

TRUST BOARD
24 November 2016

AGENDA NUMBER	ITEM	5.7
TITLE OF PAPER	Freedom to Speak Up Guardian (FTSUG) Report	
Confidential	NO	
Suitable for public access	YES	
PLEASE DETAIL BELOW THE OTHER SUB-COMMITTEE(S), MEETINGS THIS PAPER HAS BEEN VIEWED		
None. The Freedom to Speak up (Whistleblowing) Policy is to be submitted to Trust Executive Committee (TEC) in time to ensure ratification by 31 March 2017.		
<u>STRATEGIC OBJECTIVE(S):</u>		
Best outcomes	√	The Freedom to Speak Up Guardian role will improve patient safety by enabling staff to be open, honest and supported when they raise patient safety concerns.
Excellent experience	√	Patient experience will be enhanced by an open and learning safety culture.
Skilled & motivated teams	√	The Freedom to Speak Up Guardian will empower and encourage employees and workers to speak up safely when they have concerns about patient safety.
Top productivity		
EXECUTIVE SUMMARY		
<p>This paper describes the following:</p> <ul style="list-style-type: none"> • The appointment of a National Freedom to Speak up Guardian • Establishing Regional FTSUG Networks • The Role of the local Freedom to Speak up Guardian (FTSUG) • The launch of the FTSUG role within the Trust and future reporting to Trust Board • The requirement for all Trusts to adopt the National Freedom to Speak Up (Whistleblowing) Policy 		
RECOMMENDATION:	<p>The following key items are highlighted to the Board for noting:</p> <ol style="list-style-type: none"> 1. Appointment of the National FTSU Guardian Office 2. The establishment of the Regional FTSUG Network (inaugural meeting is on 6 December 2016). The regional network is not yet named, as the 	

	<p>first meeting has not been held.</p> <p>3. FTSUG role appointment at this Trust.</p> <p>4. An FTSUG update report will be submitted to Board in 6 months' time.</p> <p>The action plan in Table 2 is submitted to Board for approval.</p>
SPECIFIC ISSUES CHECKLIST:	
Quality and safety	Y
Patient impact	Y
Employee	Y
Other stakeholder	Y National FTSUG, regional FTSUG network.
Equality & diversity	All of our services give consideration to equality of access, taking into consideration disability and age and all matters are dealt with in a fair and equitable way regardless of the ethnicity or religion of patients.
Finance	N
Legal	The FTSUG role was required to be set up with a postholder appointed in all NHS Trusts by October 2016 and the Trust met this requirement.
Link to Board Assurance Framework Principle Risk	Not applicable
AUTHOR	Mrs Jacqui Rees (Freedom to Speak Up Guardian)
PRESENTED BY	Mrs Heather Caudle Chief Nurse
DATE	18 November 2016
BOARD ACTION	Receive the paper and consider for approval the action plan described within the recommendation section above.

Freedom to Speak Up (FTSU) Guardian

1. Background

- 1.1 As a result of the inquiry into Mid Staffordshire NHS Foundation Trust Sir Robert Francis QC made a number of key recommendations as part of the *Freedom to Speak Up*¹ Review. These included the appointment of a National Guardian and National Guardian Office as well as the requirement for every NHS Trust to appoint a FTSU Guardian by 1 October 2016. In addition every Trust has to review its whistleblowing policy in line with the national whistleblowing policy by 31 March 2017.
- 1.2 The National Guardian, Dr Henrietta Hughes, has been appointed and the National Guardian Office has been set up. The National Guardian Office will be hosted by the Care Quality Commission (CQC) and jointly sponsored by the CQC, NHS England and NHS Improvement² but will operate independently of these organisations. The National Guardian will establish a network for the local FTSU Guardian and support them in establishing common standards and sharing of good practice.

2. Freedom to Speak Up (FTSU) Guardian

- 2.1 The FTSU Guardian was required to be appointed within each Trust by 1 October 2016. In July the Chief Nurse and the Executive Team appointed the Clinical Quality Lead for Women's Health & Paediatrics as the Trust's FTSU Guardian with the role being added to this post-holder's remit from October 2016.
- 2.2 The key role of FTSU Guardian is to help raise the profile of raising concerns in the organisation and provide confidential advice and support to employees who have concerns about patient safety or the way their concern has been handled. The FTSU Guardian should not be involved in investigations but help to ensure the process is followed correctly. A summary of the role is to:
- Develop a range of mechanisms in addition to any formal processes which empower and encourage employees to speak up safely.
 - Ensure no one is disadvantaged by speaking out particularly those with protected characteristics.
 - Be highly visible.
 - Act independently and impartially when ensuring employees are treated fairly throughout any resulting investigation or review and there is effective and open communication.
 - Report to the Chief Executive at least quarterly.
 - Report to Trust Board at least every 6 months.
 - Report to the organisation as a whole at least quarterly.
- 2.3 Some Trusts have also decided to appoint FTSU Advocates/Ambassadors as well as the FTSU Guardian. The Ambassador role is unpaid and is an add-on to their substantive role. There isn't a national requirement or specification for this advocate / ambassador

¹ Freedom to Speak Up: an independent review into creating an open and honest reporting culture in the NHS. Sir Robert Francis, 11 February 2015.

² NHS Improvement (NHSI) was formerly known as Monitor.

role and is up to each Trust to define and to train staff appropriately. Health Education England and Public Concern at Work have produced a short e-learning course on raising concerns and this is now available.

- 2.4 FSTU Guardians are expected to have certain qualities and experience that will enable them to uphold the key principles of the role:

Figure 1 – Freedom to Speak up Guardian role qualities



- 2.5 The FTSU Guardian role is designed to contribute to achieving the following outcomes:
- A culture of speaking up is instilled throughout the organisation.
 - Speaking up processes are effective and continuously improved.
 - All staff have the capability to speak up effectively and managers have the capability to support those who are speaking up.
 - All staff are supported appropriately when they speak up or support other people who are speaking up.
 - The Board is fully sighted on, and engaged in, all Freedom to Speak Up matters and issues that are raised by people who are speaking up.
 - Safety and quality are assured.
 - A culture of speaking up is instilled throughout the NHS.
- 2.6 The FTSU Guardian is not there to replace existing processes. The role is about seeing that these are followed rigorously, that staff are supported and protected, and that the Trust takes action where required. If this doesn't happen the FTSU Guardian is able to flag concerns directly to the Chief Executive Officer (CEO), or ultimately to the National Guardian office. The FTSU Guardian should also have regular contact with the Non-Executive Director who has responsibility for whistle-blowing and this NED has been appointed.
- 2.7 In addition to staff raising concerns through internal processes, with or without the FTSU Guardian needing to be involved, staff continue to be able to raise concerns externally where these are in the public interest. This provides additional assurance to our patients and the wider public that we are striving to be open and transparent.

2.8 There is a national whistleblowing helpline for those working within the NHS (also social care) which provides free and confidential advice tel: 08000 724 725 and Public Concern at Work (PCAW) is another helpline available on tel: 020 7404 6609, though not specific to the NHS.

3. Progress and Next Steps

3.1 A FTSUG Trust email address has been set up ftsuguardian@nhs.net managed by the FTSUG and a dedicated phone number tel: 07766726270. Business cards will be attached to the December 2016 payslips and a presentation slide included in the CEOs Induction talk. There will also be a Freedom to Speak Up button on the Trust intranet front page.

3.1 A communications plan has been drawn up to promote speaking up to staff and the role of the FTSU Guardian for launch in December/January 2016/17. It should be noted that the FTSU Guardian will need to work closely with a number of teams and groups across the Trust in order to work effectively. This includes the Employee Partnership Forum, Patient Safety Team, Divisional Governance Teams and other Staff Networks.

3.2 The idea of FTSU advocates or ambassadors will be explored in order to help get the message out that raising concerns is a positive thing to do for patients and for the work environment. Staff need to feel confident they will be supported, protected and listened to. Staff also need to feel that action will be taken and that the organisation will learn from the concerns raised and acknowledge the importance of staff speaking up. Sir Robert Francis, Queens Council (QC) recommends that organisations celebrate the staff who speak up as this will encourage others to do so.

4. Policy

4.1 NHS Improvement and NHS England have produced a national whistleblowing policy which must be adopted by every Trust. This policy has been reviewed and adjusted to meet ASPH requirements. The policy will be submitted to the Trust Executive Committee (TEC) for ratification and must be in place by 31 March 2017. The policy applies to employees, workers, agency staff, trainees, contractors and volunteers.

5. Action plan

The proposed initial scoping action plan for the Freedom to Speak up Guardian is as below.

Table 2 – Proposed initial scoping action plan for the FTSUG

Action area	Forum/Lead for assurance
Align Trust Whistleblowing Policy in line with the National Whistleblowing Policy by 31 March 2017.	Trust Executive Committee is the approving committee for the Whistleblowing Policy. Action Lead is the Deputy Director of Workforce and Organisational Development.
Establish common standards for sharing good practice and include in the Trust FTSUG Policy once the standards are available from the National Guardian Office.	FTSUG to Lead. Timescale to be set once national guidance timetable is made known centrally.

<p>Implementing the required reporting framework to:</p> <ul style="list-style-type: none"> • Chief Executive quarterly • Trust Board six monthly • Whole organisation six monthly 	<p>FTSUG to set up framework in Q3 2016/17.</p>
<p>FTSUG to brief Executive Lead on the merits of implementing FTSU Advocates/Ambassadors to guide further exploring this option.</p>	<p>FTSUG include update in next report Trust Board.</p>
<p>FTSUG to seek to include Health Education England and Public Concern at Work e-learning course on raising concerns within mandatory training.</p>	<p>FTSUG to explore with Learning and Development by Q4 2016/17.</p>

6. Summary

The Board has been provided with an outline of the Trust's response to the requirement for a Freedom to Speak Up Guardian.