



**England**

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## **NHS ENGLAND – BOARD PAPER**

<b>Title:</b> Freedom to Speak Up in NHS England
<b>Lead Director:</b> Emily Lawson, National Director: Transformation and Corporate Operations
<b>Purpose of Paper:</b> To update the Board on the work of the Freedom to Speak Up Guardians in NHS England
<b>The Board is invited to:</b> <ul style="list-style-type: none"><li>• Consider the contents of this report and note the work to date and next steps</li></ul>

## Freedom to Speak Up in NHS England

### Purpose

1. To update the Board on the work of the Freedom to Speak Up Guardians in NHS England over the last twelve months and to note the next steps.

### Background

2. In February 2015 Sir Robert Francis published his Freedom to Speak Up Report, an Independent review into creating an open and honest reporting culture in the NHS. The report recommended that each NHS organisation should have its own Freedom to Speak Up (FTSU) Guardian.
3. FTSU deals with concerns about risk, malpractice or wrongdoing that an individual believes is harming the service we deliver/commission. Examples of this include (but are not restricted to):
  - unsafe care
  - unsafe working conditions
  - inadequate induction or training for staff
  - lack of, or poor response to a reported patient safety incident
  - suspicions of fraud
  - a bullying culture (across a team or organisation rather than individual instances of bullying)
4. In response to the independent review, the National Guardian's Office (NGO) was established in April 2016. The NGO is an independent, non-statutory body with the remit to lead culture change in the NHS so that speaking up becomes business as usual. The office is not a regulator, but is sponsored by the Care Quality Commission, NHS England and NHS Improvement, with each funding £333k.
5. From April 2019, NHS England has agreed to provide additional funding to enable the NGO to support the work required in Primary Care. The funding from NHS England will increase to £1m, which equates to 60% of the total funding for the NGO.
6. In November 2017 the Board received a paper that asked them to note progress to date; endorse the National Guardian 2016-17 Annual Report; give views on future priorities; and endorse the Chief Executive's proposal that there should be a substantial increase in the number of Freedom to Speak Up Guardians across NHS England and CSUS, from one currently to at least fifteen, of whom at least one third should be from a BME background.

### Progress to date

#### Freedom to Speak Up Guardians in NHS England

7. Whilst there is no legal requirement for an organisation the size and scope of NHS England to have more than one FTSU Guardian, we have chosen to invest in the approach. At least one FTSU Guardian has been appointed in each NHS England region, together with one for each central base, and each CSU.

8. The recruitment of FTSU Guardians in NHS England attracted over 40 expressions of interest. Engagement events were held with those who expressed an interest, which provided further details on the roles and helped inform the model of implementation of FTSU Guardians within the organisation. From the engagement events a model of lead Guardians and support Guardians was implemented. The distinction between the roles is detailed in Appendix 1.
9. By February 2018 the FTSU Network in NHS England consisted of 40 Guardians with at least a third of the Guardians from a BME background: one Senior Responsible Owner and Guardian at National Director level, eight Lead Guardians and thirty-one Support Guardians. The FTSU network also includes the Guardians in the five CSUs.
10. In recent months, a small number of the appointed Guardians have changed roles and are no longer able to undertake the FTSU role and whilst it is recognised there are no significant gaps in the network a review is being completed to identify future recruitment needs. This is being completed alongside the review to align the work of FTSU Guardians in NHS England with those in NHS Improvement as part of joint working.
11. Since the introduction of FTSU in NHS England there have been a total of eight formal cases reported.

#### Development of the FTSU Network

12. To develop the FTSU network, dedicated resources were allocated to support the Guardians to deliver the following:
13. Recruitment: recruitment and appointment of Guardians
  - Training: initial training from the NGO
  - Guidance for Guardian: support material has been produced to ensure Guardians feel comfortable and confident to be able to perform their role(s)
  - Information for staff: Intranet pages for staff have been developed to help colleagues understand the types of concerns that should be raised, the benefits of doing so, who the Guardians are and how to contact them
  - Communication: a communication plan outlines how NHS England will work with the FTSU Guardian network and other internal stakeholders to support communication and engagement activities to ensure that our FTSU Guardians are fully engaged and supported and awareness of FTSU and its purpose is increased across the organisation
  - Reassurance: to stress the importance and provide reassurance to staff that they will be protected from possible reprisals, subsequent discrimination, victimisation or disadvantage if they may make a disclosure based on a reasonable belief
14. Governance: A governance framework is in place for the network to ensure regular reporting, monitoring and the exchange of information. Lead Guardians meet with NHS England's National Director Guardian on a quarterly basis and there are network calls for the Guardians held every two weeks.

## FTSU Challenges in Primary Care

15. The Board report in November 2017 referred to the following challenges identified by the NGO for NHS England:
  - Getting Freedom to Speak Up right in primary care: Support the development of policies, training etc., working within NHS England timeframes
  - National contract: Strengthen the wording reflecting the requirement to have a Guardian and ensure that expectations are clear. This has already been included in the current consultation on variation to the contract.
16. The disparate and diverse nature of Primary Care Organisations means there is no 'one size fits all' model for FTSU. Following Simon Stevens' announcement that NHS England would increase its funding to the NGO, the Experience of Care, Staff Experience Team, has been working closely with the NGO on how to introduce FTSU across Primary Care. It has been agreed that the NGO will recruit staff to support the work, and that NHS England will support the communication of the work through the Staff Experience Team and Primary Care Commissioning.
17. An e-learning programme to raise awareness of FTSU for all staff in Primary Care has been developed and launched in September on the Health Education England e-learning for health platform.

## **Next steps**

18. Work is currently being completed with Guardians to review the work carried out over the last 12 months to ensure that staff are aware and able to approach Guardians within the organisation and feel fully supported/sign posted through any of the processes. This will be achieved through the following:
  - Training, support and development of the FTSU Guardians; to include refresher training on FTSU, additional training on coaching skills and handling difficult conversations
  - Communication; continue to increase the awareness of FTSU and the Guardian network through regular and varied engagement activity supported by the Internal Communications Team in NHS England and the NGO
  - Alignment; as part of the joint working between NHS England and NHS Improvement work is being completed to ensure that going forward both FTSU networks are closely aligned with each other and with other networks, such as Respect at Work and Voicing your Concern Whistleblowing, whilst still retaining the separate purpose of each.

## **Recommendations**

19. The Board is asked to consider the contents of this report and note the work to date and next steps.

**APPENDIX 1****Lead Guardian and Support Guardian roles and responsibilities in NHS England**

Lead Guardians	Support Guardians
<ul style="list-style-type: none"> <li>• Acts as the individual lead Guardian, responsible for the regional area</li> <li>• Consults with regional support Guardians regularly</li> <li>• Collates regional information</li> <li>• Responsible for reporting to local Senior Management Team</li> <li>• Attends FTSU Guardian meeting with NHS England's FTSU Guardian at National Director level to agree strategy and report on findings</li> <li>• Active member of NHS England/CSU FTSU Guardian Network</li> <li>• Delivers communication and engagement programmes to staff</li> <li>• Direct contact for staff to raise concerns with</li> <li>• Instigates discussions where investigations are required following cases raised by individuals</li> </ul>	<ul style="list-style-type: none"> <li>• Direct contact for staff to raise concerns with</li> <li>• Signposts staff to relevant policy/procedure/function</li> <li>• Regular reporting of cases raised to Regional Lead Guardian</li> <li>• Escalates proposal for further investigation of case to Regional Lead Guardian</li> <li>• Raises awareness and promotes local speaking up processes</li> <li>• Delivers communication and engagement programmes to staff</li> <li>• Member of NHS England/CSU FTSU Guardian Network</li> <li>• Acts as an 'advocate' to the Regional Lead Guardian, to ensure that FTSU reaches all parts of the organisation</li> </ul>