

# Report to the Meeting of the

**BOD 142/2018**

(Agenda item: 12)

# Oxford Health NHS Foundation Trust

# Board of Directors

**30 November 2018**

**Freedom to Speak Up Report**

**For: Information**

This report is for information regarding the activities of the Freedom to Speak up Guardian (FTSUG). The Board is asked to note the report.

**Executive Summary**

Background is given to the creation and development of a Freedom to speak up Guardian for the Trust and the National picture relating to Raising concerns.

The report describes the activity of the present and previous Guardian between November 2017 and November 2018. Themes of concerns, the number of staff raising concerns are noted with the directorates and staff groups described.

Reference is made to the National Guardians Office Guidance to Trust Boards and the provision of a self -assessment tool which the Board has reviewed.

The role the Guardian has played in developing the culture of openness and safety is described. National and Regional involvement, support and the creation of inter-Trust networking is noted.

The content of raised concerns is enumerated and shows that bullying behavior is the most often raised concern which is supported by the staff survey results.

There were no serious patient safety concerns raised.

The need for cultural change is reiterated and the role of the Guardian in this change is explained.

The Board is asked to note the work undertaken across the year by the FTSUG and to seek any assurances necessary arising from the report.

**Governance Route/Approval Process** This is an annual report which has not gone to other committees previously will be presented to the Well Led Sub-committee and shared with Staff Partnership, Negotiation and Consultative Committee (SPNCC)

**Statutory or Regulatory responsibilities**

In 2016-17 it became a contractual requirement for all NHS provider trusts to have a Freedom to Speak Up Guardian. Trusts are also expected to adopt a model NHS whistleblowing/raising concerns policy. OHFT has adopted the model Raising Concerns Policy

The Care Quality Commission assesses a Trust’s speaking up culture during inspections under the key line of enquiry (KLOE) 3 as part of the well-led question. No comments

**Recommendations**

1. The Board is asked to note the work done across the year by the FTSUG and to seek any necessary assurances arising from the report.
2. The FTSUG will lead the workgroup on the process of Board self -assessment so that the Board can complete the initial benchmarking self -assessment in the next 6 months.

**Author and Title: Caroline Griffiths. Freedom to Speak Up Guardian**

**Lead Executive Director: Mike Mc Enaney**

1. There are no issues that need to be referred to the Trust Solicitors
2. ***Strategic Objectives***– to which this report relates

1) Driving Quality Improvement

Patients will be safe from Harms

5) Developing Leadership, People and Culture

Developing an open culture which welcomes the raising of concerns and where staff feel safe to do so.

**MAIN BODY OF THE REPORT**

**FREEDOM to SPEAK UP Annual Report to Trust Board of Directors 2018**

This is an annual report to the Trust Board on Freedom to Speak Up in the Trust for the 12 months up until the end of November 2018. The Freedom to Speak Up Guardian is a relatively new role across the NHS and was a recommendation of the Freedom to Speak Up Review by Sir Robert Francis that was published in 2015. This Trust was an early adopter of this initiative and the Freedom to Speak Up Guardian came into post in April 2016. The original post holder left the post in February 2018 and the present post holder was appointed in June 2018. In the interim the Head of Spiritual and Pastoral care deputised as Freedom to Speak Up Guardian. The role of the Freedom to Speak Up Guardian is to provide independent and confidential support to staff that want to raise concerns and promote a culture in which feel staff safe to raise those concerns. The post is funded for fifteen hours per week.

Between November 2017 and November 2018 43 members of staff raised concerns. The number of concerns raised has varied over the 4 quarters .The necessary reduction in profile during the gap between Guardians may have affected numbers of concerns raised but it is not possible to be sure . Most concerns were resolved locally: a small number continue to be in process. In addition, other activities have been undertaken to raise awareness of Freedom to Speak Up and to encourage cultural change in the Trust. The Guardian has also contributed to the national and regional developments in this area. The first two quarters feedback by staff that contacted the Guardian was positive.

**Background to Freedom to Speak Up**

Sir Robert Francis, in his Report of the Mid-Staffordshire NHS Foundation Trust Public Inquiry (2013), described the experiences of nurses and doctors who raised whistleblowing concerns about the poor care of some patients at Stafford Hospital. As a result, he was asked to conduct a further review into whistleblowing in the NHS. *‘Freedom to Speak Up – an independent review into creating an open and honest reporting culture in the NHS’* was published in 2015. The report identified a need for culture change, improved handling of cases, measures to support good practice, particular measures for vulnerable groups, and extending the legal protection. Sir Robert Francis identified 20 principles that addressed these themes. In particular, he recommended that all trusts should have a Freedom to Speak Up Guardian to ‘act in a genuinely independent capacity’ and support staff to raise concerns.

In 2016-17 it became a contractual requirement for all NHS provider trusts to have a Freedom to Speak Up Guardian. By the end of the financial year, all trusts in England had made appointments although not all Guardians were in post. Trusts were also expected to adopt a model NHS whistleblowing/raising concerns policy.

**The Role of the Freedom to Speak Up Guardian**

The Freedom to Speak Up Guardian is not part of the management structure of the Trust and is able to act independently in response to the concerns being raised with him. The Guardian reports directly to the Chief Executive, and this gives him access to the executive directors of the Trust. There are two key elements to the role:

* To give independent, safe and confidential advice and support to members of staff who wish to raise concerns that have an impact on patient safety and experience. This is not just for permanent staff members but is also available for temporary or agency staff, trainees or students, volunteers and trust governors. Support from the Guardian is not available to carers and patients as they can raise concerns through the complaints and PALS service.
* To promote a culture where members of staff feel safe to raise concerns and do not fear adverse repercussions as consequence

**Freedom to Speak Up activities in the Trust**

*Raising concerns*

**Supporting staff raising concerns**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| ***Month*** | ***Number of staff contacts*** | ***TYPE*** | ***OF*** | ***ACTION*** |  | ***Number still open*** | ***Comments*** |
| ***Clarifying concern*** | ***No action*** | ***Discussion and advice only*** | ***Further action required*** |  |  |
| November  2017 | 11 | 0 | 3 | 5 | 3 | 5 | A number of bullying and  harassment concerns |
| *December* | 5 | 0 | 0 | 5 | 0 | 0 | Abingdon Hospital drop in but no one attended |
| *January* | 5 | 2 | 0 | 1 | 2 | 4 |  |
| Feb-June 2017 | 3 | 2 | 2 | 1 | 2 |  |  |
|  |  |  |  |  |  |  |  |
| ***2018-19*** |  |  |  |  |  |  |  |
| *April* |  | 0 |  |  |  | 0 |  |
| *May* | 2 | 1 |  |  | 1 | 0 |  |
| *June* | 2 | 0 | 0 | 1 | 1 | 1 | 1 staff contacted from previous case |
| *July* | 4 | 1 | 1 | 3 | 2 | 3 | 1 case of volunteer worker |
|  |  |  |  |  |  |  |  |
| *August* | 3 | 0 | 1 | 0 | 2 | 1 | 1 case of volunteer worker |
| *September* | 2 | 1 |  |  | 2 | 1 | Need to escalate within Trust |
| *October* | 1 |  |  | 1 | 0 | 2 | Speak Up month Drop ins and surgeries across trust |
| *November* | 4 | 1 |  | 2 | 2 | 3 | Sept case escalated and resolved |
| *Total* | 43 | 9 | 8 | 19 | 17 | 5 |  |

A cross-section of the Trust’s staff have contacted the Guardian. These have included

non -registered staff ( such as health care assistants)non-clinical staff (such as administrators and drivers). Registered staff have included nurses (including community psychiatric nurses and district nurses), Social workers, Physiotherapists. Often staff have been in leadership and management roles and these have included operational managers, heads of service, Educational environment leads, ward and team managers and service managers. One case which involved a volunteer has involved co working with PALS and the National Guardians office and although not an active case in terms of the OHFT Guardian is ongoing with the National Guardians office.

The Guardian is still waiting to clarify the concerns of 4 staff who recently contacted her. One case is ongoing from the previous Guardian. Where there was no further action that was because the person who contacted did not want any further contact at this time, could not be contacted or had inappropriately contacted the Guardian. The majority of staff contacted the Guardian by e-mail or telephone but a number were direct contacts as a result of awareness raising activities, drop ins .

All staff were offered a face-to-face meeting to discuss and clarify their concerns and agree what steps should be taken. When this was not possible, telephone or e-mail was used. In some cases, the Guardian agreed the next steps that the staff member concerned could take and had no further direct involvement. In others, the Guardian took the steps on behalf of the staff member: this was particularly so where the staff member did not want to be identified.

Services where there have been concerns raised about include:

1. *Children and Young Peoples:* Eating Disorder Services
2. *Adult Services:* Adult Mental Health Teams, Learning Disabilities, Directorate Management Team.
3. *Older People’s Services:* Urgent Care, Community Mental Health Teams, Directorate Management Team.
4. *Corporate Services:* There have been a number of concerns raised about the corporate services such as about service re-organisation, bullying and harassment and some working practices.

It was not always possible to identify the services that staff came from in reports as that could have resulted in the individual being identified.

During this time the Directorates have been re- structured and the Directorate titles have changed. The report contains the older directorate titles.

**Actions Taken by Guardian in relation to concerns raised.**

* Advice given about how to respond to bullying and harassment
* Bullying and harassment initiative in process
* Confirmation of actions being taken in AMHTs concern
* Recommendations to attend Occupational Health for stress
* Recommendations to request Union advice and support
* Recommendation to ensure exit interview is carried out and information shared
* Advice sought from National Guardians office re case
* Disciplinary panel outcomes reviewed
* Escalation to service heads to complete requested actions

The majority of issues raised with the Guardian were not formally investigated and therefore the categorisation of the issues of concern was based on the account given by the staff member and was not formally substantiated. The National Guardians Office (NGO) has suggested a number of categories for the types of issues (such as patient safety/quality, behaviour /relationship, senior leadership) but they have not been defined and have limited value at this stage. At the request of the NGO, the Trust’s Guardian has drafted some definitions for the categories and suggested revisions to the categories suggested. The types of issues raised in the Trust with the Guardian can be described as:

1. *Patient safety:* There have been no issues of abuse similar to those seen at Stafford Hospital raised with the Guardian. There have been patient safety issues however related to the level of demand and the expectation of quick throughput of cases and speedy discharge.
2. *Demand and patient complexity:* Teams described increasing numbers of referrals of more complex patients and having to care for them without an increase in resources: they often had significant numbers of vacancies some covered by agency or bank staff. Often staff worked extra hours to try to meet this demand and would go home worrying about patients that they felt were at risk. This caused them stress and had an impact on their family lives. They were concerned that they could not provide care at the standard that they would like to and some felt that they were compromising their professional standards. These concerns were reported previously to the Clinical Advisory Board and Directorate Management Teams
3. *Bullying and harassment:* Whilst bullying may not be endemic in the Trust, it has been reported to the Guardian by staff from across the organisation from senior management and leadership to frontline staff. Staff described distressing situations where they had been victimised by their managers. These included being shouted at, ignored, not given training opportunities, having reasonable requests refused, being treated differently than colleagues and being spoken to or about in derogatory ways. Bullying took place be in 1:1 situations and in more open settings. In a number of cases, several staff from a team contacted the Guardian and in two situations investigations were initiated. Often staff felt very anxious about formalising bullying allegations as they were worried that the situation would be made worse for them. Generally staff described being bullied others more senior than them. However, one manager described being bullied by their team and this being led by an individual member of their team. These managers were generally poorly supported in addressing these issues by their line managers.
4. *Service re-organisation:* The Guardian was contacted by a number of staff experiencing a service re-design or re-organisation. This was stressful for staff, particularly when it went on for a long time or when they felt that their contribution to the Trust had been ignored and that the consultation was in name only.
5. *Management style and communication:* Staff described some managers as insensitive or lacking in management and leadership knowledge and skills. Others felt that there was a lack of communication when staffing or service changes were being made. Communication formed the basis of concerns raised regarding email style and tone.Unclear requests from managers for staff members to change their ‘tone’ left staff confused about how to communicate clearly.
6. *Signposting individuals:* Where a concern did not impact on patient safety or experience the Guardian would offer advice if possible and try to signpost staff to a more appropriate source of support.

The discussions with the Guardian would often lead to the individual developing strategies to address their concerns with their managers or making changes to their own practice. Their concerns about being identified or possible repercussions meant that for some the Guardian was only able to feedback or address their concerns in a general way (for example, discussing management style with the Directorate Management Teams). Changes that were made following involvement with the Guardian included:

* Improved communication and clarity of decision making in a service re-design
* The importance of confidentiality where staff are carers being emphasised in Information Governance training
* Clarification of requests made to staff
* Mediation with resolution between staff members
* Empowerment of staff to challenge unfair criticism and evidence their case
* Review of culture in ward teams

*Changing the culture*

*Raising awareness:* Freedom to Speak Up is an important part of the patient safety agenda and staff need to know that they can safely raise concerns and how to do so. All new staff are given information about freedom to Speak Up as part of corporate induction. The Care Certificate students receive training on the culture of the Trust and on attitudes and process regarding Raising Concerns. There is a page on the intranet that gives information about the role of the Guardian, how to raise concerns and sources of support for staff. There have been announcements in the weekly communications bulletin and articles on the intranet and in the Insight magazine. The Guardian has visited teams and wards and attended meetings to deliver short presentations to promote Freedom to Speak Up to the Children’s Integrated Therapy training day and to Mental Health Practitioners from Community Therapy services. She has also presented to student nurses and paramedics as part of their introduction to the Trust before starting placements. The guardian attended Healthfest day September 7th and Linking Leaders Conference.

She also is part of the equality network in the Trust and attends the Trust’s equality groups.

As part of **SPEAK UP MONTH** – a national campaign initiated by the National Guardians office throughout October 2018 the Guardian provided surgeries and drop in sessions which were held in Abingdon Community Hospital, Marlborough, Whiteleaf Buckinghamshire and Children’s services in Oxford. Activities and outcomes included

* 15 members of staff chose to come to hear about FTSUG
* Informal conversations have allowed sharing of the Speak UP message to 25 other staff members
* Presentation to
* Communications highlighted the campaign and the FTSUG role via the Intra net Slider

*Staff development:* Unregistered care staff can often find it harder to raise concerns but spend most time in direct contact with our patients. This has been recognised and the Guardian delvers a joint session on the importance of values, what happens when they are not reflected in the care that is given and how to raise concerns. Over a 200 health care assistants and support staff have now received this session.

*Influencing cultural change:* The previous Guardian met with management and professional leadership groups (such as Directorate Management Teams and the Clinical Advisory Board) and the Quality and Safety Committee and these meetings will continue with the present Guardian as appropriate. Following discussion at the Well-Led Quality Sub-Committee, a campaign to raise awareness about bullying and harassment and how to combat was conducted during anti-bullying week in November 2017.

*National and Regional Developments*

The National Guardian, Dr Henrietta Hughes, came into post in October 2016 and has been developing her role and the work of the National Guardian’s Office(NGO). Training has been provided for new Guardians and guidance has been issued on recording information, case reviews and Freedom to Speak Up and CQC assessments of Trusts. There have been 3 national conferences – in October 2016, March 2017 and October 2018. From April 2017, the NGO started collecting data quarterly on the work of the Guardians which it publishes. This includes a satisfaction question that Guardians are requested to ask all staff that contact them.

There is a regional network of Freedom to Speak Up Guardians which meets quarterly in the Thames Valley and Wessex area.

A Self- assessment tool and Guidance for Trust Boards has been developed by the Guardians office in 2018.The Board reviewed and began to use the self- assessment during the Board seminar in October. Further work will be done on the self-assessment by a smaller group including the Director and non-executive director with responsibility for Speaking Up. This group will also review the need for a separate Speaking Up strategy.

**Effectiveness of Freedom to Speak Up**

The Guardian is managed by the Chief Executive and has regular discussions with the Director of Finance about the raising concerns arrangements in the Trust and current whistleblowing concerns and possible investigations.She provides an annual report to the Trust Board and will provide interim report to Well-Led Quality Sub-Committee. The same reports are presented to the staff side at the SPNCC.

The national NHS staff survey asks two questions about staff raising concern in their trust. The 2016 staff survey showed small increases from the 2015 survey - from 75% to 76% - in staff feeling secure to raise concerns about unsafe clinical practice (question 13a) and from 62% to 63% in staff feeling confident that the Trust would address those concerns (question 13b). In comparison with other mental health and community trusts, staff confidence and security in reporting unsafe clinical practice was 3.77 compared with 3.71 (out of a possible score of 5).

The number of formal whistleblowing investigations started during the past 12 months were similar to previous years. However, the Care Quality Commission has not notified the Trust of any concerns being raised with them by staff. This continues to be a significant change from years prior to 2017-18 and may indicate staff feeling more confident in raising concerns internally.

From April 2017 anonymised feedback has been requested from staff that have contacted the Guardian by asking them to complete a short survey on Survey Monkey. Generally feedback was positive and comments included: ‘I was so relieved to talk to someone ‘and ‘I was made to feel comfortable to speak and was truly listened to and understood’ ‘ it really helped me to see my priorities’. The survey includes questions about equality which will enable a picture of the type of staff contacting the Guardian to build up.

As the quarterly collections of data by the NGO develop, they may enable some benchmarking with similar Trust to be undertaken.

**The Objectives for Freedom to Speak Up Guardian 2018-19**

The following objectives which were agreed with Chief Executive for 2016-17 continue to be relevant with the exception of developing systems of monitoring which has been achieved.

One additional objective\* is to support the Board in self -assessment regarding culture change and speaking up.

* To develop an effective system of responding to and monitoring the outcomes of concerns- ACHIEVED

Continued Objectives

* To raise awareness of the role of the Freedom to Speak Up Guardian with Trust staff.
* To improve the confidence of managers in responding to concerns raised with them by their staff through the Freedom to Speak Up Guardian contributing to the development and implementation of the Trust’s leadership programme.
* To participate in the development of the role of the Freedom to Speak Up Guardian and the Office of the National Guardian
* Evaluation of the effectiveness of the Freedom to Speak Up Guardian role in the

Additional Objective\*

* Support the Trust Board in self -assessment

As can be seen from the annual report of the Guardian, these objectives are being worked on or have been met.

**Recommendation**

1. The Board is asked to note the work done across the year by the FTSUG and to seek any necessary assurances arising from the report.
2. The FTSUG will lead the workgroup on the process of Board self -assessment so that the Board can complete the initial benchmarking self -assessment in the next 6 months.

**Caroline Griffiths November 2018**