



MEETING TITLE Trust Board Meeting		MEETING DATE 24/05/2018	
TITLE of PAPER		Freedom to Speak Up – 2017/18 review	PAPER REF 4.2
STRATEGIC OBJECTIVE(S)		Develop and retain a highly skilled, engaged and motivated workforce Provide a safe and caring service which demonstrates an efficient use of resources	
PURPOSE OF THE PAPER		To provide a six monthly update on FTSU activity to the Trust Board.	
For Approval		<input type="checkbox"/>	For Assurance <input checked="" type="checkbox"/>
For Decision		<input type="checkbox"/>	Discussion/Information <input checked="" type="checkbox"/>
AUTHOR / LEAD	Jock Crawford (Freedom to Speak Up Guardian)	ACCOUNTABLE DIRECTOR	Steve Page (Executive Director of Quality, Governance & Performance Assurance)
DISCUSSED AT / INFORMED BY – Reviews throughout the year at Trust Management Group Monthly meetings with the FTSU Guardian, the Head of Investigations & Learning and members of the Executive Team including the CEO.			
PREVIOUSLY AGREED AT:		Committee/Group: Not Applicable	Date: Click to enter date
RECOMMENDATION(S)		It is recommended that the Trust Board notes the contents of this report and receives assurance on the actions taken and support proposals for further development and embedding of FTSU across the organisation.	
RISK ASSESSMENT			Yes No
Corporate Risk Register and/or Board Assurance Framework amended <i>If 'Yes' – expand in Section 4. / attached paper</i>			<input type="checkbox"/> <input checked="" type="checkbox"/>
Resource Implications (Financial, Workforce, other - specify) <i>If 'Yes' – expand in Section 2. / attached paper</i>			<input type="checkbox"/> <input checked="" type="checkbox"/>
Legal implications/Regulatory requirements <i>If 'Yes' – expand in Section 2. / attached paper</i>			<input checked="" type="checkbox"/> <input type="checkbox"/>
Diversity and Inclusion Implications <i>If 'Yes' – please attach to the back of this paper</i>			<input type="checkbox"/> <input checked="" type="checkbox"/>
ASSURANCE/COMPLIANCE			
Care Quality Commission Choose a DOMAIN(s)		5: Well led 1: Safe	
NHSI Single Oversight Framework Choose a THEME(s)		6. Leadership & Improvement Capability (Well-Led)	

1. PURPOSE/AIM

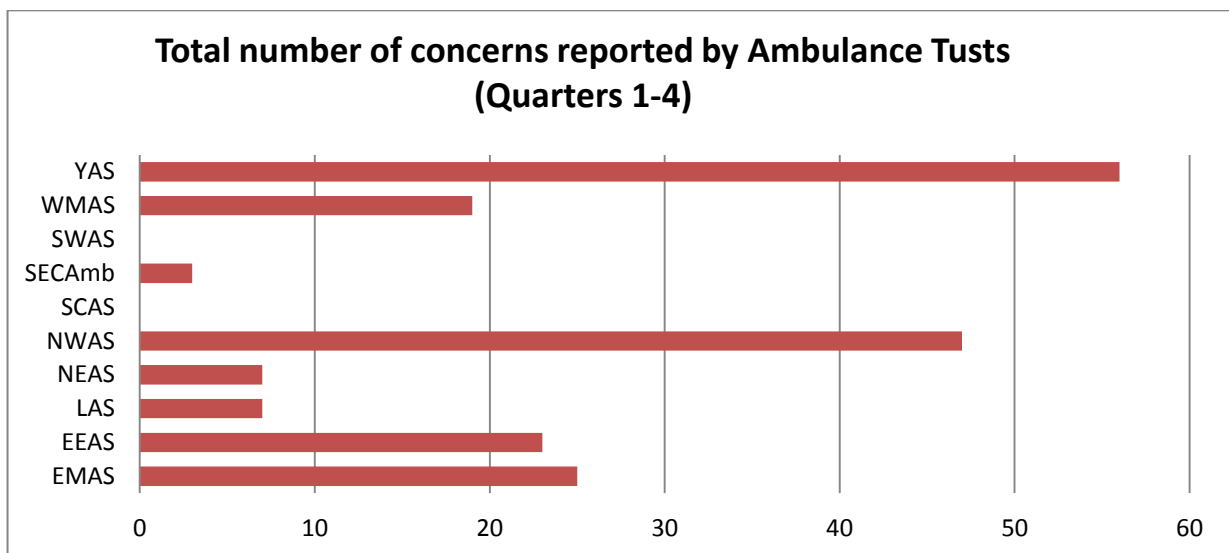
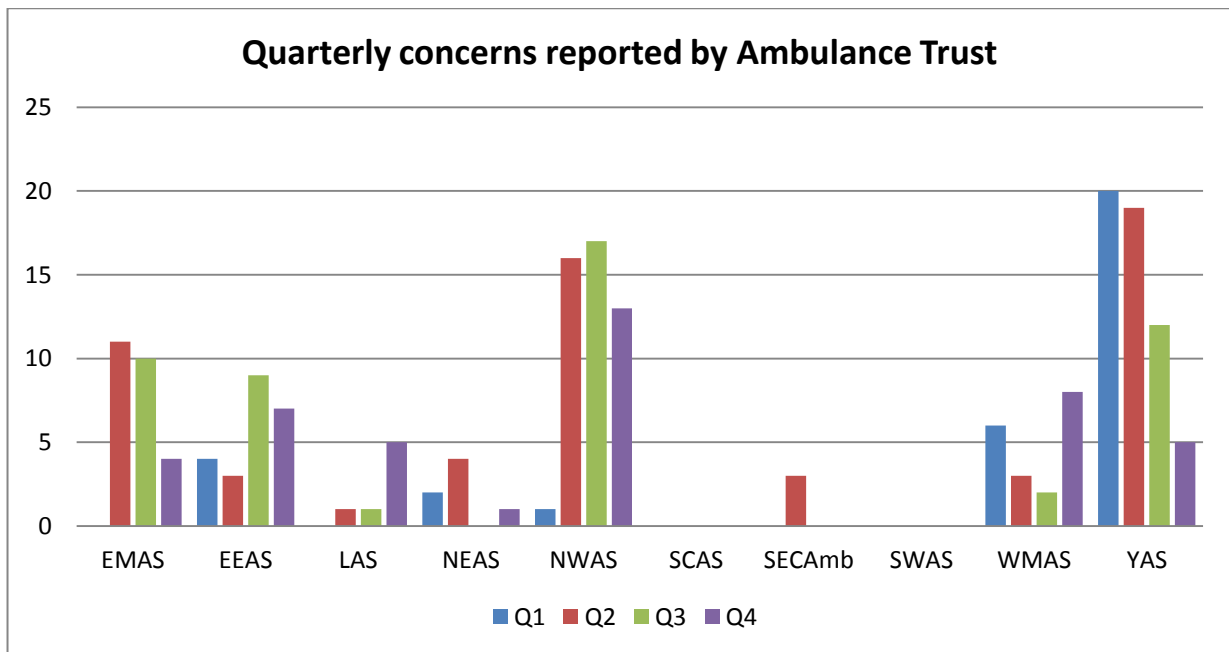
- 1.1 The purpose of this paper is to provide the Trust Board with a six monthly update on Freedom to Speak Up (FTSU) activity.

2. BACKGROUND/CONTEXT

- 2.1 “Freedom to Speak Up: An independent review into creating an open and honest reporting culture in the NHS” (Francis) was published in February 2015. The aim of the review was to provide advice and recommendations to ensure that NHS staff feel it is safe to raise concerns, confident that they will be listened to and the concerns will be acted upon.
- 2.2 Yorkshire Ambulance Service (YAS) NHS Trust was quick to implement the recommendations set out in the Freedom to Speak Up Review resulting in the ‘Raising Concerns at Work’ policy being revised, amended and implemented in June 2016. The policy and accompanying Standard Operating Procedure (SOP) was also retitled to reflect the recommended Freedom to Speak Up terminology and approach. The FTSU Guardian was seconded for two years in June 2016 and ten FTSU Advocates were appointed to support the Guardian in this role.

3. CONCERNS RAISED

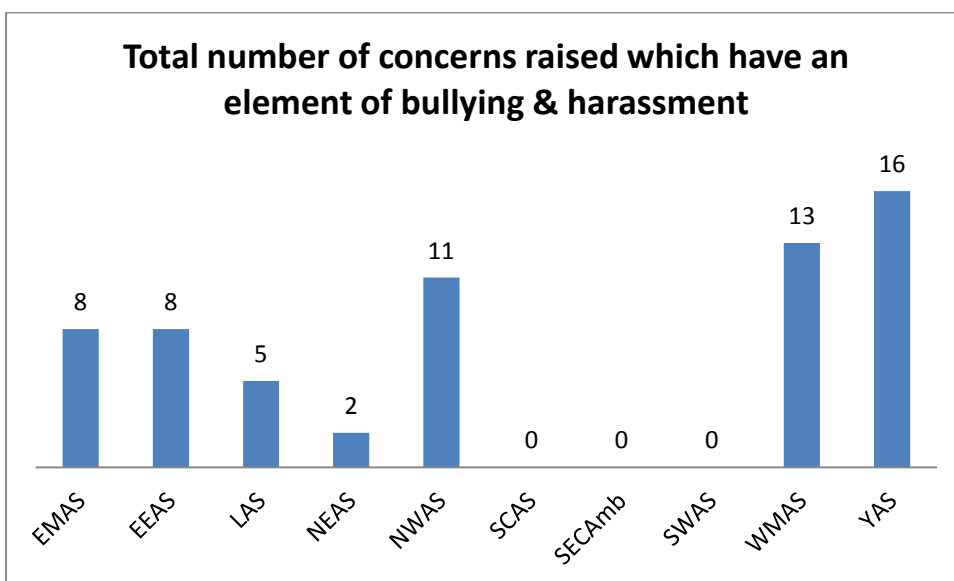
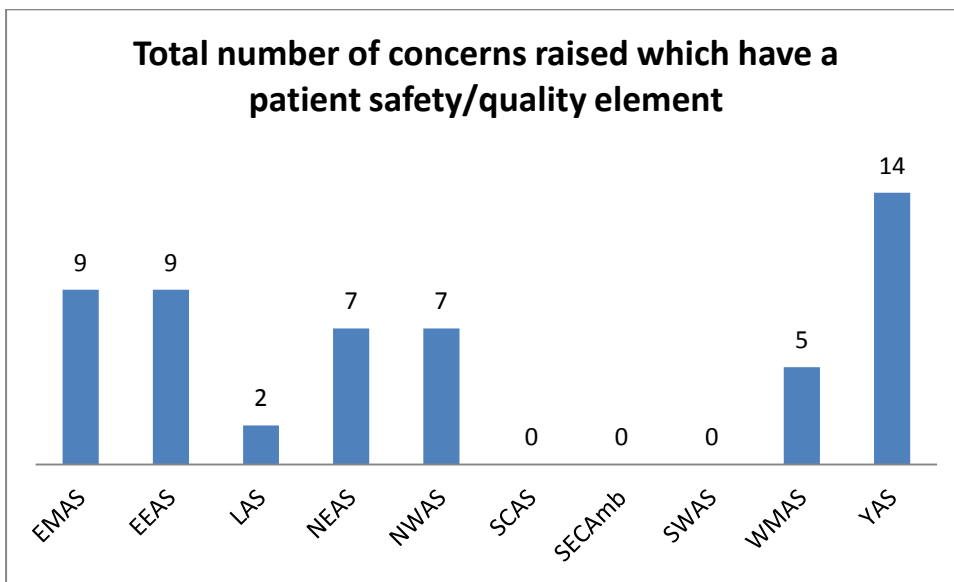
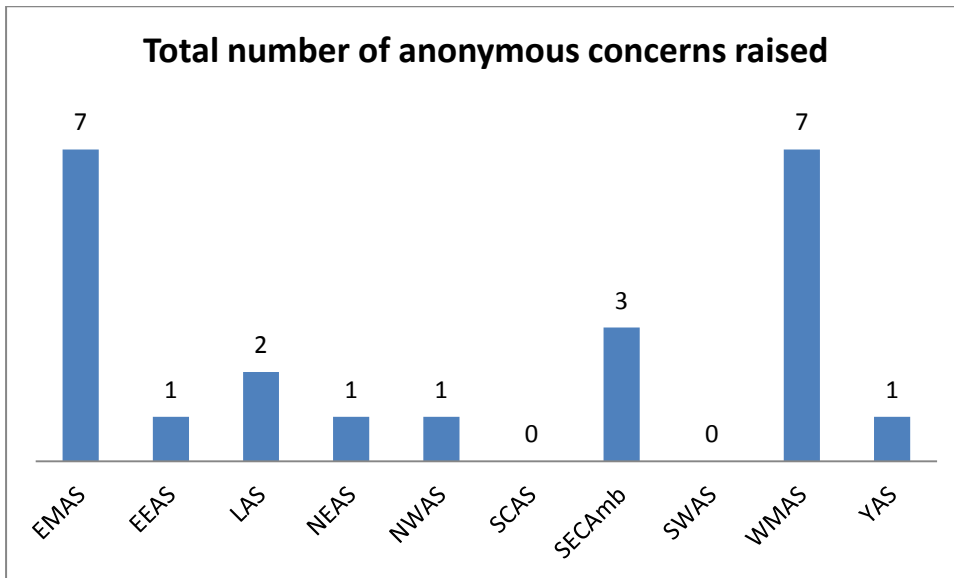
- 3.1 All NHS Trusts were required to submit their final Quarter 4 data (01 Jan – 31 Mar) in April 2018. This concluded the first year in which the National Guardian’s Office (NGO) attempted to collect FTSU concerns data from all NHS Trusts. While the charts below provide members an opportunity to compare YAS FTSU activity with other ambulance Trusts in England, it should be noted that some of these Trusts have yet to fully implement their FTSU strategy while others established their strategy part way through the reporting period. As a result some ambulance Trusts have submitted limited or no-data.
- 3.2 There is always a difference of opinion around what an open, engaging and transparent Trust would look like in respect to FTSU concerns. Some argue that a high number of concerns reported suggest an open and engaging workforce who are not afraid to report issues or concerns while a contrasting viewpoint argues that a low number of concerns reported indicates a ‘safe’ organisation. Irrespective of these two contrasting viewpoints there is a general consensus that all Trusts will generate some FTSU concerns even in small numbers and those who are reporting zero or “no data” may need to revisit their FTSU strategy. A better opportunity to compare like for like data will present itself towards the end of the second year of FTSU data collection. (March 2019).
- 3.3 The two charts below indicate the number of FTSU concerns reported by quarter and in total from April 2017 – March 2018.

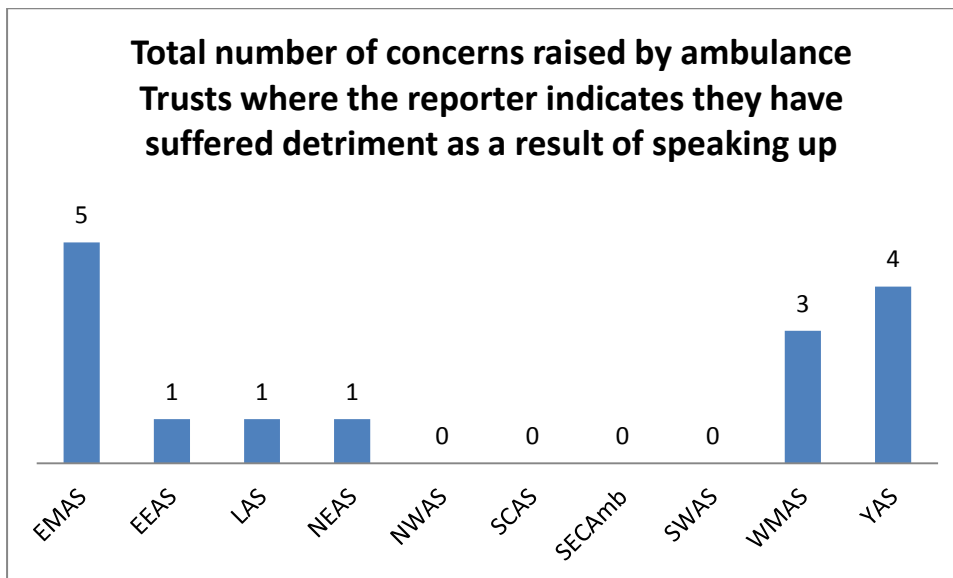


3.4 The NGO also requests data on the number of concerns:

- Reported anonymously
- Which are believed to have an element of patient safety/quality
- Which are believed to have an element of bullying & harassment
- Where the reporter believes they are suffering detriment as a result of speaking up

The following charts indicate the responses from the ten ambulance trusts over the twelve month reporting period in relation to the NGO requirements above.





- 3.5 The YAS FTSU Guardian acknowledges the decline in concerns being reported through FTSU over the past 12 months. Whether this decline is as a result of a reduction in staff engagement by the FTSU Guardian and Advocates, a better understanding of the FTSU policy and process or simply an indication of a more content workforce is unclear. Nevertheless, a FTSU awareness week is planned for 28th May – 3rd June 2018.
- 3.6 To improve the rigour of the FTSU process a concern tracker document has recently been developed. This tracker forms the basis for discussions at a fortnightly concern review meeting attended by the Chief Executive, the Executive Director for Quality, Governance & Performance Assurance, the Director for Workforce and Organisational Development, the Head of Investigation and Learning and the FTSU Guardian. It is believed that establishing a concern review group of this seniority will ensure that any barriers or issues experienced by the FTSU Guardian can be addressed appropriately. Moreover, this approach ensures senior leaders have greater visibility and understanding of the concerns being raised through FTSU.
- 3.7 Ensuring that vulnerable groups feel supported to raise concerns is one of the key principles of Freedom to Speak Up. Raising FTSU awareness in Student Paramedics is being addressed by the Guardian presenting a tailored session at Sheffield Hallam, Teesside and Bradford Universities. Support for the LGBT community is also being addressed through FTSU attendance at planned local and national events in addition to having FTSU listed as a support option on the LGBT website (<https://www.ambulancelgbt.org/resources/supporting-our-staff/>). The FTSU guardian is also afforded opportunities to present to the BME forum. Engaging with Community First Responders (CFRs) has proved challenging however the principles of FTSU has been covered in two recent CFR Continual Professional Development (CPD) events with more planned in the coming months.
- 3.8 Since the last board report submitted in November 2017 there have been a total of fourteen concerns logged on the FTSU database. As before, the majority of concerns originate from A&E Operations (6 concerns) with the remaining concerns spread across 111 (2), EOC (2), PTS (1), Estates (1) and Corporate (2) functions.

- 3.9 Of the fourteen concerns raised 'No Further Action' was taken on two of the concerns due to a lack of information provided by the reporter and reluctance to communicate further. Six concerns were 'Signposted' to an alternative pathway or process to be managed; these include Trade Unions, HR and Line Manager engagement. Two concerns relate to two previously reported areas of concern where work is already underway to better understand the issues involved. The four remaining concerns have been allocated to managers within the trust to progress two, if which have now concluded their investigation.
- 3.10 It is important that Trusts learn from those concerns which staff raise through the FTSU process. As FTSU continues to embed itself as business as usual at YAS the influence it is having in changes to working practices, policy and culture is starting to emerge. One example of learning through FTSU is where a process used to identify individuals who pose a risk to our workforce was reviewed and a number of improvements to the process implemented. In addition, a working group has also been established to explore how the Trust can better support those staff members who have been victims of assault from patients or other members of the public.

4. PROPOSALS/NEXT STEPS

- 4.1 On the 3rd January 2018 NHS England published the National Variation to the terms and conditions of the NHS standard contract, which includes the need for NHS providers to comply with the requirements of the National Guardians Office, specifically:

With effect from 1 February 2018, General Condition 5.8 is deleted and replaced by the following:

5.8 The Provider must

- 5.8.1 appoint one or more Freedom To Speak Up Guardians to fulfil the role set out in and otherwise comply with the requirements of National Guardian's Office Guidance;*
- 5.8.2 ensure that the Co-ordinating Commissioner is kept informed at all times of the person or persons holding this position;*
- 5.8.3 have in place, promote and operate (and must ensure that all Sub-Contractors have in place, promote and operate) a policy and effective procedures, in accordance with Raising Concerns Policy for the NHS, to ensure that Staff have appropriate means through which they may raise any concerns they may have in relation to the Services; and*
- 5.8.4 ensure that nothing in any contract of employment or contract for services or any other agreement entered into by it or any Sub-Contractor with any member of Staff will prevent or inhibit, or purport to prevent or inhibit, the making of any protected disclosure (as defined in section 43A of the Employment Rights Act 1996) by that member of Staff nor affect the rights of that member of Staff under that Act in relation to protected disclosures.*

and the definitions in the General Conditions are varied to include the following additional definitions:

National Guardian's Office the office of the National Guardian, which provides advice on the freedom to speak up guardian role and supports the freedom to speak up guardian network:

<http://www.cqc.org.uk/national-guardians-office/content/national-guardians-office>

National Guardian's Office Guidance the example job description for a freedom to speak up guardian and other guidance published by the National Guardian's Office, available at <http://www.cqc.org.uk/national-guardians-office/content/publications>

Raising Concerns Policy for the NHS the model whistleblowing policy for NHS organisations, published by NHS Improvement and NHS England, available at <https://improvement.nhs.uk/resources/freedom-to-speak-up-whistleblowing-policy-for-the-nhs/>

and the Governance and Regulatory section on page 11 of the Particulars is amended to read:

Provider's Freedom To Speak Up Guardian(s)

- 4.2 In May 2018 the NGO published "Guidance for boards on Freedom to Speak Up in NHS trusts and foundation trusts". The guide sets out expectations of boards in relation to FTSU. A self-review tool accompanies the guide allowing trusts to benchmark themselves against the NGO expectations. The guidance document accompanies this paper (Annex A) while the self-review tool can be accessed: <https://improvement.nhs.uk/resources/freedom-speak-guidance-nhs-trust-and-nhs-foundation-trust-boards/>
- 4.3 Work is currently underway to ensure compliance with the requirements set out in the National Variation to the terms and conditions of the NHS standard contract (para 4.1 above) and the expectations set out in the "Guidance for boards..." document (para 4.2 above).
- 4.4 On the 31st July 2018 the National Guardian Dr. Henrietta Hughes will visit YAS. The Trust is also hosting the National Ambulance Network for FTSU Guardians that day and provides an excellent opportunity for Dr. Hughes to gain a better understanding of the challenges ambulance Trusts face in delivering FTSU. The YAS Corporate Communications team have been informed of these events.

5. RISK ASSESSMENT

- 5.1 No risks identified at the current stage in the process that requires addition onto the risk register.

6. RECOMMENDATIONS

- 6.1 It is recommended that the Trust Board notes the contents of this report and receives assurance on the actions taken and support proposals for further development and embedding of FTSU across the organisation.

7. APPENDICES / BACKGROUND INFORMATION

- 7.1 Appendix 1 – Guidance for boards on Freedom to Speak Up in NHS trusts and foundation trusts: National Guardian’s Office May 2018