

NHS Herts Valleys Clinical Commissioning Group
Board Meeting in Public
04 June 2015

Title	Freedom to Speak Up Update Report	Agenda Item: 14
Purpose (tick one only)	Approval <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Consideration <input type="checkbox"/> Noting <input checked="" type="checkbox"/>	Information <input type="checkbox"/>
Responsible Director(s) and Job Title	Jan Norman, Director of Nursing	
Author and Job Title	Jackie Williams, Head of Quality	
Recommendations/ Action Required by the Committee	To note the Board requirements and support the work of the Organisational Development Group to realise the work plan underway.	
Classification <i>Is this report exempt from public disclosure? (ie. FOIA or DPA)</i>	No	
Impact on Patients/Carers/Public	Supports a culture of patient safety through the improvement of internal mechanism to raise concerns.	
Engagement with Stakeholders/Patient/Public	None	
Links to Strategic Objectives	<p>Objective 2 We will commission safe, high quality services that meet the needs of the population, reducing health inequalities and supporting local people to avoid ill health and stay well</p> <p>Objective 3 Work with health and social care partners to transform the delivery of care through the implementation of "Your Care, Your Future", the Strategic Review in West Hertfordshire</p>	
Board Assurance Framework <i>Does this report provide evidence of assurance for the Board Assurance Framework?</i>	1.1 "Risk of poor patient outcomes, reputational and financial damage to the CCG due to local health economy capacity and flow issues" 2.1 "A failure to provide quality of care at West Herts Hospital Trust due to an inadequate governance structure, weak management systems and a culture which may lead to poor patient outcomes and experience" 2.2 "A failure to provide responsive community services to meet the changing needs of the health economy may affect the ability to transform services to meet local needs in the next 5 years"	
Does this report mitigate risk that is included in the Corporate Risk Register?	S01/04, S01/06 (these risks relate to commissioning safe and effective services for the local population) SO2/15 22 23 26 28 27 (These risks relate to adequate assurances systems and governance in relation to quality & safety of patient care) SO3/05 (this risk relates to governance and assurances in place to transform health & social care) SO4/26 (this risk relates to staff engagement and well-being)	
Resource Implications	Part of Organisational Development Group and requires commitment from across the organisation to ensure actions are taken forward.	

Equality and Diversity (Has an Equality Analysis been completed?)	The Board is asked to note the importance of considering the vulnerable groups as outlined in the report in relation to public interest disclosures.
Legal/Regulatory Implications	None
Sustainability Implications	None
NHS Constitution	Supports the NHS Constitution
Report History	No previous reports to Board
Appendices	None

1. Executive Summary

The purpose of this report is to set out the progress to date on HVCCG's response to Sir Robert Francis' Freedom To Speak Up Review, published in February 2015. This report summarises the findings from Sir Francis' report, the key recommendations and principles which all NHS organisations are required to implement, and the progress and plans in place at HVCCG to date. This report also provides an update on the progress of implementation of this piece of work across HVCCG's main provider trusts and how this will be monitored going forward.

2. Key messages from The Freedom To Speak Up Report

Following on from the Francis report into the Mid-Staffordshire Enquiry in February 2013, a review was set up in response to the continuing disquiet highlighted about the way NHS organisations deal with concerns raised by NHS staff and the way in which some of these staff have been treated as a result. The aim of the review was to ensure that all staff feel it is safe to raise concerns, confident that they will be listened to and that the concerns will be acted upon.

The review found that there were two particular factors that stood out as to why people may feel reluctant to speak up in any industry; the fear of repercussions that speaking up would have for an individual and for their career; and the futility of raising a concern because nothing would be done about it. It also found there was confusion amongst the terminology and understanding of the definitions of public interest disclosures and whistleblowing, with the need for improved handling of cases. The experiences of people who took part in the review provided clear evidence that some groups of staff were particularly vulnerable, including locum and agency staff students and trainees, BME groups, and staff working in primary care.

Sir Francis highlighted that it is essential for staff to be able to speak up where safety is an issue, as without a shared culture of openness in which the raising of concerns is welcomed, the barriers to speaking up will not be removed and will in fact flourish. The overall focus coming out of the report is ensuring issues are dealt with as patient safety issues.

The review made two overarching recommendations and identified five key themes to be addressed, with 20 underpinning principles and associated actions to achieve this.

The two recommendations were:

- Recommendation 1: All organisations which provide NHS healthcare and regulators should implement the principles and actions set out in this report in line with the good practice described in this report.
- Recommendation 2: The Secretary of State for Health should review at least annually the progress made in the implementation of these principles and actions and the performance of the NHS in handling concerns and the treatment of those who raise them, and report to Parliament.

The five key themes identified within the review were:

- Culture Change
- Improved handling of cases
- Measures to support good practice
- Particular measures for vulnerable groups
- Extending the legal protection

The review sets out the principles and associated actions for these five themes as expectations that should be followed to bring about the change required for raising concerns within the NHS. As part of the NHS, HVCCG is required to respond to these and ensure appropriate practices and support are in place to realise the changes required to improve culture and practice to support staff in raising concerns.

3. Progress to date within HVCCG

HVCCG has committed to taking forward the expectations set out in the Freedom to Speak Up Report, and agreed that this will be driven through the CCG's Organisational Development Group.

Actions taken to date include:

- Identification of Non-Executive Director whistleblowing champion for staff to approach
- A work plan has been developed through the Organisational Development Group, to consider the actions required in relation to the principles and actions under the 5 key themes
- Programme of work to develop culture and behaviours across the organisation, with a clear set of organisational values agreed
- Behaviours and values have been integrated into revised appraisal documentation/process
- Human Resources personnel have attended Raising Concerns Training to support the development staff training for all staff as part of the learning and development programme

Future actions agreed are:

- A paper to be presented to the Organisational Development Group in June 2015, to update on progress and propose further actions to strengthen the CCG's implementation of the principles and actions as set out in the Francis review
- Review of HVCCG Whistleblowing Policy, with external auditor comment, to ensure this aligns with the requirements identified in the Freedom to Speak Up report
- Training sessions will be held for all staff to raise awareness of the policy and identify the support available to staff
- Awareness sessions will be held with the Senior Leadership Team and Managers to ensure that they are equipped to deal with issues raised
- Completion of the NHS Employers Guidance Self-assessment Tool to benchmark current practice and identify areas for improvement in relation to public disclosure interests

4. Monitoring of HVCCG provider trusts

HVCCG has worked closely with all of its providers to ensure that the findings of the Mid-Staffordshire enquiry are being addressed with an overarching aim of improving the culture and safety. A number of actions are already in place at the trusts in response to the Mid-Staffordshire enquiry, including monthly reports to the trust Boards on safe staffing and workforce and a range of measures to support staff and develop the culture to support staff in speaking up about poor care.

Implementation of the specific actions identified within the Freedom to Speak Up Report is also now being monitored and the following actions have been embedded to support this:

- 2015/16 Quality Schedules within all contracts have been enhanced to include quarterly monitoring of action plans that clearly set out milestones to implement the recommendations from all National Enquiries, including Freedom to Speak Up, and provide evidence of tangible progress in completing and implementing these actions within the organisation
- All Provider Directors of Nursing have committed, through enhancement of the Quality Schedules within all contracts, to share details of all whistleblowing, to ensure that provider responses can be monitored and learning shared where appropriate
- Response to National Enquiries, including Freedom To Speak Up is a standing quarterly agenda item at the Clinical Quality Review Meetings with the providers

To date, HVCCG main providers have responded to the report and committed to embedding these within their organisations, as set out below:

Hertfordshire Community NHS Trust:

- A revised Raising Concerns and Whistle Blowing Policy in place to reflect the requirements of the Freedom to Speak up Report
- The Trust is raising awareness for staff through a screen saver identifying the revised Whistleblowing policy and contact details of Executive Lead to contact with any concerns

Hertfordshire Partnership NHS University Foundation Trust:

- A whistleblowing group is in place at the trust which is tasked with developing an action plan in response to the Francis report and subsequently the Freedom to Speak Up findings; this is due to be reported to the trust's integrated governance committee in June 2015 and will be reviewed and monitored for implementation of actions through the Clinical Quality Review Meetings

West Hertfordshire Hospitals NHS Trust:

- The trust is triangulating their response to the report with work already in progress around bullying and harassment strategy, staff survey results and feedback from the April 2015 CQC visit
- An action plan is being developed to present at the Trust Board for approval, which will be monitored through the Clinical Quality Review Meetings

5. Summary and next steps

HVCCG has taken significant steps in embracing the principles and actions set out in the Freedom to Speak Up Report within our own organisation, and has agreed governance arrangements in place via the Organisational Development Group, to monitor and drive the progress of this work within HVCCG. Following the presentation of the paper to the Organisational Development Group in June 2015 and the completion of the NHS Employers Guidance self-assessment tool, a further review of progress against the principles and actions will be undertaken, to identify any further steps required.

HVCCG will also continue to scrutinise the plans developed by all providers and monitor the progress of the implementation of actions identified within these plans through the Clinical Quality Review meetings to ensure that the findings of all National Enquiries, including Freedom To Speak Up, are responded to in a robust and timely manner.