AGENDA ITEM 10 – FREEDOM TO SPEAK UP REPORT
BOARD OF DIRECTORS 27 SEPTEMBER 2018

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<td>Report from</td>
<td>David Probert, chief executive</td>
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| Prepared by           | Helen Essex, company secretary  
                         | Ian Tombleson, director of quality and safety  
                         | Sandi Drewett, director of workforce and organisation development |
| Previously discussed at | Management Executive |
| Attachments           | Freedom to speak up flow chart and poster |
| Link to strategic objectives | We will have an infrastructure and culture that supports innovation  
                                   We will attract, retain and develop great people  
                                   We will pioneer patient-centred care with exceptional clinical outcomes and excellent patient experience |

**Executive summary**

The Mid Staffordshire inquiry and subsequent Freedom to Speak Up (FTSU) review by Sir Robert Francis highlighted serious concerns about the way NHS organisations deal with concerns raised by staff and the treatment of those who have spoken up and were victimised for doing so.

All NHS trusts are required to appoint Freedom to Speak up Guardians. The Guardians provide staff with someone to go to if they have a concern about a patient safety risk, a wrong-doing or malpractice. They are also required to report to the board on all speaking up matters (including whistleblowing) and support the organisation in developing an open and transparent culture.

This report provides an update about the current position in relation to speaking up and raising concerns and sets out the additional activities to further embed these important roles and activities further within Moorfields.

**Quality implications**

The trust’s approach to developing and supporting a ‘speaking up’ culture is a key element of the well-led framework. If staff feel that they are supported in raising concerns in a safe environment, and that their concerns are acted on, then this will have a positive impact on patient safety and improve the trust’s ability to learn lessons from incidents and support good practice.

**Financial implications**

There are no direct financial implications arising from this paper.

**Risk implications**

There are a number of risks to having a culture where staff do not feel able to safely voice their concerns. There are potential impacts on patient safety, clinical effectiveness and patient and staff experience, as well as reputational risk. The trust may also be subject to regulatory sanctions or financial penalties as a result of failing to act on staff concerns.

**Action Required/Recommendation**

The board is asked to:

- Discuss and note the content of the paper.

| For Assurance | ✅ | For decision |   | For discussion | ✅ | To note | ✅ |
FREEDOM TO SPEAK UP (INCLUDING WHISTLEBLOWING)

1. Executive summary

All NHS trusts are required to appoint Freedom to Speak up (FTSU) Guardians. The Guardians provide staff with someone to go to if they have a concern about a risk to patient safety, a wrong-doing or malpractice. It may be that a member of staff has seen or heard something that they need to report but don’t feel able to use the usual channels. Guardians work alongside trust leadership teams to achieve the following outcomes:

- To ensure that staff have a way they can speak up if they have a concern and are supported appropriately if they do
- To ensure that there is a culture of speaking up embedded throughout the organisation
- To ensure that speaking up processes are effective and continuously improved in the organisation
- To ensure that quality and safety are assured
- To ensure that the board is engaged in all Freedom to Speak Up matters and the issues that are raised.

The trust is keen to encourage members of staff to speak out if they believe that the practice of colleagues and/or managers has fallen below acceptable standards or if they think there is bad practice or abuse. Staff are often the first to realise if something is wrong in the workplace but may not feel confident to express their concerns. This may be due to fear of retribution, not wishing to be disloyal to their colleagues and/or the organisation, or due to a lack of physical evidence. Staff may not feel able to speak to their line manager or feel they can get the right support from HR.

The trust is absolutely clear that all staff should be entitled to speak out without fear of recrimination and the board is committed to an open and honest culture

2. Freedom to speak up role

The role consists of:

- Offering a confidential raising concerns service to staff, volunteers, students, sub-contractors, agency workers and any other persons undertaking duties within Moorfields Eye Hospital NHS Foundation Trust, which remains independent from management and governance structures within the trust
- Working alongside the National Guardian and the National Guardian’s Office
- Working alongside key stakeholders in promoting an open and honest “no blame” culture, where staff are able to raise concerns safely without fear of reprisal
- Supporting and signposting individuals in raising concerns
- Ensuring that investigations following the raising of concerns are undertaken in a timely manner and outcomes fed back to the individual/individuals who raised them
- Ensuring that all concerns are stored and recorded in a confidential manner, that themes are identified and regularly reported to the chair, chief executive and board of directors
- Providing or supporting the training and promotion about the importance of and how to raise concerns within the trust and how to manage concerns when they are raised
- Working with HR and other key stakeholders to ensure a continuous process improvement to encourage speaking up
- Being visible and accessible to all within the trust
- Contributing to a culture where speaking up becomes “the norm” and raising concerns is seen as business as usual.

3. Freedom to speak up within Moorfields

The trust has had a freedom to speak up process in place for a number of years. Following a review it was suggested that the process might not be accessible enough to all staff and a number of changes have been made to address this.

The trust undertook a communications exercise and sought nominations from staff to take up the role of ‘Freedom to Speak Up’ guardians. We received four nominations from staff across the organisation who were keen to become involved and all were accepted:
Dr Ali Abbas, locum consultant, City Road and Ealing
Farhana Sultana-Miah, deputy general manager, Moorfields North
Carmel Brookes, lead nurse for clinical innovation and safety, City Road
Aneela Raja, optometrist, Bedford

The trust also has a lead guardian, responsible for co-ordinating activity, providing advice and guidance to the other guardians as requested by them, training and completing quarterly returns to the national guardian’s office. This is Ian Tombleson, director of quality and safety. If an individual is not happy to raise concerns via these guardians, or their concern is about the guardians themselves or is at trust board level, then these can be raised with Steve Williams, vice chair and senior independent director.

4. Promoting freedom to speak up

In order to encourage and promote freedom to speak up at Moorfields, a number of activities have recently been undertaken as set out below:

- Relaunch of the freedom to speak up policy and development of a ‘speaking up’ flow chart to help staff navigate their way through the system;
- Inaugural meeting held between the FTSU guardians and the chair and chief executive to set out the support offered to the process by the board and other senior leaders within the organisation;
- Dedicated diary time scheduled with the chair and chief executive to feed back themes that are emerging from speaking up activity;
- Quarterly reporting to the board scheduled as part of the cycle of business;
- Training session led by a senior FTSU guardian with a national role for all FTSU guardians;
- Training sessions for FTSU guardians scheduled with the national guardian’s office;
- Quarterly sessions scheduled for the FTSU guardians to come together as a support and learning network; and
- Our staff weekly communications bulletin and staff PC log-in screens have profiled the new FTSU guardians.

5. Future activity planned

- Further promotion of FTSU roles during freedom to speak up month, October 2018;
- Dr Henrietta Hughes, National FTSU guardian will be key note speaker at our staff clinical governance conference in November 2018;
- Following the management executive’s initial review of FTSU arrangements using the NHS Improvement/National Guardian Office’s self-review tool, areas have been identified for further development and an action plan is being developed;
- FTSU guardians will present future reports in rotation to the trust board;
- Guardians will proactively undertaking activities to make themselves accessible and open to staff raising concerns;
- Awareness surveys will take place for staff about FTSU guardian visibility and their understanding of FTSU;
- Discussion with our IT department about an anonymised communication system as part of developing a range of mechanisms alongside formal processes to empower and encourage staff to speak up safely;
- A secure mailbox has already been established and will be communicated to staff. This mailbox can only be accessed by the Guardians;
- Development of an e-learning package for all staff; and
- Continuing to promote the role of the FTSU guardians at trust induction, staff networks, with staff-side and other staff forums.
I have a concern about a risk, malpractice or wrongdoing at work. Do I feel confident to raise this with my line manager?

Yes

No

I make contact with my trade union representative/workplace options. Do I feel confident to raise my concern with my line manager?

Yes

No

What happens when I raise my concern with my line manager, face to face or in a meeting?

My manager discusses my concern on an informal basis and helps to support a resolution. Have my concerns been adequately addressed?

Yes

No

Do I feel confident to raise my concern with the Freedom to speak up Guardian?

Yes

No

Freedom to speak up guardian discusses concern with relevant director and determines the requirement for investigation, ensuring I am kept informed of the process and timescales.

Has the concern been adequately addressed?

Yes

No

Concern is referred to an executive/non-executive director.

Executive/non-executive director determines the requirement for investigation, ensuring I am kept informed of the process and timescales.

Has the concern been adequately addressed?

Yes

No

Step 1

Step 2

Step 3

Step 4

Freedom to speak up guardian or I can raise the concern with an appropriate external body for investigation or resolution.
Freedom to speak up guardians

The trust’s guardians can provide impartial and independent advice to any member of staff who would like to voice concerns they have at work.

Find out more about the guardians and their role on the intranet - search under ‘Staff room’