

REPORT TO THE TRUST BOARD - PUBLIC
29 JUNE 2017

Title	Freedom to Speak Up Guardian
Author	Sandi Drewett, Director of Human Resources and Organisation Development Tanya Carter, Associate Director of HR/ HRD
Accountable Executive Director	Navina Evans, Chief Executive Officer

Purpose of the Report:

For the board to be aware of the current position regarding the Freedom to Speak up Guardian Role (FTSU) and be aware of the options considered and actions taken.

Summary of Key Issues:

FTSU guardians are in place across all NHS Trusts by 1 October 2016. The Trust have had NEDs acting as the FTSU Guardian whilst the longer term arrangements are to be defined. There are a range of options which the executive has considered and is proceeding to recruit a part time Guardian.

Strategic priorities this paper supports (Please check box including brief statement)

Improving service user satisfaction	<input checked="" type="checkbox"/>	
Improving staff satisfaction	<input checked="" type="checkbox"/>	The ability to raise concerns is key to a culture of trust and safety. This role has the potential to improve staff satisfaction through openness and transparency about how concerns are raised and dealt with.
Maintaining financial viability	<input checked="" type="checkbox"/>	

Committees/Meetings where this item has been considered:

Date	Not previously discussed.
------	---------------------------

Implications:

Equality Analysis	Regular reporting of key issues to the Board
Risk and Assurance	A mechanism to manage risks.
Service User/Carer/Staff	A mechanism through which staff can raise concerns.
Financial	The FTSU Guardian could signpost concerns about financial probity.
Quality	The FTSU Guardian should enable improvement of quality issues.

1.0 Background/Introduction

- 1.1 FTSU Guardians (Guardians) were required to be in place across all NHS Trusts by 1 October 2016. The Trust has had interim arrangements in place since that time.
- 1.2 The Guardian has a key role in helping to raise the profile of raising concerns in their organisation and providing confidential advice and support to staff in relation to concerns they have about patient safety and/or the way their concern has been handled. They don't have a remit to assist staff who are employed outside of their Trust.
- 1.3 Guardians don't get involved in investigations or complaints, but help to facilitate the process where needed, ensuring organisational policies in relation to raising concerns are followed correctly.
- 1.4 Undertaken well and with the support of the Trust the role has a real opportunity to contribute to developing the cultural principles that ELFT has committed to with patient, carers and families at the heart:
 - A listening and learning organisation;
 - Empowering staff to drive improvement;
 - Increasing transparency and openness;
 - Re-balancing quality control, assurance and improvement.
- 1.5 Through the national profile of this role there is the opportunity to embed the work of the Guardian and ambassadors in internal processes and practice with the aim of further improving the culture around raising concerns and speaking up to build on our positive base around employee voice.
- 1.6 The CQC, as part of the well led domain of the inspection regime, asks staff about their understanding of how to raise concerns and also has the ability to inquire into reporting and cases as part of their data collection.

2.0 Current Position

- 2.1 The Trust has above average scores in the national staff survey for Staff confidence and security in reporting unsafe clinical practice at 3.85 compared with national average for mental health and community trusts of 3.71. The Trust also has the best score nationally for the fairness and effectiveness of procedures for reporting errors, near misses and incidents. There is the opportunity to further build on this position through the role of Freedom to Speak Up Guardian.
- 2.2 The Trust currently has an interim arrangement which is the Non-Executive Director (NED) temporarily covering the role of FTSU Guardian. The NED is also supported by the external organisation Public Concerns at Work (PCAW). This is a new initiative following on from Sir Robert Francis' report.
- 2.3 All cases that fall under Whistleblowing are reported to the board as part of the part 2 board report and an annual report will be provided to the Remuneration and Appointment committee including detail of cases and lessons learned. There is the opportunity to include issues raised through the Guardian in the public board meeting as part of the patient quality and safety report to further increase transparency and oversight of concerns that are affecting staff and patients.

2.4 Below illustrates some of the attributes required from a Guardian:



2.5 The Associate Director of HR attended the national FTSU event in February 2017 and the Senior Independent Director attended national training in June 2017. Trusts across the country are taking very different approaches to the FTSU role. Some organisations have added this responsibility to existing roles. Some organisations have given a clinical focus, i.e. a Lead nurse. And another organisation presented that they have a number of champions. The level of seniority amongst these guardians also varies.

2.6 No indicative grade was recommended by the National Guardian. This was to give organisations enough scope to determine their organisational needs.

2.7 Guardians typically report to the Trust Chief Executive Officer (CEO), all concerns would be discussed with the CEO and concerns of the clinical nature would also involve the Deputy CEO. If a concern was raised about the CEO, this would involve the Senior Independent Director.

2.8 The board would continue to receive reports as part of the part 2 board meeting and the Senior Independent Director would retain a role in reviewing cases. The Senior Independent Director would retain oversight of concerns raised about medical staff in line with MHPS

2.9 The set-up of the national guardian's office is well underway and the new National Guardian, practicing GP and medical director, Dr Henrietta Hughes, will provide overarching leadership and support to local guardians and staff who have raised a concern that has then not been effectively dealt with by the employer.

2.10 The priorities of the national guardian's office over the next few months include:

- establish and support a strong network of local FTSU guardians;
- highlight NHS providers that are successful in creating the right environment for staff to speak up safely and share this best practice across the NHS;
- independently review cases where NHS providers may have failed to follow good practice, working with statutory bodies to take action where needed.

3.0 Trust Approach

- 3.1 Having consulted extensively with Staffside colleagues and considered a range of options, it has been decided to employ a Lead FTSU Guardian, reporting to the CEO who would then be tasked with recruiting ambassadors in directorates to support them and increase visibility and accessibility. Following consultation with Staffside, the consensus was that this was as a band 8b post for 15.00 hours per week, followed by a review after an agreed period. In addition, the Trust continues to subscribe and signpost to an external organisation Public Concerns at work (PCAW) for training and advisory purposes.
- 3.2 Extensive consideration was given to using an external organisation and feedback obtained from Trusts who currently use external services. There were a number of issues identified which contributed to the decision to recruit an internal post. These included staff perceptions of external organisations and willingness to raise concerns in this way, the feedback processes between the external organisation and the Trust and cost.

4.0 Decision

- 4.1 It has been decided to appoint a lead Guardian, band 8b 0.40 WTE, reporting to the CEO with a number of FTSU Ambassadors reporting in to them, for 2 years in the first instance. This will be followed up by review in 6-12 months.

5.0 Next Steps

- 5.1 A new JD has been created based on the national template and has been submitted or job evaluation. An interview date has been planned for 4 July 2017 with a range of representatives involved in the selection process.
- 5.2 The role of the line manager is still key as the first point of contact for raising concerns and there will continue to be a range of ways that staff are encouraged and supported to raise concerns of which the Guardian will be one. Local resolution of concerns raised will continue to be the Trust primary way of addressing issues.
- 5.3 Following the appointment of the Guardian, they will be pivotal in meeting with individuals who want to raise concerns, the promotion and communication of the FTSU up role, policy and mechanisms for raising concerns. They will also have a role in the recruitment of the FTSU Ambassadors and attendance at induction and locality DMT meetings, as well as reporting of concerns to the board and to the National Guardian's office.
- 5.4 There were conflicting messages at the National conference pertaining to the terminology 'Whistleblowing' vs. 'Freedom to speak up'. The national guidance has defined categories for whistleblowing, and there is also perceived to be a negative connotation regarding the term Whistleblowing:
- unsafe patient care;
 - unsafe working conditions;
 - inadequate induction or training for staff;
 - lack of, or poor, response to a reported patient safety incident;
 - suspicions of fraud (which can also be reported to our local counter-fraud team: *Zenda Butler, Senior Local Counter Fraud Specialist, 0207 655 4289/07908 194431, and Beth Raistrick, London Counter Fraud Specialist, 01582 700243/07908 425280*);

- a bullying culture (across a team or organisation rather than individual instances of bullying).
- 5.5 The term 'Freedom to speak up' is much broader as concerns may not constitute Whistleblowing, as these could be about more operational and/or clinical issues. The Guardian would be key in determining these in conjunction with the CEO and Deputy CEO.
- 5.6 The Trust's preferred approach is terminology around Raising Concerns. Now that the Trust approach has been decided, the existing Whistleblowing Policy needs reviewing to reflect the language, approach and Freedom to Speak up Guardian role. There would also need to be a review of related processes including Duty of Candour, complaints and incidents. This could coincide with the appointment of the Guardian and a launch of the new policy and the Guardian role, across the Trust in time for the next staff Survey round, supported by a Trust wide communications campaign.
- 5.7 There is the potential for this role and the issues raised to be triangulated with a range of hard and soft data and consideration with the post holder will be given to the most effective way of undertaking this. In particular, patient complaints, concerns and experiences and the parallel process of improving patient feedback and voice whilst encouraging staff to speak up and raise concerns. The post holder will be expected to develop strong working relationships with professional leads, the Guardian of Safe Working for junior doctors and People Participation.
- 5.8 It has been identified that support will be needed and provided for the role including communications, admin and supervision.

6.0 Draft timeline

- 6.1 The timeline below provides an overview of the actions planned to appoint and induct the Guardian.

Action	Timescale	Responsible
Paper to workforce committee and wider review	April 2017	TC/ SD
Advertise Guardian role	May/ June	TC
Interview and appoint Guardian	July 2017	TC
Raising Concerns policy review	August 2017	JSC sub group
Raising concerns policy ratification	September 2017	JSC
Review aligned processes	September 2017	Related policy owners
Communications campaign	Sept/Oct 2017	SG
Recruitment of ambassadors to work with Guardian	October 2017	Guardian
Training for Guardian including identifying coach/mentor and support externally	October 2017	TBC
Training for ambassadors	December 2017	TC & Guardian
Map partnerships needed, formal committees attendance and induction meetings for Guardian	September 2017	TC

7.0 Recommendation

- 7.1 The Board is asked to **RECEIVE** and **NOTE** the report.