

<b>Committee / Meeting Title:</b>	Board Meeting - Part 1 (Public)
<b>Date of Meeting:</b>	31 January 2019
<b>Agenda Number:</b>	4.2
<b>Agenda Item Title:</b>	Freedom To Speak Up Report
<b>Presenting Officer:</b>	Natalie Davies, Corporate Services Director

<b>Action - this paper is for:</b>	Decision <input type="checkbox"/>	Information <input type="checkbox"/>	Assurance <input checked="" type="checkbox"/>
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<b>Report Summary</b>
This report covers the period 1 November 2018 to January 2019. It provides a summary of cases, the Trust's response to the office of the National Guardian's review of the speaking up culture within one NHS Trust, and a Forward Plan.

<b>Proposals and /or Recommendations</b>
To note the report.

<b>Relevant Legislation and Source Documents</b>
<b>Has an Equality Analysis (EA) been completed?</b>
No <input checked="" type="checkbox"/> High level position described and no decisions required.

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## FREEDOM TO SPEAK UP GUARDIAN REPORT

### 1. Introduction

- 1.1 There are now more than 570 Freedom to Speak Up Guardians and Ambassadors across NHS organisations in England. Some of these are full-time posts, some part-time and some are added to people's day job. In the period up to March 2018, they had dealt with over 3,000 concerns, 1,240 of which related to patient safety issues and over 60 per cent related to unacceptable behaviour, including alleged bullying and harassment<sup>1</sup>.
- 1.2 Sir Robert Francis QC has urged NHS Boards and managers to welcome staff raising concerns (whistleblowing), in the same way as staff are encouraged to report incidents. Kent Community Health NHS Foundation Trust's (KCHFT) policy is in line with the national Freedom to Speak Up (Whistleblowing) policy. This says that staff should initially try to raise concerns with their manager or a more senior manager, but if this does not lead to satisfactory action (for example an investigation) or if the staff member feels more comfortable for whatever reason, they can contact the Freedom to Speak Up Guardian for advice and support. It is all in support of creating a more open culture that puts patient and staff safety at the heart of what we do.
- 1.3 No-one should experience discrimination or be victimised for speaking up, but we know fear of this can prevent staff from doing so. Those who raise concerns via the Freedom to Speak Up process can expect to receive support and advice from the Trust's Freedom to Speak Up Guardian, as will managers with whom the concerns are raised. The role of the Freedom to Speak Up Guardian is to be impartial and ensure that a fair and timely investigation into concerns takes place and that outcomes, actions and learning are shared.
- 1.4 This report covers the period 1 November 2018 to 1 January 2019.

### 2. Summary of cases

- 2.1 4 cases have been opened during the period of 1 November to 1 January 2018, this compares to 25 in the previous six months. Three of these cases are currently open and staff are being supported to take forward the issues.
  - Attitude and behaviour of managers – alleged bullying culture
  - Patient safety

<sup>1</sup> Source: National Office of the Freedom to Speak Up Guardian

- 2.2 Within the data submitted 3 cases were raised by staff members going through either the Capability or Disciplinary process. All contacted the FTSU Guardian due their perceptions of lack of support from their managers or not understanding why they were going through these processes.

### **3. Fostering a culture of openness**

- 3.1 The office of the National Guardian has published a review of the speaking up culture within one NHS Trust. The purpose of the report was to review the policies, culture and processes of Speaking Up within the organisation.
- 3.2 15 recommendations were made following the review. KCHFT have mapped against these recommendations (Appendix 1) and produced actions to ensure that we can meet these recommendations.
- 3.4 The We Care reviews highlighted that some staff members are not aware of the FTSU Guardian or Ambassadors roles or how to access the service. This has and is being addressed through attendance at team meetings.

### **3. Forward Plan**

- To complete the actions required in order to ensure that KCHFT continues to perform strongly against the 15 recommendations from the National Guardian's Office.
- A FTSU away day for ambassadors to be developed to ensure that the ambassador role is embedded within services.
- To target the staff networks and ensure that all staff members and groups access FTSU when requiring the service.
- Strengthen the support for the Guardian and Ambassadors including access to peer support, counselling and professional development.
- To develop case studies and continue to report on themes and trends from cases.

### **4. Recommendation**

The Board is asked to note the report.

**Sarajane Poole**  
**Freedom to Speak Up Guardian**  
**January 2019**

Recommendation from the National Guardian's Office	KCHFT position	Responsible Officer	Time frame for implementation if required
<b>Recommendation 1</b> Within 12 months the trust takes appropriate measures to identify the causes of poor working relationships across the whole organisation and implements effective actions to remedy those causes, including steps to measure the effectiveness of those actions.	Devolved authority work under way. Embedding of QI and teams and staff members owning and recommending improvements. Introduction of action learning sets for those staff in 8a and above positions – already in use within the Public Health division. FTSU Guardian to liaise with ODBPs on staff survey results to highlight areas of poor relationships.	Guardian	June 2019
<b>Recommendation 2</b> Within 12 months the trust takes steps to implement national guidance from NHS England relating to the managing of conflicts of interest.	KCHFT meets the national guidance on conflicts of interest. This is reviewed by the Audit Committee. Next paper to the Audit Committee will include reference to Nottinghamshire report.	Corporate Services Director	May 2019
<b>Recommendation 3</b> Within 12 months trust leaders develop and begin the implementation of a strategy to improve the speaking up culture across its workforce. The plan should contain measures to identify the main issues the trust should address, clear actions to address those issues and steps to measure the effectiveness of those actions.	To continue to raise the profile of FTSU. To continue to encourage the empowerment of staff members to bring issues forward and encourage of listening culture.  To implement measures to capture the effectiveness of a speaking up culture.  To be implemented and reviewed over the next 12 months.	Guardian Corporate Services Director	December 2019

Recommendation from the National Guardian's Office	KCHFT position	Responsible Officer	Time frame for implementation if required
<b>Recommendation 4</b> Within 6 months the trust should review incident reporting rates and identify any areas which appear to be under-reporting and take action to address this.	The specialists review all moderate harm incidents. The weekly patient safety conference call reviews all incidents that have been reported and picks up themes and trends. Corporate Assurance and Risk Management Committee reviews all incidents to identify themes and trends. In areas where there appears to be under reporting targeted work can take place. A recent campaign has given targeted incident training to teams from the risk team. This will be continued to ensure that all services have a good understanding of how and why incidents require reporting.	Guardian Corporate Services Director	June 2019
<b>Recommendation 5</b> Within 3 months the trust should take appropriate steps to ensure that its response to workers speaking up, including the investigations of those issues and the implementation of learning resulting from them, is undertaken by suitably independent trained investigators	To discuss/source investigator training.	Director of Workforce, Comms and OD	April 2019
<b>Recommendation 6</b> Within 3 months the trust should take appropriate steps to ensure that the confidentiality of workers	The FTSU policy covers the confidentiality of staff members who speak up. Cases studies currently being written to provide evidence of		

Recommendation from the National Guardian's Office	KCHFT position	Responsible Officer	Time frame for implementation if required
who speak up is appropriately supported, in accordance with trust policy and procedure and good practice.	this. Compliant		
<b>Recommendation 7</b> Within 3 months the trust should ensure that it responds to the issues raised by its workers strictly in accordance with its policies and procedures and in accordance with good practice.	Compliant		
<b>Recommendation 8</b> Within 3 months the National Guardian's Office and its partners involved in reviewing settlement agreements in the NHS, including the Department of Health and Social care, NHS Employers and NHS Improvement, should complete this review and take all appropriate steps to implement its findings.	To review findings when shared	Guardian Corporate Services Director	
<b>Recommendation 9</b> Within 3 months the trust should revise its new speaking up policy, to ensure it is in line with the NHS Improvement national speaking up policy.	KCHFT policy is currently under review to ensure that it continues to follow NHS Improvements national speaking up policy	Guardian Corporate Services Director	March 2019
<b>Recommendation 10</b> Within 6 months the trust should take steps to ensure all existing and new workers are aware of the contents and meaning of its revised freedom to speak up	FLO mail will include details of FTSU Guardian week beginning 28/1/19. A targeted campaign to attend team meetings to discuss FTSU is under way. Hot spot areas are being targeted initially –	Guardian Director of Workforce	June 2019

<b>Recommendation from the National Guardian's Office</b>	<b>KCHFT position</b>	<b>Responsible Officer</b>	<b>Time frame for implementation if required</b>
policy.	Health Visiting.		
<b>Recommendation 11</b> Within 6 months the trust should put effective systems in place to monitor the development of a positive speaking up culture.	To review feedback from the staff survey.	Guardian	April 2019
<b>Recommendation 12</b> Within 6 months the National Guardian's Office should draw up national guidelines for the NHS relating to the content of speaking up training for workers.	Details of current FTSU workshops with the National office to be shared with FTSU champions. In house guidance for FTSU champions to be developed. To implement the training when shared from the National Guardian's office.	Guardian	March 2019
<b>Recommendation 13</b> Within 12 months the trust should ensure that the content of any speaking up training it provides for its workers is consistent with guidance issued by the National Guardian's Office and NHS Improvement, including findings and recommendations from NGO case reviews and the Freedom to Speak Up Survey 2017 and board guidance from NHSI.	Training is being developed and the National Guardians office have been requested to review and support the content.	Guardian	November 2019
<b>Recommendation 14</b> Within 3 months the trust should take appropriate steps to identify the necessary resources required to ensure the Guardian role meets the needs of workers and then provide those resources	To review what the needs are from FTSU – to use a survey monkey	Guardian	March 2019



Recommendation from the National Guardian's Office	KCHFT position	Responsible Officer	Time frame for implementation if required
<p><b>Recommendation 15</b></p> <p>Within 3 months the trust should ensure that reports for board members regarding the trust's speaking up arrangements continue to contain appropriate levels of detail, in accordance with joint guidance from NHS Improvement and the National Guardian's Office.</p>	<p>Reports to continue to be submitted 6 monthly.</p> <p>Case studies to be introduced.</p> <p>Measurements of changes post speaking up to be introduced to measure the effectiveness of the process.</p>	Guardian	To continue

