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Bwrdd Iechyd Prifysgol
Abertawe Bro Morgannwg
University Health Board



Meeting Date	16 th August 2018	Agenda Item	2e.
Report Title	Raising Concerns in ABMU – ‘Freedom to Speak Up’ Guardians		
Report Author	Sian Morgan, Values Project Officer		
Report Sponsor	Hazel Robinson, Director of Workforce and OD		
Presented by	Kay Myatt, Head of Learning & Development		
Freedom of Information	Open		
Purpose of the Report	<p>To outline findings and recommendations from research into the Freedom to Speak Up Whistleblowing policy and protocols including guardian/ champion/ advocate roles launched for NHS England, following the “Freedom to speak up” review into whistleblowing in the NHS by Sir Robert Francis in 2015.</p> <p>It also sets out the actions required, benefits and implications of adopting the Freedom to Speak Up concept within ABMU Health Board.</p>		
Key Issues	<p>There is significant research which confirms that a positive staff experience in Health Care links to positive outcomes and experience for our patients. Staff being able to raise concerns in a confidential and safe way is an important part of enabling staff to feel happy and engaged in work and will help us to keep improving our services to patients and the working environment for our staff.</p> <p>The “Freedom to speak up” Francis review (2015) into whistleblowing in the NHS set out 20 principles and actions to enable NHS staff to speak up freely at work, without fear of detriment, and to ensure that staff concerns are responded to appropriately. These principles are designed to create a safer and more effective service for everyone.</p> <p>A ‘standard integrated policy’ was one of a number of recommendations made. It was subsequently expected that all NHS organisations in England were to adopt this policy as a minimum standard to help to normalise the raising of concerns for the benefit of both staff and patients. The national policy and the case reviews undertaken by the National Guardian’s Office are currently only applicable across Trusts in England. They have a directory of over 500 individuals representing a powerful</p>		

	<p>social movement and the Freedom to Speak Up concept could soon be introduced/mandated in NHS Wales, particularly on the back of this year's NHS Wales Staff Survey.</p> <p>There are a number of benefits to both staff and patients from introducing the concept, however there are also a number of challenges and investment will need to be made into the infrastructure, the roles (guardian and champions), training, support and wellbeing, should a decision be taken to introduce it.</p>			
Specific Action Required <i>(please ✓ one only)</i>	Information	Discussion	Assurance	Approval
		✓		
Recommendations	<p>It is recommended that the Health Board Workforce & OD Committee:</p> <ul style="list-style-type: none"> • Note the report and consider both the benefits, challenges/risks and costs in implementing the Freedom to Speak Up concept within ABMU • Provide feedback as to whether the timing is right to invest in and implement the concept, considering the potential for a national campaign in NHS Wales and the research currently underway to evaluate the implementation of the role of 'Freedom to Speak Up Guardians' in the NHS in England. 			

RAISING CONCERNS IN ABMU – ‘FREEDOM TO SPEAK UP’ GUARDIANS

1. INTRODUCTION

This report is to outline findings and recommendations to the Workforce & OD Committee from research into the Freedom to Speak Up Whistleblowing policy and protocols including guardian/ champion/ advocate roles launched for NHS England, following the “Freedom to speak up” review into whistleblowing in the NHS by Sir Robert Francis in 2015.

It also sets out the actions required, benefits and implications of adopting the Freedom to Speak Up concept within ABMU Health Board, in order to address the concerns staff have raised in speaking out when information on existing processes, such as Raising Concerns and completing the Staff Survey have been communicated.

2. BACKGROUND

There is significant research which confirms that a positive staff experience in Health Care links to positive outcomes and experience for our patients. Staff being able to raise concerns in a confidential and safe way is an important part of enabling staff to feel happy and engaged in work and will help us to keep improving our services to patients and the working environment for our staff.

The “Freedom to speak up” Francis review (2015) into whistleblowing in the NHS set out 20 principles and actions to enable NHS staff to speak up freely at work, without fear of detriment, and to ensure that staff concerns are responded to appropriately. These principles are designed to create a safer and more effective service for everyone.

A ‘standard integrated policy’ was one of a number of recommendations made. Aimed at improving the process of ‘whistleblowing’ in the NHS, the policy sets out the actions staff can take to raise any concerns and importantly, the actions that will be taken. Also contained within the Freedom to Speak Up report, was a recommendation for the creation of an Independent National Guardian and Freedom to Speak Up guardians within Trusts and foundation Trusts in England.

It was subsequently expected that all NHS organisations in England were to adopt this policy as a minimum standard to help to normalise the raising of concerns for the benefit of both staff and patients. In October 2016, Dr Henrietta Hughes was appointed as National Guardian for the NHS by the National Guardian’s Office (an independent body sponsored equally by the Care Quality Commission, NHS Improvement and NHS England with a remit to lead cultural change in the NHS, so that speaking up becomes business as usual). NHS England and NHS Improvement also published a single national integrated whistleblowing policy along with stakeholder responses following a period of consultation late last year.

NHS organisations across England have since been responsible for implementing the policy and have developed their own network of Freedom to Speak Up Guardians and champions/advocate roles locally within their Trusts to support lead culture change. Dr Hughes and her office provide advice, guidance and training for the newly created national network of guardians. The office has also started a case review process to audit best practice in line with the national policy and address where protocol has not been followed

by organisations. In 2017, the results of the previous 12 months collated by the National Guardian's Office demonstrated that:

- 6,768 cases have been raised to Freedom to Speak Up Guardians (1,259 anonymously)
- 2,163 of these cases included an element of patient safety / quality of care
- 3,069 included elements of bullying and harassment
- 356 related to incidents where the person speaking up may have suffered some form of detriment

The national policy and the case reviews undertaken by the National Guardian's Office are currently only applicable across Trusts in England. They have a directory of over 500 individuals representing a powerful social movement and the Freedom to Speak Up concept could soon be introduced/mandated in NHS Wales, particularly on the back of this year's NHS Wales Staff Survey. The Freedom to speak up: raising concerns (whistleblowing) policy for NHS England (April 2016) is attached for information in Appendix 1.

Researchers from Cardiff University School of Healthcare Sciences have been awarded a National Institute of Health Research grant to evaluate the implementation of the role of 'Freedom to Speak Up Guardians' in the NHS in England. The project runs for 27 months from May 1st 2018. Key areas that will be addressed by researchers will include looking at differences in how the Freedom to Speak Up Guardian role has been implemented across organisations and whether the Guardians have helped to normalise a culture of speaking up by staff, including better organisational responses to concerns and ensuring staff who do speak-up are not victimised.

2.1 Freedom to Speak Up Guardian Role

The role of a Freedom to Speak Up Guardian is to operate independently, impartially and objectively, whilst working in partnership with individuals and groups throughout their organisation, including their Senior Leadership team, Executive Team or Board depending on how this concept is implemented by the organisation.

Within University Hospitals Bristol NHS Foundation Trust, the Freedom to Speak up Guardian works closely with the Senior Independent Director and the Director of People;

- Acting in an independent capacity and provide support and supervision to the Advocates (as required);
- Attending the nationally agreed network and bring best practice and learning back into the organisation;
- Being accountable for bringing regular reports on concerns raised for the Board of Directors and appropriate formal sub committees to consider; and
- Leading on the creation of the material to share with the wider organisation.

The Staff Advocates/champions roles are:

- Advising employees of the options available to them, relevant Trust policies and who to contact
- Offering support and advice to those who want to raise concerns
- Being an FTSU ambassador, raising awareness amongst staff
- Encouraging staff to raise concerns at the earliest opportunity

- Instilling confidence that concerns will be listened to and addressed
- Helping ensure the voice of staff is heard at a senior level
- When receiving information that has legal implications for the Trust, or implications in line with professional codes reporting the outcome in a timely manner to a senior line manager
- Attendance at a quarterly forum led by the Trust Lead Guardian.

The Guardian role is not only innovative within the UK, but has been identified as one of a kind internationally.

2.4 Freedom to Speak Up in ABMU - Benefits

A Freedom to Speak Up Campaign with Guardian and Advocate/Champion roles could be beneficial for ABMU Staff and Patients, however the language may need reviewing to fit with our values and the culture that we are looking to develop. It is also worth bearing in mind that we already have our own 'Staff – Raising Concerns' process that staff will already be familiar with and could build on this to enhance processes in line with the numerous case studies and wealth of information available from NHS England.

Introducing the concept would also help demonstrate to staff that we are listening to their feedback on the NHS Staff Survey (2016) Medical Engagement Scale (2016) and 'In Our Shoes' 2017 Survey, the current NHS Wales Staff Survey and comments on the intranet. It would support the goals set out in our Staff Experience Strategy, developed in collaboration with staff and due for review in line with the outcomes of the 2018 national Staff Survey:

- Goal 1: Ensuring every role counts through clear goal and purpose
- Goal 2: Listening to our staff and enabling involvement in decision making
- Goal 3: Valuing and appreciating each other
- Goal 4: Delivering great leadership, management and team work
- Goal 5: Promoting healthy workplaces and wellbeing services initiatives

We have been offered access to all of the resources developed for the Freedom to Speak Up campaigns at the NHS University Hospitals Bristol and Blackpool Teaching Hospitals, and so have the advantage of being able to learn from best practice and from previous mistakes made. A number of links to case reviews into speaking up processes, policies and culture undertaken by The National Guardian's Office have been attached for information within the table of appendices.

Within many Trusts in England, guardians work closely with health and wellbeing coordinators and occupational health services to engage with wellbeing support, to support staff engagement and healthy workforce cultures that underpin speak-up processes. Similarities have been identified in the Wellbeing Champion roles within ABMU and that of Freedom to Speak Up Champions/Advocates and could be a resource to tap into for the roll-out of the concept. However, it should be noted that any member of Staff at any level can become a Wellbeing Champion and care should be taken if reviewing this role for Raising Concerns, to ensure they are fully trained, supported and that their wellbeing is looked after.

We currently have approximately 250 Wellbeing Champions in place across the Health Board, although those based at Bridgend sites may be lost following boundary change and transition to Cwm Taff Health Board.

Introducing the concept could create savings if the campaign proves to reduce staff sickness levels, grievances and resultant legal costs and increase staff moral and engagement, providing more productivity and better patient experience from being supported when raising concerns.

2.5 Freedom to Speak Up in ABMU - Challenges

The introduction of Freedom to Speak Up within Trusts and Foundation Trusts in England has not been without difficulties. Support has, in the main, been positive, but concerns have been raised about the guardian, advocate and ambassador roles and processes, with critique centring on who may be perceived as best suited, skilled or experienced to provide guardianship along with the capacity to undertake the role. The Freedom to Speak Up Guardian within Blackpool Teaching Hospitals NHS Foundation Trust was initially undertaken by Dr Nick Harper who is a Consultant Anaesthetist, but due to the demands and time of the Guardian role impacting on his expertise, a specific post was later created for a Freedom to Speak Up Guardian to manage the whole campaign. A copy of the Job Description is attached in Appendix 2.

Other implications of introducing the concept into our organisation and encouraging staff to raise their concerns will be the potential for a significant rise in the amount of concerns raised and the ability to respond / manage them appropriately and in a timely manner (Blackpool Teaching Hospitals advised that concerns raised by staff are steadily increasing. The Trust have received 80 concerns since September 2017; only 2 of which resulted in formal investigations).

Such a rise in concerns within ABMU may considerably increase demand on our Workforce and OD resource. Following the launch of such an initiative the organisation must be in a position to respond in a positive and timely manner to concerns raised. As such consideration needs to be given to capacity to meet these demands and the readiness of our organisation to be able to address the concerns raised.

There would be costs incurred (outlined in section 3) to implement the campaign, develop the roles and networks required and provide the legal protection required for staff raising the concerns. Measures will need to be in place at Board level to ensure that we are able to address the issues raised or this could prove worse than not having a process in place at all. Staff are continually feeding back that they want to see and experience change and action taken as a result of their feedback. This process therefore, cannot just be another method of listening to staff.

An investment will need to be made into the infrastructure, the role, training, support and wellbeing for Wellbeing Champions, should a decision be taken to introduce the concept and add this element to their existing roles. We would need to ensure they remain safe, resilient and are clear on their responsibilities. Consultation would need to be undertaken for any changes to the current role and remit of the Champions.

Research has shown that some Health Boards across Wales have processes in place to allow staff to raise concerns. It is worth considering whether this should be a concept that is nationally introduced in NHS Wales with a standardised policy and process for organisations to follow and investment in resource to accompany it. Operating

independently, may result in some risk and isolation to our appointed guardian as they won't be part of a national network or have linkage to a National Guardian, if this was the chosen option then we would need to investigate whether the Guardian was able to connect with the infrastructure in NHS England.

3. GOVERNANCE AND RISK ISSUES

Challenges and risks have been outlined in section 2.5, however should the concept be approved by ABMU for implementation and the resource be invested in, there will be the requirement to consult with staff first, particularly Wellbeing Champions and an equality impact assessment carried out before any policies and procedures are developed to identify any mitigating actions required to be taken.

4. FINANCIAL IMPLICATIONS

The following section outlines the potential investment required should ABMU decide to take forward the concept. The costs outlined vary due to the different size of the organisations, the amount of resource available and so the different size of the campaign.

Blackpool Teaching Hospitals NHS Foundation Trust (4000 Staff):

1x Freedom to Speak Up Guardian resource at Band 7 for 30 hours a week

12x Freedom to Speak Up Champions – Voluntary dedicated time to roles on top of usual job, hoping to increase to 30

£500 merchandise costs, allocated for poster printing

Champion training was delivered by Freedom to Speak Up Guardian following training in London by National Guardians Office. There is a possibility that regional trainings from National Guardians Office could deliver training sessions.

I.T costs minimal as this was set up internally.

Use of in-house training venues/meeting venues so no cost to HB.

Any associated costs in attending training and conferences run by the National Guardian's Office, including travel, accommodation and meals.

University Hospitals Bristol (8000 Staff):

£2,893.00 (including VAT) was obtained from charitable funds to order items for the Freedom to Speak Up Campaign and the campaign was launched in collaboration with Above and Beyond fundraising for Bristol city centre Hospitals. The merchandise included posters, coasters, pocket leaflets, and set up costs.

1x Freedom to Speak Up Guardian resource – Trust Secretary is allocated 2 days a week for the freedom to speak up guardian role.



19x freedom to speak up advocates across the Trust

5. RECOMMENDATIONS

It is recommended that the Health Board Workforce & OD Committee:

- **Note** the report and **consider** both the benefits, challenges/risks and costs in implementing the Freedom to Speak Up concept within ABMU
- **Provide** feedback as to whether the timing is right to invest in and implement the concept, considering the potential for a national campaign in NHS Wales and the research currently underway to evaluate the implementation of the role of 'Freedom to Speak Up Guardians' in the NHS in England.

Governance and Assurance											
Link to corporate objectives <i>(please ✓)</i>	Promoting and enabling healthier communities		Delivering excellent patient outcomes, experience and access		Demonstrating value and sustainability		Securing a fully engaged skilled workforce		Embedding effective governance and partnerships		
							✓				
Link to Health and Care Standards <i>(please ✓)</i>	Staying Healthy	Safe Care	Effective Care	Dignified Care	Timely Care	Individual Care	Staff and Resources				
							✓				
Quality, Safety and Patient Experience											
<p>There is significant research which confirms that a positive staff experience in Health Care links to positive outcomes and experience for our patients. Staff being able to raise concerns in a confidential and safe way is an important part of enabling staff to feel happy and engaged in work and will help us to keep improving our services to patients and the working environment for our staff.</p>											
Financial Implications											
<p>Based on the examples provided from Blackpool Teaching Hospital Foundation Trust and University Hospitals Bristol, the financial investment required to establish the concept (based on figures from Blackpool and Bristol) would be to £150,000 plus the time and training of approx. 250 Champions.</p>											
Legal Implications (including equality and diversity assessment)											
<p>Introducing the concept could create savings if the campaign proves to reduce staff sickness levels, grievances and resultant legal costs.</p> <p>There will be the requirement to consult with staff first, particularly Wellbeing Champions and an equality impact assessment carried out before any policies and procedures are developed to identify any mitigating actions required to be taken.</p>											
Staffing Implications											
<p>Introducing the concept has the potential for a significant rise in the amount of concerns raised and the ability to respond / manage them appropriately and in a timely manner. Capacity and resource are the key issues, identifying who would play the 'Guardian' role and the impact on our Wellbeing Champions, should it be decided to extend the role to incorporate raising concerns. We will need to invest in their training and may lose those not comfortable to undertake the role. Consideration needs to be given to the role of Unions representatives in relation to this process.</p>											
Long Term Implications (including the impact of the Well-being of Future Generations (Wales) Act 2015)											
<p>The paper impacts on the Well-being of Future Generations (Wales) Act 2015 as it will impact on the long-term culture and behaviours of the organisation and its staff now and in the future. It aims to support staff, through working together to improve staff wellbeing and improve the quality of patient care and outcomes through early intervention and nipping concerns in the bud before they escalate.</p>											

Report History	
Appendices	<p>Appendix 1 - Freedom to speak up: raising concerns (whistleblowing) policy for the NHS April 2016 https://improvement.nhs.uk/documents/27/whistleblowing_policy_final.pdf</p> <p>Appendix 2 - FTSU Guardian Job Description https://www.cqc.org.uk/sites/default/files/20180213_ngo_freedom_to_speak_up_guardian_jd_march2018_v5.pdf</p> <p>Appendix 3 - Freedom to speak up review by Sir Robert Francis (2015) https://www.gov.uk/government/publications/sir-robert-francis-freedom-to-speak-up-review</p> <p>Appendix 4 - NHS Improvements board guidance and self-review tool: https://improvement.nhs.uk/resources/freedom-speak-guidance-nhs-trust-and-nhs-foundation-trust-boards/</p> <p>Appendix 5 - National Guardian's Office Annual Report 2017:  ngo_annualreport201617.pdf</p> <p>Any enquires related to this publication should be sent to us at enquiries@nationalguardianoffice.org.uk</p> <p>Appendix 6 - NHS Employers 10 top tips for raising concerns  NHS Employers top tips raising concern:</p> <p>Health Education England videos for raising concerns: https://youtu.be/YDrJOMbHxUQ https://www.youtube.com/playlist?list=PLrVQaAxyJE3fmJyyq3vg9NNCThDT4uSUy</p> <p>"Surviving or Thriving?" Mental Health Foundation publication 2018 https://www.mentalhealth.org.uk/publications/surviving-or-thriving-state-uks-mental-health</p>