The Queen Elizabeth Hospital NHS
King's Lynn
NHS Foundation Trust

REPORT TO THE BOARD OF DIRECTORS (IN PUBLIC)

RESPONSIBLE DIRECTOR:	REPORT FOR:		IMPACT ON BUSINESS:		
Dorothy Hosein, CEO	Decision	✓	High	Med	Low
	Discussion	✓		✓	
	Information				
LEAD MANAGER:	**REPORT TYPE:**		**BAF REFERENCES & RAG:**		
Gill Rejzl, Trust Secretary	Strategic		Risk 5		
	Operational	✓			
	Governance	✓	**RELATED WORK: (PREVIOUS PAPERS TO COMMITTEE)**		
PEER ASSIST:	**PEER REVIEW:**				
Dominic Chessum, Whistleblowing Helpline			Whistleblowing Policy approved by Board – December 2016		
CQC Domain: (safe, caring, effective, responsive, well-led)	Well-led				

Meeting Date: **27 September 2016**

Report Title: **Whistleblowing and the Freedom to Speak-up Guardian**

PURPOSE:

To align Trust policy and practice with national regulatory guidance.

SUMMARY:

The development of a 'standard integrated policy' was one of a number of recommendations of the review by Sir Robert Francis into whistleblowing in the NHS, aimed at improving the experience of whistleblowing in the NHS. This standard policy was published by NHS Improvement and NHS England in April 2016.

A further recommendation, which is encapsulated in the standard policy is the appointment of both national and local Freedom to Speak-up Guardians.

This report facilitates the Trust's compliance with regulatory guidance in this respect.

RISK ASSESSMENT (CROSS-REFERENCE WITH RISK REGISTER WHERE APPROPRIATE):

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

RECOMMENDATION/S:

The Board is invited to:

- Approve the revised Trust Raising Concerns / Whistleblowing Policy
- Consider the appointment of its local Freedom to Speak-up Guardian

Report

1. Freedom to Speak-up: (whistleblowing) policy for the NHS

The development of a 'standard integrated policy' was one of a number of recommendations of the review by Sir Robert Francis into whistleblowing in the NHS, aimed at improving the experience of whistleblowing in the NHS. This standard policy was published by NHS Improvement and NHS England in April 2016 after a period of consultation.

Link: https://improvement.nhs.uk/uploads/documents/whistleblowing_policy_30march.pdf

There is an expectation that this policy will be adopted by all NHS organisations in England as a minimum standard to help to normalise the raising of concerns for the benefit of all patients.

The Trust reviewed its 'Raising Concerns / Whistleblowing Policy' in December 2016 and officers have now aligned the Trust's policy with the standard, 'Freedom to Speak-up: (whistleblowing) policy for the NHS'. The Trust's draft revised policy is recommended for approval. The revised policy includes reference to the role of a local Freedom to Speak-up Guardian.

2. The appointment of a local Freedom to Speak-up Guardian

The appointment of the National Guardian for the NHS and local Freedom to Speak-up (FTSU) Guardians, was recommended by Sir Robert Francis following his review into the failings at Mid-Staffordshire and subsequent report. In July 2015, the Secretary of State confirmed the steps that need to be taken to develop a culture of safety, including the appointment of a national guardian and a local guardian in every trust by 01 October 2016.

FTSU guardians have a key role in helping to raise the profile of raising concerns in their organisation and provide confidential advice and support to staff in relation to concerns they have about patient safety and/or the way their concern has been handled. They do not have a remit to assist staff who are employed outside their trust.

Guardians do not get involved in investigations or complaints, but help to facilitate the process where needed, ensuring organisational policies in relation to raising concerns are followed correctly. Guardians typically report to the trust chief executive. The National Guardian Office role description for the FTSU Guardian is attached at **Appendix A**.

Many organisations have already appointed their FTSU Guardians and appointments have been made from a wide range of disciplines, including: Clinical, Nursing, HR, Union, Corporate, Governance and some NEDs.

The Board is invited to consider the appointment of its Freedom to Speak-up Guardian:

- Does the Trust wish to adopt or amend the National Guardian Office role specification?
- Process for appointment?
- Terms and Conditions?

The recommended way forward is for the Local Freedom to Speak-up Guardian is:

- Appointed for 4 days per month (with some flexibility in respect of time and days worked)
- Remuneration / honorarium in line with Non-Executive Director (NED) remuneration
- An open external recruitment process, similar to that conducted for NED appointments is conducted in order to identify a high calibre appointee with appropriate skills, attributes and experience

3. Timing

The deadline for the appointment of a local Freedom to Speak-up Guardian is October 2016. The role and remit from the National Guardian Office, (Appendix A) will support the Trust in its current work to develop improved mechanisms for engaging with staff on both their positive experiences of working for the Trust and their concerns. (Staff Forum - **Appendix B**)

4. Recommendations

The Board is invited to:

- Approve the revised Trust 'Raising Concerns / Whistleblowing Policy'
- Consider the process for the appointment of its local Freedom to Speak-up Guardian

  The recommended way forward is for the Local Freedom to Speak-up Guardian is:

  - Appointed for 4 days per month (with some flexibility in respect of time and days worked)
  - Remuneration / honorarium in line with Non-Executive Director (NED) remuneration
  - An open recruitment process, similar to that conducted for NED appointments is conducted in order to identify a high calibre appointee with appropriate skills, attributes and experience

Appendix A

Role specification for the Freedom to Speak-up Guardian ***(National Guardian Office Document)***

Acting in a genuinely independent capacity, the Freedom to Speak-up Guardian will be appointed by the Board, working alongside them and members of the executive team to help support the organisation to become a more open, transparent place to work.

In particular the Freedom to Speak-up Guardian will:

- Work with the chief executive and Board to help create an open culture which is based on listening and learning and not blaming.
- Develop, alongside the Board, chief executive and executive team a range of mechanisms, in addition to the formal processes, which empower and encourage staff to Speak-up safely.
- Ensure that staff with disabilities and those from black and other minority ethnic backgrounds are encouraged to speak out and are not disadvantaged by doing so.
- Participate in the organisation's educational programme for all staff so that they understand how they can raise concerns and for managers about how they respond to concerns and supporting the member of staff appropriately.
- Be entirely independent of the executive team, so they are able to challenge senior members of staff, reporting to the Board or externally as required.
- Be a highly visible individual, who spends the majority of their time with 'front line' staff, providing expertise in developing a safe culture which supports and encourages staff to Speak-up using the local procedures and if necessary advising them on how to raise concerns, including externally.
- Act in an independent and impartial capacity, listening to staff and supporting them to raise concerns they may have by using the available structures and policies, both within the organisation and outside.
- Independently review any complaints from members of staff about the way they have been treated as a result of raising a concern and report back to the individual and, with their agreement, to their manager, the chief executive and the director of human resources *(… Head of Workforce at the QE).*
- Ensure members of staff who Speak-up are treated fairly through the investigation, inquiry and or review and that there is effective and open communication during this time.
- Ensure that information about those who Speak-up is kept confidential at all times, subject to requirements around safeguarding and illegality.
- Meet quarterly with the chief executive to feedback themes from the concerns raised and to share positive and negative experiences and outcomes.
- Report at least every six months to the Board and the organisation as a whole.
- Participate in the national network for the guardians, sharing and helping to develop excellent practice in supporting members of staff who Speak-up.

Those appointed as Freedom to Speak-up Guardian should have these characteristics:

- Understand the trust, its values and key priorities and challenges.
- Have a track record of supporting and listening to staff and in demonstrating the values of the trust and the NHS constitution in their daily working lives.
- Be able to facilitate a conversation between members of staff and their managers.
- Have a good understanding of how to raise concerns and the barriers that can exist for those who Speak-up.
- Be an approachable, trusted, non-judgemental individual, who is comfortable with talking with 'front line' staff from all disciplines and all grades and can build a rapport which demonstrates compassion and understanding.

- Have the ability to set boundaries, be concise, synthesise and present information and be able to write reports for the chief executive and the Board.
- Have an understanding of mediation and managing confidential matters; this includes an understanding of managing and keeping confidential records of cases.
- Be responsive and resilient.
- Have an ability to work with a range of stakeholders, especially those responsible for patient safety and patient and staff experience, to ensure that lessons are learnt, themes identified and necessary changes are made.
- Confident in speaking at internal and external events.

March 2016