

UNIVERSITY HOSPITALS BIRMINGHAM NHS FOUNDATION TRUST

BOARD OF DIRECTORS

THURSDAY 24 JANUARY 2019

Title:	Freedom to Speak Up Guardian (FTSUG) Quarter 3 report (October 1st - December 31st 2018)
Responsible Director:	David Burbridge, Director of Corporate Affairs
Contacts:	<ul style="list-style-type: none"> • Professor Julian Bion, Freedom To Speak Up Guardian • Mrs Sarah Favell, Deputy Director of Corporate Affairs • Dr Catriona McMahon, Non-Executive Director

Purpose:	To provide an update on Quarter 3 (Q3) activity in 2018 by the FTSUG and the Confidential Contacts (CCs), and to inform the Board about national initiatives relating to raising concerns.
Confidentiality Level & Reason:	Open
Annual Plan Ref:	
Key Issues Summary:	<ol style="list-style-type: none"> 1. Effective speaking up arrangements help to protect patients and improve the experience of NHS staff raising concerns. 2. A culture which encourages openness and active reporting of concerns is an indicator of a well-led Trust and a reflective learning organisation. 3. NHSi and the National Guardian's Office published national guidance for Trusts accompanied by a self-assessment tool in May 2018. The FTSUG will work with the Trust during 2018 to complete this self-assessment tool. 4. Recent documents from the National Guardian's Office and the Gosport Enquiry Report are provided for information. 5. Professor Bion was appointed as FTSUG in August 2018, with a Trust-wide launch in October 2018 6. The FTSUG met with the CQC inspectors in October, as part of the CQC's Well-led inspection 7. 21 Confidential Contacts are now in post across all sites (QEHB, Good Hope, Solihull and Heartlands Hospitals). 8. Since October, the FTSUG & CCs have received 11 contacts raising concerns, ranging from personal to systemic problems. Anonymised summary information is provided in the Appendix to this report.
Recommendations:	<p>The Committee is asked to:</p> <ol style="list-style-type: none"> 1. Note the content of this report 2. Consider how best to translate concerns raised into organisational learning
Approved by: David Burbridge	Date: January 15 th 2019

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Freedom To Speak Up Guardian

1. Introduction and Background

- 1.1. The purpose of this report is to provide an update on activity by and recommendations from the Trust's Freedom to Speak Up Guardian (FTSUG) during quarter 3 (October-December 2018).
- 1.2. The Care Quality Commission (CQC) assesses a Trust's speaking up culture during inspections under key line of enquiry 3 (KLOE 3) as part of the 'well-led' question. The new guidance issued by NHSi and the National Guardian's Office is aligned with the good practice set out in the well-led framework and has been shared with inspectors during their visits to the Trust in October and November.
- 1.3. The role specification set by the National Guardian's Office includes:
 - 1.3.1. Developing an open culture;
 - 1.3.2. Ensuring processes are in place to empower and encourage staff to speak up safely;
 - 1.3.3. Working with the Executive Team and the Board in an independent capacity, providing challenge where appropriate.
 - 1.3.4. Being an individual to whom staff can raise concerns outside of existing incident reporting and human resources processes. The Trust has a strong incident reporting and investigation culture managed by the Clinical Governance and Patient Safety department, in conjunction with the Medical Director's Directorate.
 - 1.3.5. Ensure appropriate 'signposting' of concerns, ensuring that necessary investigations are undertaken and providing an assurance that staff who raise concerns are treated fairly.
 - 1.3.6. Reporting concerns raised to the Chief Executive and to the Board as appropriate.
- 1.4. The Trust is compliant with NHSi guidance in the Chief Executive's responsibility for appointing the FTSUG (Prof Bion), a named non-executive director lead (Catriona McMahon), and the Executive Lead for Freedom to Speak Up (Director of Corporate Affairs, Mr David Burbridge).
- 1.5. Until April 2018 the Trust and Heart of England NHS Foundation Trust ('HEFT') had separate Freedom to Speak Up Guardians, Dr Ann Keogh for the HEFT sites and Mr Antony Cobley together with Mrs Sarah Favell for QEHB. Professor Bion was appointed FTSUG for the new combined Trust in August 2018, and assumed his duties from October. Dr Keogh and Mrs Favell have continued to assist Prof Bion during the period of transition. Dr Keogh had already successfully established the

system of Confidential Contacts for the HEFT sites, and this has now been extended to the QEHB.

- 1.6. NHS Staff Survey at QEHB and Heartlands Hospitals: The 2017 (pre-merger) NHS National Staff Survey report shows differences between sites in the new combined Trust. QEHB received higher (more positive) staff ratings than the national median in domains such as recommending the Trust as a place to work and receive treatment, contributing to improvements at work, communication between senior management and staff, and (marginally) for staff confidence in reporting unsafe clinical practice. Heartlands Hospital staff reported lower ratings than the national median in all these domains. The impact of the merger and of establishing the FTSUG confidential contacts could be assessed indirectly through the monitoring of these metrics.

2. Appointment of Freedom to Speak Up Guardian and Confidential Contacts

- 2.1. Following Trust Board approval for his appointment as FTSUG, Professor Bion attended a National Guardian training day in London, met with the Confidential Contacts (CCs) at Heartlands, Good Hope and Solihull (HGS), and appointed 12 more CCs to provide a total of 21 CCs across the combined Trust. A very successful local training day for the CCs was held on November 21st with training led by Suzanne Lawlor (Cov & Warwick) and Dr Neelam Mehay (Wolverhampton). The training slides are available from Prof Bion (J.F.Bion@bham.ac.uk) should Board members wish to have a copy.
- 2.2. The Confidential Contacts include those with diverse expertise in clinical matters, staff support, communication, gender and disability discrimination. Their names, email and professional status are provided in the appendix to this report (**Appendix 1**). We received a very large number of applications, and those who were appointed are of high quality. The Trust can be proud that such people are willing to give their time free to support staff and the Trust as a whole.

3. National Policy Framework and Practice, and local Policy

- 3.1. The National Guardian's Office issues regular reports which have continued to raise the profile of the FTSUG role nationally and it is evident both the CQC and NHSi attach significance to the role as an indicator for a well-led organisation. The Board is asked to note the following national investigations attached to this report:
 - National Guardian's Office Annual Report
 - Freedom To Speak Up Guardians' Survey 2018
 - A review of the handling of speaking up cases at Nottinghamshire Healthcare NHS Foundation Trust, Nov 2018
 - A review of the speaking up processes, policies and culture at Royal Cornwall Hospitals NHS Trust, December 2018
 - Gosport Enquiry Report June 2019
 - Gosport Enquiry Government Response Nov 2018

- 3.2. The Board will no doubt be familiar with the Gosport Enquiry Report. The other National Guardian's Office reports contain the following messages:
- Trusts will be judged on how they respond to staff who raise concerns.
 - An organisational culture of ostracism and blame needs to be replaced by one that visibly values constructive criticism.
 - There should be no gap between a Trust's stated values and its practices: 'walk the talk'.
 - FTSUGs must have sufficient time, resource and support to fulfil the role effectively.
 - FTSUG reports should be presented by the Guardian in person to the Trust Board.
- 3.3. In short, the Speaking Up process should be seen as a valuable opportunity to engage staff in quality improvement and reflective learning, and to value those who speak up. This requires leadership by example.
- 3.4. The Trust's Raising Concerns policy is in line with national policy. A flow diagram has been developed to provide guidance to staff on how, and when, to contact the FTSUG (**Appendix 2**). This shows clearly how the FTSUG process is linked to existing governance and management structures.
- 3.5. The newly appointed Guardian will hold quarterly meetings with the Chief Executive and Director of Corporate Affairs. The FTSUG and CCs will also hold quarterly meetings, alternating at QE and Heartlands sites. We will support the Trust in developing structures and processes consistent with the Trust's commitment to openness and critical reflection, and patient safety.

4. Concerns raised through the Freedom to Speak Up Guardian system, October 1st to December 31st 2018 (Quarter 3).

- 4.1 The role of the FTSUG and CCs is not to undertake the investigation themselves but to ensure the Trust does so. The FTSUG provides progress reports and support to the individual as required, and ensures that the concerns raised have been appropriately addressed.
- 4.2 During this quarter, 16 contacts have been received, concerning 13 issues, of which nine were managed by the FTSUG, and four by the CCs. Prof Bion has summarised these in **Appendix 3**, while preserving anonymity. Please read this Appendix and note the actions and conclusions.
- 4.3 All concerns have been appropriately signposted and feedback has been, or will be, provided to the individual staff member. No concerns have been raised anonymously. Most concerns have been, or are being, addressed either via an investigation by the appropriate senior manager, by the relevant governance team, or by implementing the relevant Human Resources (HR) process. One issue requires detailed investigation.

5 Next steps – Actions for 2018-2019

5.1 The following activities are planned over the coming months:

- 5.1.1 Professor Bion and the Confidential Contacts will meet on a quarterly basis for training and dissemination of information in addition to ad hoc 1:1 meetings. Meetings will alternate between the QE and BHH sites.
- 5.1.2 Professor Bion will meet the Chief Executive and DCA a minimum of quarterly, in addition to the existing open door communications, and six monthly with the designated Non-Executive Director. The next quarterly meeting with CEO and DCA is scheduled for Tuesday Feb 12th at 09:00hrs.
- 5.1.3 Professor Bion will undertake a programme of 'walk arounds' in clinical and non-clinical areas to meet staff informally.
- 5.1.4 The Trust intranet already advertises the FTSUG. We will shortly include additional pages showing the CCs and providing contact details.
- 5.1.5 Attendance by Prof Bion at regional FTSUG meetings
- 5.1.6 Presentation at the QE Grand Round (open to all staff) by Prof Bion of the work of the FTSUG, and key issues raised, on Thursday Feb 21st.
- 5.1.7 Undertake Trust self-assessment review tool (Appendix 4).

6 Recommendations

6.1 The Trust Board is asked to:

- 6.1.1 Note progress in respect of strengthening our Freedom to Speak Up arrangements
- 6.1.2 Read the executive summaries of the national reports provided.
- 6.1.3 Note recommendations made in relation to individual contacts.

Prof Julian Bion
Freedom To Speak Up Guardian