

BOARD MEETING

29 September 2016

Paper Title:	Appointment to the Freedom to Speak Up Guardian Role
Section:	Public
Lead Director:	Sandra Knight, Director of HR / OD
Paper Author:	Fay Davies, Head of Workforce Development
Agenda Item:	11
Presented For:	Approval

1. Purpose of this Report:

The purpose of this paper is to seek the Board's approval of the recommended option in appointing to the Freedom to Speak Up Guardian role and to provide assurances that the Trust's Freedom to Speak Up: Raising Concerns (Whistleblowing) Policy meets the required national model.

2. Summary of Key Points

The paper details the requirement of all NHS providers to appoint a Freedom to Speak Up Guardian as recommended by the Francis Inquiry report. It sets out the options that were considered, how staff were engaged, and the rationale applied in arriving at the proposed approach. It also provides assurance that the Trust's Freedom to Speak Up: Raising Concerns (Whistleblowing) Policy complies with the national model and will be amended to reflect the Freedom to Speak Up Guardian appointment following board discussion and approval.

3. Board / Committee Consideration

The Board is asked to consider the rationale for the proposal for meeting the Trust's obligation to appoint a Freedom to Speak Up Guardian in reaching its decision around approval.

4. Financial Implications

None

Revenue Capital

5. Legal Implications

None

6. Assurance

	Assurance provided?
Board Assurance Framework	No
CQC Themes (see below)	Yes
Monitor Risk Assessment Framework	No
Other (please specify):	

This paper provides assurance in relation to the following CQC Themes:

Safe:	People who use our services are protected from abuse and avoidable harm
Caring:	Staff involve people who use our services and treat them with compassion, kindness, dignity and respect
Responsive:	Services are organised to meet the needs of people who use our services
Effective:	Care, treatment and support achieves good outcomes, helps to maintain quality of life people who use our services and is based on the best available evidence.
Well led:	The leadership, management and governance of the organisation make sure it's providing high-quality care that is based around individual needs, encourages learning and innovation, and promotes an open and fair culture.

7. Equality Impact Assessment

Not applicable

8. Previous Meetings/Committees Where the Report Has Been Considered:

Audit Committee	<input type="checkbox"/>	Service Governance Committee	<input type="checkbox"/>	Remuneration Committee	<input type="checkbox"/>	Resources Committee	<input type="checkbox"/>
Executive Management team	<input checked="" type="checkbox"/>	Directors Meeting	<input type="checkbox"/>	Chair of Committee's Meeting	<input type="checkbox"/>	MH Legislation Committee	<input type="checkbox"/>

9. Risk Issues Identified for Discussion

No risk issues identified.

10. Links to Strategic Drivers

Patient Experience	Quality	Value for Money	Relationships
The role of FTSU Guardian will provide further support to staff who raise concerns aimed at ensuring patient	The role of the FTSU Guardian would be to encourage issues around quality of care to be raised therefore leading to	The role would provide value for money as it will be conducted within an individual's existing portfolio who has the	The role would strengthen relationships with staff and encourage them to speak up and raise any

safety and a positive service user experience	increased quality of care delivered.	knowledge, skills and experience to successfully undertake this role.	concerns they might have.
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11. Publication Under Freedom of Information Act

This paper has been made available under the Freedom of Information Act

12. Recommendations:

That the Board

- Approves the recommended appointment to the Freedom to Speak Up (FTSU) Guardian role
- Notes that the Trust's Freedom to Speak Up: Raising Concerns (Whistleblowing) Policy meets the national policy model and will be amended to reflect the Freedom to Speak Up (FTSU) Guardian appointment.

Appointment to the Freedom to Speak Up (FTSU) Guardian Role

1. Background

Sir Robert Francis' report 'Freedom to Speak Up' made a large number of recommendations about how NHS organisations could encourage and support staff to raise any concerns they might have and to speak out. The requirement to identify a Freedom to Speak Up (FTSU) Guardian is part of the Standard NHS Contract for 2016/17. Every NHS Trust and NHS Foundation Trust will be required to have appointed a FTSU Guardian by the end of the financial year (2016/17).

2. Proposal

The purpose of this paper is to recommend to the Board the most appropriate model for implementing the national requirement emerging from the Francis Report that all trusts implement a FTSU Guardian role.

This paper also provides assurance regarding the Trust's compliance with the new national raising concerns (whistleblowing) policy which all NHS organisations are required to adopt.

3. Process to arrive at the proposed model

The Trust is required to have a Freedom to Speak Up (FTSU) Guardian role in place by 31st March, 2017. A number of options have been considered in relation to this appointment. These included the appointment of a Non-Executive Director, a substantive dedicated role or the role being undertaken as part of another substantive role. After careful consideration of each of these options including feedback from other Trusts who have already made an appointment, consulting with staff side and also staff through a survey issued via e-update a recommendation is being proposed to align the responsibilities of the Freedom to Speak Up Guardian role with the portfolio of an existing post holder.

Having considered all options it was concluded that the role, whilst important, would not justify a full-time, fully funded post. This is because the Trust is currently a high performing Trust in terms of creating a culture in which staff feel able to report concerns and express confidence that they would be dealt with openly and transparently, as evidenced by the NHS staff survey results over successive years and the board and executive culture conversations and quality and safety visits, so a major culture change would not be a requirement of the role. In addition the Trust is a relatively small provider with only a small number of concerns raised each year (2 in 2015/16). Appointment to a new full time post would not be good value for money or justifiable in the current financial climate given these factors.

It was identified that the post could sit well within the Complaints and Litigation Manager's role who, having established an effective function and team, would have the capacity and capability to take on the role alongside their current responsibilities. It fits with the individual's (Louise Hussain) portfolio and their skill set as their current role involves listening and responding to people's concerns, instructing and undertaking investigations,

ensuring the co-ordination and monitoring of actions, listening with empathy, identifying common themes and trends, disseminating learning and good practice, reporting and linking to senior managers and clinicians and having direct access to the Chief Executive. It is suggested that a nominal one day a week is set aside for this role which will be regularly reviewed to ensure this is the right level. The role would support the delivery of safe, caring, responsive, effective and well led services.

The Non-Executive Freedom to Speak Up lead is Nadira Mirza and the Executive lead is Sandra Knight, Director of HR / OD. It is suggested that Louise Hussain reports to Sandra Knight for the FTSU Guardian element of her role.

If approved by the Board the process for communicating the Freedom to Speak Up Guardian role to staff would be via e-update. In addition, it is anticipated that the post holder would engage at various professional groups and staff forums in order to meet with staff and promote awareness of the role.

4. Compliance with the national Freedom to Speak Up: Raising Concerns (Whistleblowing) Policy

All trusts are required to ensure their Freedom to Speak Up policies adhere to the new national model policy. The Trust’s policy has been assessed against the national model policy and is fully compliant. However following approval of the Board to the proposal for appointing to the Freedom to Speak Up Guardian role, these arrangements will be reflected in the policy for ratification by the EMT.

5. Financial Implications

There will not be any additional costs incurred by the proposed individual taking on the role of FTSU Guardian within their current portfolio and it is anticipated that the banding will remain the same – 8a.

6. Risk Implications

No specific risks have been identified.

Risk	Likelihood High/Medium/Low	Implication	Mitigation

7. Communication and Involvement

It is proposed that the Freedom to Speak Up Guardian role would be communicated via e-update. The post holder would then develop their own communication strategy to raise awareness of their role, and ensure staff are aware of the policy, the process of raising concerns and how to access the support and guidance available.

8. Monitoring and review

It is proposed that the post holder will be accountable to the Board through the Quality and Safety Committee for this aspect of their role reporting to Sandra Knight.

The Quality and Safety Committee currently receives a report on any concerns raised by staff under the Freedom to Speak Up: Raising Concerns Policy, it is proposed that when any concerns are reported to the Committee that the Freedom to Speak Up Guardian attends as necessary to provide assurances and to respond to questions around systems, processes, training or policy impacts ensuring that confidentiality and anonymity for the person who has raised the concern are respected in line with the policy. Feedback to the Board on any key themes and trends would be provided by the Committee Chair.

Effectiveness of the role and its impact would be reviewed with the post holder by their line manager in conjunction with the relevant Director.

Awareness of the role will be measured through a survey of staff after one year. The Executive Management Team and Quality and Safety Committee will continue to review any concerns raised and the timeliness and effectiveness of actions taken to address them.

The staff survey results will also remain a barometer of the culture in the Trust to support staff in raising concerns and levels of confidence that any concerns raised will be dealt with fairly and effectively.

9. Timescales/Milestones

The FTSU Guardian is required to be in post by the end of this current financial year – 31st March, 2017.

10. Recommendations

It is recommended that the Board approve the proposed appointment of the FTSU Guardian role to commence within the next month.