

Board of Directors (in Public)

Item 5.2

Subject: Freedom to Speak Up Guardian Report
Date of meeting: 28th March 2017
Prepared by: Lucy Lavan, Director of Corporate Affairs and Freedom to Speak Up Guardian
Presented by: Lucy Lavan, Director of Corporate Affairs and Freedom to Speak Up Guardian

BAF Ref	Impact on BAF
3.2	None

1. Executive Summary

The role of Freedom to Speak Up (FTSU) Guardian was introduced at LHCH 12 months ago in February 2016 and work began immediately through the Listening into Action process to nominate, train and develop a small network of FTSU champions who are accessible to staff. This paper provides a reflection on the work of the first 12 months and its effectiveness in supporting positive cultural change through enabling staff to freely speak up. A summary of FTSU activity in the last 12 months is provided with the aim of giving assurance that the local arrangements in place continue to meet best practice and support staff to raise concerns.

The report also signals an increase in national oversight and changes to personnel which will better align capacity and skill sets and provide development opportunity for a new FTSUG going forward.

2. Background

‘Learning not Blaming’ was the Government response to:

- Freedom to Speak Up Review (February 2015) following the Report of the Mid Staffordshire NHSFT Public Inquiry;
- Morecambe Bay Report (February 2015);
- Investigating Clinical Incidents in the NHS (March 2015).

This response set out the requirement for the appointment of a National Guardian and for every provider to have arrangements in place for the appointment of a local Guardian by September 2016 and this became a requirement of the national contract with effect from 1st October 2016. There were some difficulties and delay in appointing the National Guardian but Dr Henrietta Hughes was appointed on 4th October 2016 and has been active in recruiting her team and setting up the governance of the National Office. The National Guardian is held to account through an Accountability and Liaison Board comprising equal membership from CQC, NHSI and NHS England. In her 100 Days Report, Dr Hughes advised that 86% of Trusts were now compliant with the requirement to have an FTSUG in post and noted that support was being provided to the remainder to ensure 100% coverage as quickly as possible.

At LHCH, a decision was taken to nominate a local guardian at earliest opportunity, and at the request of the Chief Executive I took on this role in February 2016 and with the support of the Deputy Director of HR began an engagement process with staff to establish the remit of the role and identify a network of staff champions representing a cross section of the workforce and with the values and behaviours required to fulfil this role.

At LHCH, considerable work had been done prior to this, to strengthen and embed a culture of safety including the introduction of the daily safety huddle, speak out safely campaign, recognition of human factors and the HALT process. This followed a series of anonymous whistleblowing events that arose 3-4 years ago. The Chief Executive has personally pledged to all staff that they will be protected when they speak up about matters of patient and staff safety and this is regularly reinforced on induction day and via team brief. It is also reinforced to staff that it is their duty to speak up immediately if they feel there is any risk to safety. The FTSUG and champions network provide a further route for staff to speak up and it has been important to ensure timely follow up and feedback to individuals who have raised concerns. The Director of Nursing & Quality produces a regular safety bulletin which going forward will also capture the work of the FTSUG network.

3. Key Achievements

- Establishment of a network of 10 FTSU Champions, selected for their values and behaviours and representing a broad cross section of staff – there is purposely no managerial hierarchy or divisional representation and the group is diverse in respect of occupation, age, gender and ethnicity;
- Communication campaign to promote the roles and advise staff how to make contact via screen savers, posters, payslip notice, post cards, team brief, induction, clinical audit day and intranet;
- New FTSU Policy in place to replace former Raising Concerns Policy – this is aligned to the new national Whistleblowing Policy and has been received positively by staff who say it is understandable and easy to follow – this makes a clear and important distinction between concern about patient / staff / public safety and individual grievance, providing signposts to sources of advice and wider HR policies;
- FTSUG has attended a regional workshop facilitated by the National Guardian's Office to ensure that local arrangements are in accord with recommended best practice;
- Buddying relationship established with FTSUG at Liverpool Women's Hospital (national request) and support provided to two other Trusts in establishing local arrangements;
- Participation in 'Big Brew' campaign with Mersey Care on 16th January 2017, further promoting the FTSU network to staff;
- All local champions have undertaken a comprehensive induction and know how to access any support needed in relation to their role;
- A regular Champions Forum has been established – attendance has been variable but this provides an opportunity for the Champions and FTSUG to meet and share feedback, concerns and communications;
- A simple administrative process is in place for Champions to log any concerns that are referred to them and importantly log any follow up action agreed and feedback – the logs are reviewed on a monthly basis by the FTSUG,
- The FTSUG has been engaged in the national agenda through attendance at national and regional network meetings and has taken opportunity to meet Dr Hughes, the National Guardian during a recent visit to Liverpool Women's Hospital; the Trust will be represented at the first National FTSU Conference in March 2017.
- Receipt, review and follow up of 13 concerns raised directly with FTSUG and 6 raised with champions – the majority related to values and behaviours which were dealt with through line managers with follow up where required to ensure no reoccurrence; a small number required thorough investigation (these related to patient administration, staffing levels, staff skills and competencies) and where concerns were upheld, corrective action was taken; a small

number were classified as grievances against line managers and referred on to follow HR policy.

- The FTSUG has maintained regular dialogue with the CEO concerning the nature of individual concerns raised (anonymity is protected where this has been requested) and providing assurance on adequate closure, action and feedback as required. This process also enables timely triangulation with any related issues being raised in other fora.

4. Next Steps

The national FTSU agenda is beginning to gather pace. It is recognised that there is currently no equivalent system either in other sectors or other countries and that impact and effectiveness is difficult to measure other than looking for improvement in relevant KPIs in the national staff survey results, though the FTSU initiative is just one strand of a much wider package aimed at ensuring an open culture. The way in which organisations are managing the freedom to speak up process is to be evaluated through the CQC inspection process as part of the 'well led' domain with an emphasis on ensuring that the system works for the most vulnerable workers.

The National Guardian's Office is in the process of :

- developing guidance for CQC inspectors on evaluating the well led process;
- co-producing a package of good practice guidance;
- working to champion the role of FTSUGs within the wider system;
- establishing an advisory group to be the unique voice of patients and NHS workers;
- establishing a training framework in partnership with Health Education England;
- developing minimum standards guidance on the recording of issues to ensure consistency and in readiness for the National Office to collect the data it needs to support its oversight work.

In recognition of the increased oversight and demands on the time of the FTSUG, the Chief Executive has reviewed the current arrangements and has nominated Liz Pritchard, Head of OD as FTSUG going forward, with myself retaining a role as executive sponsor, providing support as required and an interface between the CEO and FTSU process. Liz Pritchard has welcomed this opportunity and looks forward to establishing herself in the role on her return to the Trust in March 2017. I will be ensuring that Liz is fully briefed on the role and supported to take forward this extended agenda.

The FTSU Guardian will provide reports as follows:

- Updates to the People Committee on the number of concerns raised through the FTSU Network and any common themes – 6-monthly in September and March, with the proviso that any matters of exception will be escalated as necessary; following analysis of the 2016 staff survey results (and comparison with 2015 results) the People Committee will be better sighted on any indicators relating to speaking up freely and any issues associated with those groups that traditionally have been less reluctant to speak out including BME groups and medical staff;
- a review of the policy and its effectiveness to the Audit Committee annually (July)

5. Recommendations

The Board of Directors is asked to note and receive the Annual Report.