response to information they had received that the Trust's responses to the concerns raised by its workers was not in accordance with good practice.</p>		
Recommendation		
<ul style="list-style-type: none"> For the Committee to note the contents of the report and the concerns that have been raised at BTHFT in Quarter 3 via Freedom to Speak Up. For the Committee to note the National Q3 data headlines. For the Committee to note the update to the FTSU action plan following the Board self-assessment and the on-going work of the FTSU group. For the Committee to note the contents of the NGO's latest case review. 		

Risk assessment						
Strategic Objective	Appetite (G)					
	Avoid	Minimal	Cautious	Open	Seek	Mature
To provide outstanding care for patients		g				
To deliver our financial plan and key performance targets			g			
To be in the top 20% of NHS employers			g			
To be a continually learning organisation				g		
To collaborate effectively with local and regional partners					g	
The level of risk against each objective should be indicated. Where more than one option is available the level of risk of each option against each element should be indicated by numbering each option and showing numbers in the boxes.	Low		Moderate	High	Significant	
	Risk (*)					
Explanation of variance from Board of Directors Agreed General risk appetite (G)						

Risk Implications (see section 4 for details)	Yes	No
Corporate Risk register and/or Board Assurance Framework Amendments		✓
Quality implications	✓	
Resource implications		✓
Legal/regulatory implications	✓	
Diversity and Inclusion implications		✓

Regulation, Legislation and Compliance relevance
NHS Improvement: (Risk assessment framework, quality governance framework, code of governance , annual reporting manual)
Care Quality Commission Domain: (Safe, caring, effective, responsive, well led drop down)
Care Quality Commission Fundamental Standard:
Other (please state):

Relevance to other Board of Director's Committee:					
Workforce	Quality	Finance & Performance	Partnerships	Major Projects	Other (please state)
	✓				

1	PURPOSE/ AIM
----------	---------------------

- 1.1 This paper provides assurance to the Board of Directors in relation to the conduct and outcome management of the Freedom to Speak Up arrangements in the Trust by:
- Providing an update, using the National Guardian's Office template, on Freedom to Speak Up (FTSU) and the progress in Quarter 3 2018/19 nationally.
 - Reporting on the number of concerns that have been raised via FTSU in Quarter 3 2018/19 at BTHFT.
 - Providing relevant updates from the National Guardian's Office (NGO) that have been received in Quarter 3.
 - Providing an update to the FTSU action plan following the Board self-assessment.
 - Providing the latest case review completed by the NGO. (See Appendix 2).

2	BACKGROUND/CONTEXT
----------	---------------------------

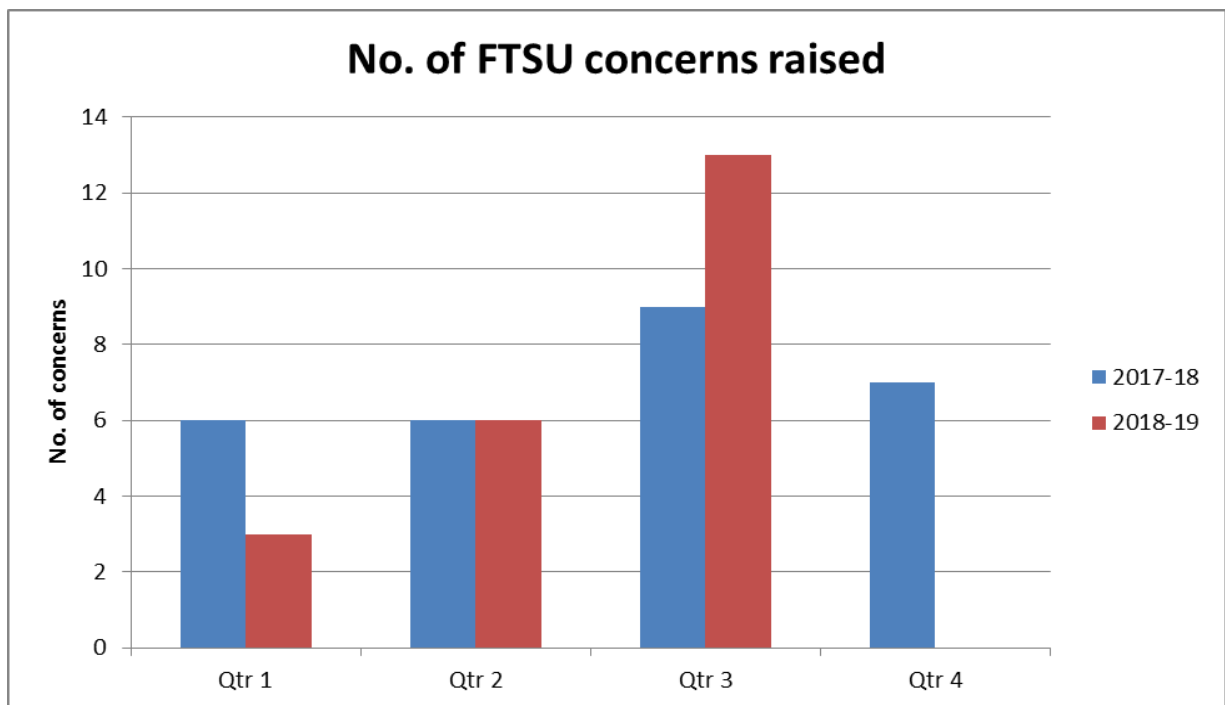
- 2.1 One of the recommendations from Sir Robert Francis' *Freedom to Speak Up* review of the NHS, published in April 2015, was that each NHS Trust should appoint a Freedom to Speak Up Guardian. The review sets out 20 principles and actions to ensure that NHS workers can speak up freely at work, without fear of detriment, to create a safer and more effective service for everyone.
- 2.2 Effective speaking up arrangements help to protect patients and improve the experience of NHS workers. Having a healthy speaking up culture is an indicator of a well-led Trust.
- 2.3 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. The Trust's Freedom to Speak Up Guardian is Karen Dawber, Chief Nurse, there is an identified Non-Executive Director Lead and there are a number of Associate Guardians who have completed the National FTSU training.
- 2.4 Freedom to Speak Up sits within the Trust's *Policy of raising Concerns at Work (Whistleblowing)*.
- 2.5 The Care Quality Commission (CQC) assesses a Trust's speaking up culture during inspections under key line of enquiry (KLOE) 3 as part of the well-led question.
- 2.6 The FTSU focus group meets bi-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 and issues.
- 2.7 The FTSU group have a Human Resources (HR) link who they liaise with as/when necessary to discuss certain concerns that need HR support.
- 2.8 The National Guardian's Office (NGO) issues regular information and updates that are discussed at the monthly meetings to ensure that the Freedom to Speak Up

focus group is using the most up-to-date information that the NGO provides. It also directs how we listen to concerns and document those concerns.

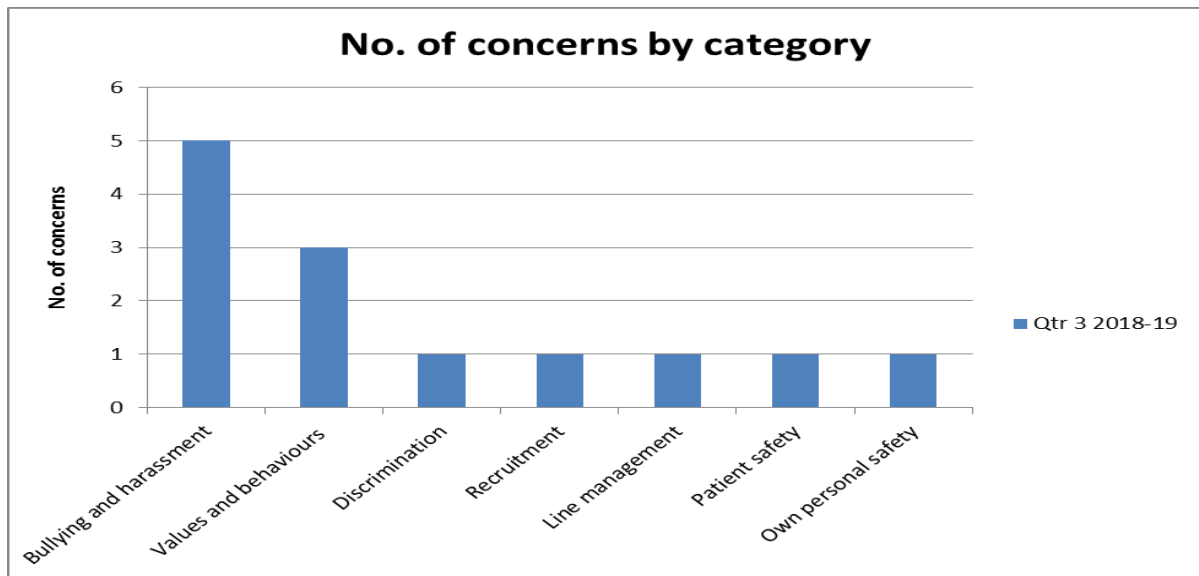
- 2.9 Following any case review published by the NGO, the FTSU group discuss the recommendations and check which ones are relevant to BTHFT. Any relevant recommendations are actioned to ensure we meet the expected standards.
- 2.10 There is also attendance at the FTSU Regional Network, Yorkshire and Humber quarterly meeting.
- 2.11 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 complied with this submission.

3	ANALYSIS
----------	-----------------

- 3.1 In 2018/19 - Quarter 3 we have had thirteen FTSU concerns raised. This is an increase on previous Quarters due, most likely, to the promotional FTSU week we had in October alongside the National FTSU week.



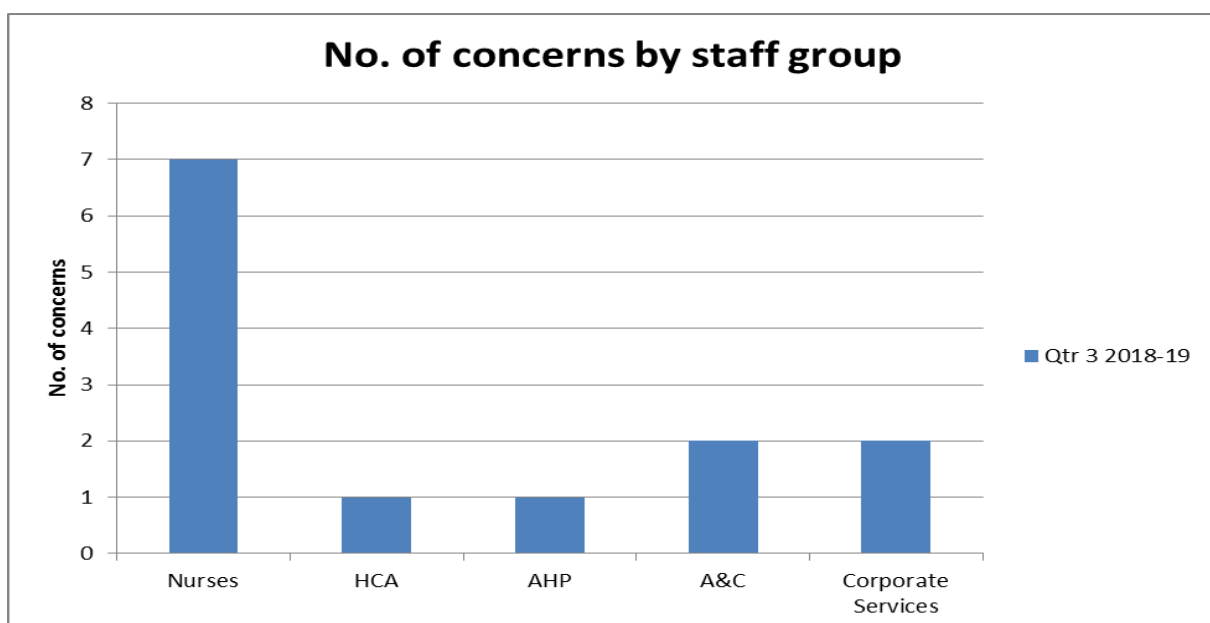
3.2 The thirteen concerns raised in Q3 are categorised below.



3.3 The highest number of concerns raised in Q3 were in regards to bullying and harassment and unacceptable values and behaviours. Some of these concerns were referred to HR as they required support from the Staff advocacy service or further investigation under the bullying and harassment policy.

3.4 This has been recognised nationally through the FTSU data and the NGO in conjunction with the Royal College of surgeons of Edinburgh are providing a bullying and harassment webinar for FTSU Guardians on 19th February 2019. They will be showcasing a new publication which is being sent to all NHS trusts outlining tools and current resources to deal with bullying and harassment

3.5 The graph below shows number of concerns raised by staff group in Q3.



- 3.6 Of the thirteen cases raised in Q3, four were raised anonymously via the FTSU App. Three of the four cases were all from the same area, the Emergency Department, but they were raising different issues within the department which have been addressed or are part of the ongoing organisational development (OD) work within the department.
- 3.7 No person raising a concern has reported suffering detriment for doing so in Q3.
- 3.8 The NGO published the national data for Q3 and the headlines are:
- Q3 was the highest proportion of trusts making data returns and the number of cases of workers speaking up has yet again topped the previous quarter.
 - 3,600 cases were raised to FTSU Guardians in Q3.
 - 957 (26.6%) of these cases included an element of patient safety/quality of care.
 - 1,466 (41%) included an element of bullying and harassment.
 - 179 (5%) related to incidents where the person speaking up may have suffered some form of detriment.
 - 407 (11%) anonymous cases were received.
 - 221 out of 227 NHS trusts sent returns for Q3.
- 3.9 The National Guardian's 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.
 - To 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.
- 3.10 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.
- 3.11 In May 2018, NHS Improvement and the NGO issued new guidance for boards on FTSU in NHS Foundation Trusts and a self-review tool for NHS Foundation Trusts, for all Boards to complete. This was completed at BTHFT in September/October and the action plan is being monitored through the FTSU group. (See Appendix 1 for updated action plan)

4	RISK ASSESSMENT
----------	------------------------

- 4.1 The FTSU Associate Guardians currently have no protected time within their substantive roles to perform their Associate Guardian duties. The NGO annual report 2017 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.

This has been recognised at BTHFT and the Executive lead for FTSU and the FTSU Guardian role have now been separated, following National guidance. From 1st February 2019, Sue Franklin, Associate Chief Nurse for Quality Improvement is now the FTSU Guardian (with allocated time) and Karen Dawber, Chief Nurse, is the Executive lead for FTSU.

- 4.2 It has been highlighted via an internal audit report that if there was to be a sudden influx of concerns we would need to address the resource requirements; this could be a potential weakness in the system. However, it has been agreed that the current level of concerns can be managed adequately.

5	RECOMMENDATIONS
----------	------------------------

- 5.1 To note the main themes and the important issues raised through FTSU in Q3.
- 5.2 To support the work of the FTSU groups to continue with the FTSU campaign including the raising awareness sessions and education for Guardians.
- 5.3 To continue with quarterly reports to the Quality Committee and to the Board of Directors to update on progress against recommendations.
- 5.4 To note the recommendations from the case review and acknowledge the progress made with FTSU at BTHFT.

6	Appendices
----------	-------------------

Appendix 1 – FTSU action plan following the Board self-assessment

Appendix 2 – A review of the handling of speaking up cases by the NGO at Cornwall NHS Foundation Trust.

Appendix 1

FTSU Action Plan – Following on from Board Self-Assessment				Date initiated	12/10/2018
				Date of update	20/11/2018 31/01/2019
Accountability		Responsibility			
Lead	Oversight/governance structure	Lead	Work-stream/operational group		
Chief Nurse	Quality Committee	Associate Chief Nurse	FTSU Operational Meeting		

Aim	Objective		Expected Outcome	Assurance Mechanism	Review date
	Ref				
To enable staff to feel safe to raise concerns within the organisation	1	To implement changes to the Infrastructure based on the Board self-assessment	Compliant structure to deliver the activity and oversight for the FTSU function	Quality Committee	31 st March 2019
			To increase the width of the associate guardians to incorporate students and non-managerial staff		
	2	To raise the profile of the FTSU function	To increase awareness of FTSU	Quality Committee	31 st March 2019
	3	To provide appropriate education and training for staff, managers and guardians	To ensure that all staff and managers are aware of the function of FTSU and how to work within the policy.	Quality Committee	On- Going, review 31 st March 2019

Communications plan				
What?	Who?	By whom?	How?	How frequently?
Action plan support	Nursing & Midwifery Quality Lead		Via FTSU Operational Group	Bi monthly
Action Plan Oversight	Chief Nurse		Quality Committee	Monthly
Action Plan Management	Associate Chief Nurse Quality Improvement		Via FTSU Operational Group	Bi monthly
Change team members				
Name	Job title	Contact details		Initial
Andrea Gillespie	Nursing and Midwifery quality leave			AG
Lorraine Cameron	Head of Equality and Diversity			LC
Sue Franklin	Associate Chief Nurse Quality Improvement			SF
Sarah Freeman	Head of Nursing			SFr
Melinda Howard	Matron			MH
Laura Jones	Lead Cancer Manager			LJ
Amandeep Singh	Partnership Lead			AS
Rupert Allen	Principal Dietician			RA
Anthony Doggett	Business support lead			AD
Karen Dawber	Chief Nurse			KD
LeeAnne Elliott	Consultant and Associate Medical Director			LE

Status:	
O	Open
O	Open and compromised
C	Closed
OD	Overdue

Objective		1	To implement changes to the Infrastructure based on the Board self-assessment						
No	Action	Lead	Date Assigned	Scheduled completion	Status	Actual Completion	Comments	Evidence	
1.1	For the existing FTSU Guardian to be recognised as the Executive lead for FTSU and to appoint a 0.2 WTE FTSU Guardian	KD	31/10/18	31/12/18	O	1 st February 2019	Executive Lead proposed and agreed by Board as part of development session. Executive Lead has written to all associate guardians asking for expressions of interest.	Letter to FTSU associate guardians 1/02/2019 – Sue Franklin Letter	
1.2	To arrange for quarterly meetings with the Chair, Chief Executive, NED lead, Executive Lead for FTSU and FTSU Guardian	KD	31/10/18	30/11/18	C		Meetings to be scheduled from Q4 2018/19 and quarterly thereafter	Diaries	
1.3	Arrange for regulators to be briefed on the activity of the FTSU office	KD	31/10/18	30/11/18	C	31/10/18	FTSU quarterly report to be a standing item (every quarter) at the NHSI quarterly review meetings, CCG Contract Management Board and CQC engagement meeting	NHSI provided with Q1 FTSU report, October 2018	
1.4	To look at arrangements for sharing case studies outside of the organisation	SF	31/10/18	31/03/19	O		To discuss at Yorkshire and Humber FTSU network	Moved to March 19, due to cancellation of regional meeting in Jan 19.	
1.5	To expand the number of people in a FTSU role: Associate Guardians; Junior Guardian / Ambassadors	SF	31/10/18	31/03/19	O		To ask for expressions of interest (as part of the October 18 FTSU week) from non-managerial and students working in the Trust to be more involved in FTSU	Nil interest from October week. Planned recruitment drive March 2019	

Objective		2	To raise the profile of the FTSU function						
No	Action	Lead	Date Assigned	Scheduled completion	Status	Actual Completion	Comments	Evidence	
2.1	To ensure FTSU is on Trust induction for all new starters and Junior Doctor induction	SF	31/10/18	30/11/18	C	31/10/18	FTSU is covered on all Trust induction for all staff	Trust induction slide pack	
2.2	FTSU to be promoted at all band 5,6 and 7 nursing development days	SF	31/10/18	30/11/18	C	31/10/18	FTSU is on the development days and leaflets shared with the staff	Development day slide pack	
2.3	FTSU stand quarterly throughout the year in the Main concourse and at SLH to promote FTSU	SF/ AG	31/10/18	30/11/18	C	31/10/18	Communication plan is discussed at bi-monthly operational meeting.	Minutes of meetings	
2.4	Seek clarification from the National Guardians office re FTSU Strategy and policy	SF	31/10/18	30/11/18	C	31/10/18	NGO confirm standalone FTSU strategy is not required. Trusts overall strategy should reference importance of feedback and speaking up.		
2.5	To provide clear references to speaking up and importance of staff feedback in corporate documents and policies, as appropriate.	KD	31/10/18	31/03/19	O		FTSU has been referenced in HR policies, further engagement work as part of we are Bradford. To be part of the emerging quality strategy		
2.6	To link with HR Director in relation to how FTSU and staff engagement link together to learn from themes and trends	KD	31/10/18	31/12/18	C	31/01/19	KD links with OD on monthly basis. OD are involved in actions emerging.	Radiology investigation action plan	

Objective		3	To provide appropriate education and training for staff, managers and guardians						
No	Action		Lead	Date Assigned	Scheduled completion	Status	Actual Completion	Comments	Evidence
3.1	The Associate Guardians should compete the NGO training day		SF	31/10/18	31/01/19	O	31/01/2019	The NGO training is monthly in London. Regionally the training is provided every 6 months.	All trained and registered with NGO
3.2	FTSU awareness sessions		SF	31/10/18	31/03/19	O		To develop an awareness package for staff and managers	
3.3	Cross learning with FTSU and HR Policies		KD	31/10/18	30/11/18	C	28/11/18	Regular meeting with Executive FTSU and HR Director. Lead HR manager identified to link with FTSU	Diaries
3.4	Provide training for NED		SF	31/01/19	11/04/19	O		Regional events have been released – next one 11/4/19	