

## Board of Directors Meeting in Public

<b>Subject:</b>	Freedom to Speak up – Proposal for Future Model	<b>Date: 20<sup>th</sup> December 2018</b>		
<b>Prepared By:</b>	Shirley A Higginbotham Director of Corporate Affairs, Julie Bacon Executive Director of HR & OD			
<b>Approved By:</b>	Shirley A Higginbotham Director of Corporate Affairs, Julie Bacon Executive Director of HR & OD, Tim Reddish, Senior Independent Director			
<b>Presented By:</b>	Shirley A Higginbotham Director of Corporate Affairs			
<b>Purpose</b>				
The purpose this paper is for the Board to consider the proposed model for the Freedom to Speak Up agenda and approve the proposal to: appointment a dedicated Freedom to Speak up Guardian with 15 hours per week dedicated time, appointment of 10 Freedom to speak up champions			<b>Approval</b>	<b>x</b>
			<b>Assurance</b>	
			<b>Update</b>	
			<b>Consider</b>	<b>x</b>
<b>Strategic Objectives</b>				
<b>To provide outstanding care to our patients</b>	<b>To support each other to do a great job</b>	<b>To inspire excellence</b>	<b>To get the most from our resources</b>	<b>To play a leading role in transforming health and care services</b>
<b>X</b>	<b>X</b>			
<b>Overall Level of Assurance</b>				
	<b>Significant</b>	<b>Sufficient</b>	<b>Limited</b>	<b>None</b>
		<b>X</b>		
<b>Risks/Issues</b>				
<b>Financial</b>	Potential financial impact of not retaining staff			
<b>Patient Impact</b>	Potential negative impact on patient care if staff not encouraged to report safety issues			
<b>Staff Impact</b>	Potential negative impact on staff motivation and morale if staff feel unsupported in speaking up			
<b>Services</b>	Potential negative impact on service provision if staff feel unsupported in reporting safety concerns			
<b>Reputational</b>	Reputational damage			
<b>Committees/groups where this item has been presented before</b>				
Executive Team				
<p>A key recommendation of the Freedom to Speak up (FTSU) Review chaired by Sir Robert Francis, was for all NHS trust to have a Freedom to speak up guardian.</p> <p>Freedom to Speak Up Guardian Survey published in November 2018 found that organisations with the best cultures of speaking up correlated positively with CQC ratings.</p> <p>The NGO carries out case reviews in organisations where concerns have been raised regarding the response to workers raising concerns; the learning from these reviews should be reported to Board by the FTSU Guardian on a regular basis.</p> <p>The 2018 survey also identified the need for dedicated time to be allocated to FTSU guardians and a requirement to break down barriers to speaking up.</p> <p>The trust therefore recommends the appointment of a dedicated FTSU guardian for 15 hours per week supported by up to 10 FTSU champions from across all occupational groups in the organisation across all three sites.</p>				

<b>Subject:</b>	Freedom to Speak up – Proposal for Future Model	<b>Date: 20<sup>th</sup> December 2018</b>
<b>Prepared By:</b>	Shirley A Higginbotham Director of Corporate Affairs, Julie Bacon Executive Director of HR & OD	
<b>Approved By:</b>	Shirley A Higginbotham Director of Corporate Affairs, Julie Bacon Executive Director of HR & OD, Tim Reddish, Senior Independent Director	
<b>Presented By:</b>	Shirley A Higginbotham Director of Corporate Affairs	

Following a public inquiry into poor standards of care at Mid-Staffordshire NHS Foundation Trust the Secretary of State commissioned a review into ongoing problems with the treatment of staff who raised genuine concerns. The Freedom to Speak up Review was chaired by Sir Robert Francis and was published in February 2015.

A key recommendation from the review was the requirement for each NHS trust to have a Freedom to Speak up (FTSU) Guardian.

The requirement to appoint a Freedom to Speak up (FTSU) Guardian has been part of the NHS Standard contract for two years.

### CQC rating

The Freedom to Speak Up Guardian Survey, November 2018, also commented on the positive correlation between CQC rating and perceptions of a speaking up culture, the best organisations have the best speaking up cultures

	<b>CQC rating overall - 2018</b>	<b>Outstanding</b>	<b>Good</b>	<b>Requires Improvement</b>	<b>Inadequate</b>	<b>Not rated</b>
The Freedom to Speak Up Guardian role is making a difference	68%	63%	70%	74%	63%	55%
My organisation has a positive culture of speaking up	58%	79%	66%	56%	32%	44%
Speaking up is taken seriously in my organisation	74%	90%	80%	74%	53%	58%
There are significant barriers to speaking up in my organisation	32%	16%	24%	39%	58%	39%
My organisation is actively tackling barriers to speaking up	71%	68%	75%	68%	74%	63%
People in my organisation do not suffer detriment as a result of speaking up	39%	47%	43%	40%	32%	27%

Managers support staff to speak up	45%	69%	48%	46%	11%	39%
Senior leaders support staff to speak up	66%	84%	74%	67%	47%	50%

### National Guardian Office – Case Reviews

The National Guardian Office carries out case reviews where the handling of concerns do not meet the standards of accepted good practice in supporting speaking up. The emphasis of case reviews is on learning and the report from the NGO will make recommendations on how the service can be improved.

In order to benefit from this learning it is proposed the FTSU guardian reports regularly to board on how the trust is performing with regard to learning identified in these reviews.

Since its formation the NGO has undertaken and published its findings on four case reviews:

- September 2017 – Southport and Ormskirk NHS Trust

The case review was undertaken due to concerns raised about bullying and discrimination against black and minority ethnic staff being ignored.

- September 2017 – Northern Lincolnshire and Goole NHS Foundation Trust

The NGO received information that the trusts support for workers to speak up did not always meet with good practice and also received information many workers had spoken up anonymously to the CQC over a two year period raising a variety of issues including the existence of a bullying culture and a failure to respond to patient safety issues.

- June 2018 – Derbyshire Community Health Services NHS Foundation Trust

The case review was undertaken as it was reported the trust may not have responded to one of its workers speaking up in accordance with good practice.

- November 2018 – Nottinghamshire Healthcare NHS Foundation Trust

The case review was undertaken as it was reported the trust may not have responded to one of its workers speaking up in accordance with good practice.

### Learning from Gosport

In November 2018 the government published its response to the report of the Gosport Independent Panels investigation into the catastrophic failures of care at Gosport War Memorial Hospital includes 'Listening to patients, families and staff as a key action and refers to the National Guardians Office guidance as good practice.

### Freedom to Speak up Guardian

At Sherwood Forest Hospitals NHS Foundation Trust (SFHFT) this is a voluntary post, initially the Trust appointed two FTSU guardians, this has now increased to three with one FTSU champion. The role of the guardian is: to protect patient safety and the quality of care, improve the experience of workers and promote learning and improvement. The FTSU at SFHFT undertake the role in addition to their substantive role and have no ring-fenced time to carry out their duties.

The Freedom to Speak Up Guardian Survey in November 2018, highlighted that 42% of FTSU have no ring-fenced time to carry out their duties. The survey recommends that all organisations make a full and honest assessment of the time required by a guardian to carry out their role and meet the needs of workers. The survey recommends all guardians must have the ring-fenced time they need to satisfy these basic requirements.

The survey also makes recommendations with regard to the diversity of the guardians, particularly with regard to any groups which face particular barriers to speaking up.

The Trust undertook a Freedom to Speak up self-review, which was reported to Board in September 2018, the actions from this review highlighted the need to consider the current role of the FTSU guardian in the Trust and ensure the diversity of the role.

The recommendation is to appoint a dedicated Freedom to Speak up Guardian, for 15 hours per week, this will ensure time to promote and communicate the FTSU agenda whilst also having time to listen to concerns and then signpost or escalate as appropriate. The guardian will also be expected to report directly to board on themes, lessons learned and service improvements implemented. In order to support the guardian it is also proposed to recruit up to ten FTSU champions from across occupational groups throughout the trust and from all three sites. It is envisaged this will help break down barriers to speaking up.

The above recommendation will mean the current guardians stand down from their role and then have the opportunity to apply for the dedicated guardian role or champion role. The implementation of the champion role will endeavour to break down the barriers to speaking up by recruiting champions from a wide range of occupational groups at all levels across our three hospital sites.