Agenda Item No. 21

The Queen Elizabeth Hospital King's Lynn
NHS Foundation Trust

REPORT TO THE BOARD OF DIRECTORS (IN PUBLIC)

RESPONSIBLE DIRECTOR:	REPORT FOR:		IMPACT ON BUSINESS:		
	Decision		High	Med	Low
Laura Skaife-Knight Deputy CEO	Consideration	✓	✓		
	Information				
LEAD MANAGER:	**REPORT TYPE:**		**BAF REFERENCES & RAG:**		
Freedom to Speak Up Guardian	Strategic				
	Operational	✓			
	Governance	✓			
	IMPLICATIONS:		**RELATED WORK: (PREVIOUS PAPERS TO BOARD/COMMITTEE)**		
	Patient Care/Safety/ Experience	✓			
	Finance				
	Workforce	✓			
	Policy				
PEER ASSIST (inc. clinical engagement):	**PEER REVIEW:**				
CQC Domain: (safe, caring, effective, responsive, well-led, use of resources)	Safe, caring, responsive, well-led, effective				

Meeting Date: 4 February 2020

Report Title: Six Monthly Report from Freedom to Speak Up Guardian (FTSUG) & update on internal whistleblowing helpline and HR contacts

SUMMARY:

The report provides information on numbers of referrals made to the FTSUG, details of cases referred, an update on the resolution of two very longstanding cases, an examination of how to respond to anonymous allegations in the case of an alleged culture of bullying, and a proposal to review all ongoing FTSUG cases quarterly.

It also provides an update on the contacts made in the period November-December 2019 via HR and the QEH (internal) whistleblowing helpline.

Implications: / Quality / Workforce / Policy

Strategic / External	Operational	Financial	Clinical	Legal/ Regulatory	Reputational / Patient Experience	Workforce
✓	✓		✓	✓	✓	✓

RECOMMENDATION/S:
The Board is asked to: **1. receive the six-monthly Report of the FTSUG** **2. note that the management of how to best respond to any alleged culture of bullying is being reviewed** **3. note that a trial quarterly review of all FTSUG referrals will commence in March 2020 with relevant Board members** **4. note the contacts made to the QEH (internal) whistleblowing helpline and to HR in November and December 2019**

REPORT

1. Cases referred to the Freedom to Speak Up Guardian

There were 4 new cases referred to the Freedom to Speak Up Guardian (FTSUG) between July and September 2019 and 5 new cases referred between October and December 2019. This is the same level as the 2 previous quarters, which also had a total of 9 new cases.

As explained at the July 2019 Board meeting, overall numbers of new cases also includes people who speak up on behalf of a colleague who has already or subsequently speaks up in their own right. Thus in the year April 2018 to March 2019 there were 15 individuals who spoke up and one of those individuals was supported in writing by 23 individually identifiable colleagues, thus taking the figure for that year to 38.

In the 3 quarters from April to December 2019 there have been a total of 15 new people speaking up, plus a further 3 who spoke up on behalf of a colleague who they felt had been subjected to a culture of sustained bullying.

According to The National Guardians Office the average number of cases per trust is largest amongst combined acute and community trusts (an average of 43 cases per trust reported over the year 2018/19). The QEH is a comparatively small acute trust. Thus if we assume that the average large trust is three times the QEH, then the numbers of cases at the QEH are proportionally above the 43 cases national average and significantly above if people who spoke up on behalf of a colleague is included.

It is also interesting to note that nationally the National Guardians Office reported that 3,206 (45%) cases included an element of bullying / harassment and that 2,266 (32%) cases included an element of patient safety / quality. At the QEH over the last 6 months 3 out of 9 (33%) have involved an allegation of bullying and 3 out of 9 (33%) have been primarily concerned with patient safety.

2. **Details of cases referred**

Please take into account that the detail of cases reported to the Board by the FTSUG are restricted by the individual discussions about confidentiality and anonymity with each person who has spoken up.

The most significant themes, which have emerged during the last 6 months have been:

- Concerns about patient safety, because of high workload pressures on staff, associated with staffing levels.

.

- Concerns about a high turnover of staff attributed to particular styles of management – this varies from one case to another, sometimes feels like a culture of bullying, sometimes feels like a culture of perceived favouritism.

- The need to consult with staff in a timely manner before a workplace move, associated with a well worked out plan on sequencing the move.

- How to respond to Consultants who work on a hierarchical rather than teamwork approach (please note this was reported anonymously, with the result I am still not aware which Consultant was involved, but a way of responding was identified with the individual referrer).

3. **Cases where long-term detriment occurred**

I am pleased to report that the situation with regard to two individuals who spoke up in late 2018 and suffered severe detriment as a result have both now been resolved following a process of investigation. Whilst these two completely separate instances should never have happened, both have reached a mutually agreed outcome and are still working for the Trust, whilst those who were

responsible for making arguably detrimental decisions no longer work for the Trust. The Trust is committed to avoiding any detriment in response to individuals speaking up.

4. Response to referrals about a culture of bullying

As FTSUG I have been involved with an individual, who was supported by 3 colleagues who were concerned about a culture of bullying on a ward, but those individuals wished to remain anonymous. The resolution, which has been reached following an investigation, has not been to the satisfaction of the individual. A key issue identified by the investigation was how does one take evidence submitted anonymously into account in a formal enquiry or on a formal panel of investigation.

In response to this the FTSUG is meeting with the Director of HR and the Chief Operating Officer to discuss how to initially respond to allegations of bullying, endeavour to support individuals who initially want to speak up anonymously, and then consider appropriate timely responses, which might include having difficult conversations with individuals, seeking mediation, or using investigation as a last resort. This is ongoing and will endeavour to look at such situations widely, not just one case.

5. Proposal to trial a quarterly review of FTSUG Cases

Up to now referrals received by the FTSUG have been dealt with on a case by case basis. It is generally accepted that Guardians should listen carefully and raise questions together with the referrer, pass on the issues to the appropriate Manager, Director or CEO and then offer support until the situation is resolved. Some cases are resolved in less than a week, others have taken more than a year. Most take 2-3 months.

In practice, given that it is emphatically not the role of a FTSUG to investigate cases, it can become difficult to keep track of what is happening. In some cases, the FTSUG receives regular feedback from either the person who has spoken up or the person to whom the problems have been referred. In other cases, feedback can be quite piecemeal and difficult to keep track of. This also raises issue of consistency of response.

It has therefore been agreed to trial having a quarterly review meeting of relevant Directors, together with the CEO and the Non-Executive Director lead for Speak Up, in order to discuss issues raised, progress made and outcomes, thereby seeking some consistency and evaluation of what has been achieved and equally what has not. The first meeting is scheduled for March 2020.

6. Other FTSUG updates

Merging of Whistleblowing and Speak Up Policies – in line with national best practice, we are in the process of merging these two policies, with a view to having a single Speaking Up Policy by mid-February.

A refreshed communications campaign is being developed to encourage staff to speak up and share feedback and concerns and to set out the ways in which colleagues can do so: including via line managers, Divisional Leadership Teams, listening events, QEH whistleblowing helpline and Executive Team. The publication of the 2019 staff survey results (mid-February 2020) presents a further opportunity for communicating these messages across the organisation.

Exploring the recruitment of FTSU champions across QEH.

NHS Improvement/England acting as a critical friend to support improvements to our Speak Up programme of work (and focus on culture).

In 2019 cover for the FTSUG, for example when on leave, was provided by Amanda Ashton, in her capacity of Non-Executive Director. It has recently been agreed that Laura Skaife-Knight, Deputy Chief Executive, will provide cover. That gives individuals who speak up the choice of waiting for the return to work of the independent FTSUG or discussing an issue with the Deputy CEO, taking on all

aspects of the role of FTSUG, including, of course, confidentiality. This revised cover arrangement commenced January 2020.

7. Update on contacts made to the QEH (internal) whistleblowing helpline and to HR

There has been 1 contact via the internal whistleblowing helpline between November and December 2019. This was concerning the suspicion of money going missing, which had been paid into a ward for a patient's replacement hearing aid. The patient was given a receipt but there was no money to bank. The caller wanted the matter investigated independently and sought guidance on the correct protocol. The caller was referred to the Local Counter Fraud Office.

There have been no cases raised with the HR Department.