

Board of Directors (Public)

Item 3.2

Subject: Freedom to Speak Up Report Overview and Progress
Date of meeting: 31 March 2015
Prepared by: Debbie Herring, Executive Director of Strategy and Organisational Development
Presented by: Debbie Herring, Executive Director of Strategy and Organisational Development

**board
report**

Data Quality Rating	BAF Ref	Impact on BAF Risk rating
Silver	1,2,8	None

1. Executive Summary

The purpose of this report is to inform the Board of the main recommendations outlined in the Francis review into Whistleblowing in the NHS and the progress being made to create a more open culture where employers feel safe and encouraged to report any concerns about patient safety

2. The Francis Review into Whistleblowing

The report by Robert Francis QC summarising the detailed review into whistleblowing and how the NHS can create a more open culture was published on 11 February.. 'Freedom to speak up' has been an in depth review, producing a comprehensive report which is a detailed description of what staff, employers, unions and national bodies have told the review team. It also includes the outcomes of research and international comparisons that have been undertaken. The report details some good practice that is taking place and also reveals how some employees who have raised concerns have not been treated in an acceptable way.

To address the gap and variation, the report covers how organisations can create the right culture, how concerns should be handled and what is needed to make the system work.

The government has accepted all the recommendations raised in the report and is consulting on how they will be implemented.

3. Findings

The report has two over-arching recommendations, 20 principles and 36 specific actions that cover local and national organisations and these have been grouped under five key themes. These are

- the need for culture change
- improved handling of cases
- measures to support good practice
- particular measures for vulnerable groups
- extending the legal protection.

The focus of the whole report is on ensuring concerns are dealt with as patient safety issues.

With many of the local actions, there is a parallel recommendation to system regulators about how they use this to assess whether an organisation is 'well-led'. .

The two over-arching recommendations are:

1. All organisations should implement the principles and actions in the report in line with the good practice outlined.
2. The Health Secretary should review progress at least once a year against the actions in the report.

Some of the specific actions task Boards with the need to:

- assess progress in creating and maintaining a culture of safety and learning, ensuring the culture is free from bullying
- encourage reflective practice, individually and in teams, as part of everyday practice
- have a policy and procedure built on good practice
- talk about and publicly celebrate the raising of concerns
- ensure employees have formal and informal access to senior leaders. In this area, it also recommends:
 - one person is appointed by the chief executive to act as a 'Freedom to speak up guardian'
 - an executive director and non-executive director are nominated as individuals who can receive concerns
 - a manager in each department is nominated to receive concerns
 - employees have access to advice and support from an external organisation (eg: a whistleblowing helpline).

The report also suggests the creation of an Independent National Officer. It is to be jointly resourced by the regulators and national bodies to be a support to the local guardians, advise organisations where good practice has not been followed and review the handling of cases when required.

It also asks HEE and NHS England to develop a training package and tasks each organisation with ensuring that every member of staff receives training in how they are expected and encouraged to both raise and act upon concerns.

4. Next Steps

The Trust has already prepared an action plan, attached at **Appendix 1** which outlines the main recommendations, progress against each, gaps and the actions required to ensure compliance.

Further information and examples of best practice on how to create an open culture will be gathered at a national event being held in April and this will be used to further develop the Trust's approach.

In addition the Trust had already joined the National Nursing Times campaign 'Speak Out Safely' in April 2014

5. Speak Out Safely

Upon joining, the campaign was advertised within the Trust via team brief by the Chief Executive and the Director of Nursing and Governance. Posters went up across the hospital in all areas and a HR Business Partner and the Governance and Safety Lead met with staff to explain what the campaign was about

On an on-going basis, the Chief Executive advises staff of the campaign via corporate induction and the campaign is refreshed every quarter. This involves putting a newly designed screensaver on all Trust computers, sending out a communication in the staff bulletin and changing the design of the posters every 6 months

Employees are also provided with updates monthly via team brief regarding reporting using the Speak out Safely mechanism

To date 14 concerns have been raised via this forum. The concerns can be grouped into four main themes:-

- Attitude and behaviour of staff members x 8
- Working practices x 3
- Clinical Care x 2
- Care environment x 1

All of these concerns have been escalated through the appropriate channels. Concerns raised regarding attitude and behaviour have been escalated and HR is giving on-going support to address the concerns.

With regards to working practices, these relate to a similar issue and systems have been put in place to manage the issues.

The Care environment issue has also been reviewed and responded to appropriately.

Of the two clinical care concerns raised one was investigated and unfounded and one is still under review.

In addition two anonymous concerns about Junior Doctor Staffing levels and out of hours cover have also been made directly to the CQC. The Trust has responded fully to these concerns and the CQC are taking no further action at this time.

6. Conclusion

The Trust has a Raising Concerns Policy which was put in place for 12 months in April 2014. Since then the 'Speak Out Safely Campaign has also been launched with 14 concerns raised to date. A draft action plan has been developed to ensure current systems meet the requirement of the Francis recommendations and the Policy and

Process is currently being completely reviewed. This process will be completed by the end of June 2015

7. Recommendation

The Board of Directors is asked to note the content of the report and the Trust's draft action plan to ensure compliance with the recommendations.