

Board of Directors Meeting in Public

Subject:	Freedom to Speak Up – Guidance for Boards	Date: 31st May 2018		
Prepared By:	Shirley A Higginbotham, Head of Corporate Affairs and Co Sec, Julie Bacon Executive Director of HR & OD			
Approved By:	Tim Reddish, Senior Independent Director			
Presented By:	Shirley A Higginbotham, Head of Corporate Affairs and Co Sec			
Purpose				
To provide an update to Board members regarding their roles and responsibilities as set out in recent updated guidance from NHS Improvement.		Approval	X	
		Assurance	X	
		Update		
		Consider		
Strategic Objectives				
To provide outstanding care to our patients	To support each other to do a great job	To inspire excellence	To get the most from our resources	To play a leading role in transforming health and care services
X	X	X		
Overall Level of Assurance				
	Significant	Sufficient	Limited	None
		X		
Risks/Issues				
Financial	Potential financial impact of not retaining staff			
Patient Impact	Potential negative impact on patient care if staff not encouraged to report safety issues			
Staff Impact	Potential negative impact on staff motivation and morale if staff feel unsupported in speaking up			
Services	Potential negative impact on service provision if staff feel unsupported in reporting safety concerns			
Reputational	Reputational damage			
Committees/groups where this item has been presented before				
N/A				
Executive Summary				
<p>In May 2018 NHS Improvement, National Guardian – Freedom to Speak Up published revised guidance with regard to the expectations of boards and board members on Freedom to Speak Up (FTSU).</p> <p>The guidance outlines the expectations with regard to the leaders within the organisation and specific individuals on the Board, specifically – Chair, Chief executive, Executive lead for FTSU, Non-executive lead for FTSU, Executive Director of HR and OD, Medical Director and Chief Nurse.</p> <p>The guidance describes the FTSU reports which are to be submitted to board twice a year as a minimum.</p> <p>There is a further requirement in the guidance for Trust to self-review with the NHSI review tool to carry out an in-depth review of leadership and governance arrangements in relation to FTSU and identify areas to develop and improve.</p> <p>The completed self-review will be carried out over the next few weeks and reported to Board in June 2018</p>				

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In May 2018 NHS Improvement National Guardian Freedom to Speak Up published guidance which set out the expectations of Boards and Board members on Freedom to Speak Up (FTSU).

The guidance is aligned with the good practice set out in the well-led framework. The Care Quality Commission (CQC) assesses a trusts speaking up culture during inspections under key line of enquiry 3 –

KLOE 3 - Is There A Culture Of High Quality, Sustainable Care?

Candour, openness, honesty, transparency and challenges to poor practice are the norm. The leadership actively promotes staff empowerment to drive improvement, and raising concerns is encouraged and valued. Staff actively raise concerns and those who do (including external whistle-blowers) are supported. Concerns are investigated sensitively and confidentially, and lessons are shared and acted on. When something goes wrong, people receive a sincere and timely apology and are told about any actions being taken to prevent the same happening again.

The guidance is intended to help boards ensure the speaking up culture in the organisation is healthy and the guardian role is effective. The relationship between boards and their guardians is key to ensuring colleagues have confidence in the process and trust that speaking up will be taken seriously and handled appropriately.

Implementing the guidance will help boards create a culture responsive to feedback and will ensure a focus on learning and continual improvement.

The guide is to be used as a benchmark to review where we are as an organisation and reflect on what we need to do to improve. The review is not intended to be a 'tick box' but a review of the attitude of senior leaders the connections they make between speaking up and improved patient safety, staff experience and their judgements about what needs to be done to continually improve.

The individual responsibilities of Board members are:

Chair

- Ensure the trust is engaged with the regional Guardian network and the Nation guardian's Office
- Ensure the Annual Report contains information about FTSU
- Source of advice for FTSU Guardian

Chief Executive

- Responsible for appointing the FTSU Guardians
- Accountable for ensuring FTSU arrangements meet the needs of all colleagues (employees, volunteers, governors, temporary workers etc.)
- Ensure the Annual Report contains information about FTSU
- Source of advice for FTSU Guardian

Executive Lead for FTSU (Executive Director of HR & OD)

- Aware of latest guidance from National Guardian's Office
- Oversee the creation of the FTSU vision and strategy
- Ensure the FTSU Guardian role has been implemented, using a fair recruitment process
- Ensure the FTSU Guardian has a suitable amount of ring-fenced time and other resources and there is cover for planned and unplanned absence
- Ensure a sample of speaking up cases is quality assured
- Conduct an annual review of the strategy, policy and process
- Operationalise the learning derived from speaking up issues
- Ensure allegations of detriment are promptly and fairly investigated and acted on
- Provide the board with a variety of assurance about the effectiveness of the strategy, policy and process.
- Ensure the FTSU Guardian has the support of HR staff and access to appropriate information.
- Ensure the HR culture and practice encourages speaking and learning is disseminated across the Trust.
- Ensure all colleagues have the right knowledge, skills and capability to speak up.

Non-executive lead for FTSU

- Aware of latest guidance from National Guardian's Office
- Holding the chief executive, executive FTSU lead and the board to account for implement the speaking up strategy
- Role- model high standards of conduct around FTSU
- Source of advice for FTSU Guardian
- Oversee speaking up concerns regarding board members

Medical Director and Chief Nurse

- Ensure the STSU Guardian has appropriate support and advice on patient safety and safeguarding issues
- Ensure that effective and, as appropriate, immediate action is taken when potential patient safety issues are highlighted by speaking up
- Ensure learning is operationalised within the teams and departments they oversee.

FTSU Guardian reports to Board

Reports should be submitted twice a year as a minimum, Board reports should include:

- Assessment of issues
- Potential patient safety or staff experience issues
- Action taken to improve FTSU culture
- Learning and improvement
- Recommendations for any priority action needed

Data and other intelligence must be presented in a way that maintains the confidentiality of individuals who speak up