Council of Governors Meeting: Friday 7 April 2017
CoG2017.06

<table>
<thead>
<tr>
<th>Title</th>
<th>Appointment of Freedom to Speak Up Guardians</th>
</tr>
</thead>
<tbody>
<tr>
<td>Purpose</td>
<td>For Information</td>
</tr>
<tr>
<td>History</td>
<td>The Council of Governors will have been aware of the Trust’s requirement to appoint a Freedom to Speak Up Guardian. This paper provides further information relating to this important role.</td>
</tr>
</tbody>
</table>
Appointment of Freedom to Speak Up Guardians

1. Purpose

1.1 The purpose of this paper is to inform the Council of Governors of the progress made in appointing the Trust’s Freedom to Speak Up Guardians, and to raise awareness of the key responsibilities associated with these roles.

2. Background and Context

2.1 The Department of Health responded to the Sir Robert Francis report on ‘Freedom to speak up’ and the investigation at Morecambe Bay University Hospitals NHS Foundation Trust in their report ‘Learning not Blaming’, published in July 2015. In this report, the Department accepted a number of recommendations including the one that there should be a “Freedom to Speak Up Guardian” in every NHS Trust and NHS Foundation Trust, appointed by the chief executive, to act in a genuinely independent capacity to provide the leadership and support to create a culture where staff understand and feel confident in raising concerns, such that it becomes part of normal, everyday practice.

2.2 As well as ensuring staff know how to and where to raise concerns, they should feel entirely confident that their concerns will be listened to and acted upon as necessary and, most significantly, that they will not experience any detriment for having raised their concerns. Freedom to Speak Up Guardians will not be involved in investigations or complaints, but will help people who are experiencing difficulty with speaking up, or who are struggling to support someone who is speaking up. These new local roles are being supported through a network established by the Office of the National Guardian.

2.3 The success criteria for the Office of the National Guardian and the Freedom to Speak Up Guardians fall into three main areas, namely:

- there are Freedom to Speak Up Guardians in place in every trust, supported by and engaged with the Office of the National Guardian;
- staff in NHS trusts feel more confident about speaking up and more confident that their concerns will be addressed, as evidenced by responses to the NHS Staff Survey;
- those raising concerns will be feel more positive about the experience, as evidenced by measures yet to be determined.

2.4 Freedom to Speak Up Guardians are to be supported through a network established by the Office of the National Guardian. The National Guardian will be appointing national leads who will manage and support the network. Current support provided at a national level includes practical training and awareness events, and these interventions will be extended as the network expands and matures.
3. Establishing the Role of Freedom to Speak Up Guardian

National Mandate

3.1 Every NHS trust and NHS foundation trust is mandated to have appointed a Freedom to Speak Up Guardian by April 2017. In establishing this mandate, the Department of Health emphasised that this is not an appointment to be rushed and that care should be taken, locally, in ensuring the person selected has demonstrated the essential qualities required of an effective and credible Guardian.

3.2 A further mandate is that every trust must apply the same title to their local Guardian roles. The basis for doing so is to ensure clarity and provide support for members of staff who move between NHS organisations. Beyond the generic title, trusts have the freedom to establish local job descriptions, provided they are consistent with the guidance issued by the Office of the National Guardian.

Local Appointment Process

3.3 In-mid 2016 the Trust implemented a recruitment process, with the aim of appointing a Freedom to Speak Up Guardian by September. Although a number of applicants were short-listed and formally interviewed (which included the application of value based interviews) none were deemed to be suitable appointees. In response to this unsuccessful undertaking, it was determined that a revised approach should be taken in attracting a wider field of applicants.

3.4 A second process was established in January 2017. The first step in this process invited the submission of expressions of interest from OUH staff with respect to two separate roles and four associated positions, namely a Freedom to Speak ‘Lead’ Guardian, and three Freedom to Speak Up ‘Local’ Guardians. In implementing more than one Guardian role, the Trust recognises the benefit of ensuring there is an accessible FTSU presence across all of our hospital sites. Our multiple Guardian roles represent a unique opportunity for the right people to be directly involved in establishing mechanisms, in addition to our formal processes, which empower and encourage staff to speak up safely, and which further develop an open culture based on listening and learning.

3.5 Through the appointed Lead Guardian, our team of Guardians will develop strong and open working relationships with the Chairman, Chief Executive and other members of the Trust Board, and will have direct access to (but remain independent of) the Trust’s senior leadership teams. Our Guardians will also work with HR leads to ensure that speaking up guidance and procedures are clear and accessible, reflect best practice, and address any local issues that may hinder the raising concerns process.

3.6 The job description and person specification for the Lead Guardian role is attached, as Appendix 1.
Current Status

3.7 Following the conclusion of the competitive internal process, the Chairman has confirmed that Jane Herve has been appointed to the role of Freedom to Speak Up Lead Guardian. Jane plans to retire from her substantive role as Head of Midwifery in July 2017, following which she will continue to fulfil her Lead Guardian responsibilities on a part-time basis. In the interim, Jane will be involved in the appointment of the Trust’s three Local Guardians. Further to the receipt of a good number of applications, interviews for Local Guardians will be undertaken, and appointments confirmed, in April.

4. Recommendation

4.1 The Council of Governors is asked to receive and note this paper.

Appendix:

1. Freedom to Speak Up Lead Guardian - Job Description and Person Specification

Mark Power

Director of OD and Workforce

30 March 2017
Appendix 1

ROLE DESCRIPTION

<table>
<thead>
<tr>
<th>Job title</th>
<th>Freedom to Speak Up Lead Guardian</th>
</tr>
</thead>
<tbody>
<tr>
<td>Base</td>
<td>Oxford University Hospitals NHS Foundation Trust</td>
</tr>
<tr>
<td>Hours of work</td>
<td>Circa 22.5 hours per week</td>
</tr>
<tr>
<td>Remuneration</td>
<td>Commensurate with existing experience and skills</td>
</tr>
<tr>
<td>Managerial Accountability</td>
<td>Chief Executive</td>
</tr>
<tr>
<td>Professional Accountability</td>
<td>Chief Nurse or Medical Director (dependent on professional registration)</td>
</tr>
</tbody>
</table>

1. PURPOSE

The Freedom to Speak Up (FTSU) Lead Guardian is a high profile and influential role. Acting in a genuinely independent capacity, the Lead Guardian will work alongside Trust leadership teams to support the organisation's continuing aim to improve openness and transparency within the workplace, and to further promote a listening and learning culture.

Alongside the Board, Chief Executive and Executive team, the Lead Guardian will develop a range of mechanisms, in addition to established formal processes, which actively encourage and enable staff to speak up safely.

Through their actions and behaviour acting as the independent, impartial advisor on matters relating to raising concerns, the Lead Guardian will build a reputation for being a highly credible and knowledgeable ‘expert’ who has the personal and organisational authority to challenge and address poor practice in relation to raising concerns.

Assisted by a number of FTSU Local Guardians, the role of the FTSU Lead Guardian is designed to contribute to achieving the following outcomes:

- A culture of speaking up is instilled throughout the organisation.
- Speaking up processes are effective and continuously improved.
- All staff have the capability to speak up effectively, and managers have the capability to support those who are speaking up.
- Staff are supported appropriately when they speak up, or support other people who are speaking up.
- The Trust Board is fully sighted on, and engaged in, all FTSU matters and issues that are raised.
2. **KEY PRINCIPLES AND PERSONAL QUALITIES**

FTSU Guardians are expected to have the qualities and experience that will enable them to uphold the following key principles:

**Independent**
in the advice they give to staff and senior leaders, and free to prioritise their actions to create the greatest impact on speaking up culture;

and able to support senior leaders in: creating a culture of speaking up; putting in place processes to support speaking up; taking action to make improvements where needed; and displaying behaviours that encourage speaking up.

**Impartial**
and able to review fairly how cases where staff have spoken up are handled.

**Empowered**
to take a leading role in supporting staff to speak up safely and to independently report on progress on behalf of Local Guardians and a local network of ‘champions’.

**Visible**
to all staff, particularly those on the frontline, and approachable by all, irrespective of discipline or grade.

**Influential**
with direct and regular access to members of trust boards and other senior leaders.

**Knowledgeable**
in Freedom to Speak Up matters and local issues, and able to advise staff appropriately about speaking up.

**Inclusive**
and willing and able to support people who may struggle to have their voices heard.

**Credible**
with experience that resonates with frontline staff.

**Empathetic**
to people who wish to speak up, especially those who may be encountering difficulties;

and able to listen well, facilitate constructive conversations, and mediate to help resolve issues satisfactorily at the earliest stage possible.

**Trusted**
by all to handle issues fairly, take action as necessary, act with integrity and maintain confidentiality as appropriate.

**Self-aware**
and able to handle difficult situations professionally, setting boundaries and seeking support where needed.
Forward-thinking
and able to make recommendations and take action to improve the handling of cases where staff have spoken up, and freedom to speak up culture more generally.

Supported
with sufficient designated time to carry out their role, participate in external Freedom to Speak Up activities, and take part in staff training, induction and other relevant activities;

and with access to advice and training, and appropriate administrative and other support.

Effective
in monitoring the handling and resolution of concerns and ensuring clear action, learning, follow up and feedback.

3. MAIN DUTIES AND RESPONSIBILITIES

The main duties and responsibilities associated with the role of FTSU Lead Guardian role relate to a number of key domains, as follows:

Culture

Develop and deliver communication and engagement interventions aimed at increasing the understanding and visibility of the FTSU Lead and Local Guardian roles amongst the organisation’s workforce.

Promote local speaking up processes and sources of support and guidance, demonstrate the impact that speaking up is having in the organisation, and appropriately ‘celebrate’ speaking up.

Ensure that staff are aware of, and have access to, support to help them speak up.

With the FTSU Local Guardians, develop and support a network of ‘advocates’ to ensure that ‘Freedom to Speak Up’ awareness reaches all parts of the organisation, and everyone has easy access to someone outside their immediate line-management chain who can advise and support them.

In partnership with the Lead for Staff Engagement, and other HR professionals, review and act upon staff opinion and feedback arising from engagement activities, including annual NHS Staff Survey, Staff Friends and Family Test, and exit interviews.

Process improvement

Work with HR professionals and others to ensure that speaking up guidance and processes are clear and accessible, reflect best practice, and address any local issues that may hinder the speaking up process.

Assess the effectiveness of speaking up processes and the handling of individual cases, intervening when these are failing people who speak up, and making recommendations for improvement.
Capability

Assess the knowledge and capability of staff to both speak up and support people when they speak up.

Ensure that all staff have the relevant skills and knowledge to enable them to speak up effectively, and those supporting, managing or investigating speaking up issues have the capability and knowledge to do this effectively.

Ensure that appropriate items relating to speaking up are incorporated into induction programmes for all staff.

Ensure that groups of staff and individuals who may find it difficult to speak up are identified and given particular support.

Supporting Staff

Ensure that information and data are handled appropriately, and personal and confidential data are protected.

Ensure that individuals receive appropriate feedback on how issues about which they speak up are investigated, and the conclusion of any investigation.

Where necessary, provide additional support to people who are experiencing difficulty with speaking up, or those who are experiencing difficulty in handling or supporting someone who is speaking up.

Prepare regular raising concerns communications to staff, sharing non-confidential information and lessons learnt from concerns.

Provide direct support and guidance in the development of appointed Local Guardians.

Working with the Board

Develop effective and open working relationships with the Chairman, Chief Executive, other Executive and Non-Executive Directors.

As agreed with the Chairman, periodically attend meetings of the Board to report on Freedom to Speak Up activities (reports will include assessment of issues about which people are speaking up, trends, and barriers - particular attention will be given to concerns which may suggest a link to patient safety and quality).

Acting as a ‘critical friend’ to Board members, support the Board in ensuring it takes appropriate action to create a Freedom to Speak Up culture, assess trends, and actively responds to issues that are being raised.

Safety and Quality

Take immediate appropriate action when matters about which people are speaking up indicate that safety and quality may be compromised.
Develop measures, data sets, and indicators to monitor trends and identify linkages between issues raised through people speaking up, and issues raised through other safety and quality routes.

**Wider NHS Culture**

Participate in National Guardian Office activities and training, actively supporting fellow FTSU Guardians, developing personal networks and peer relationships, contributing to wider networking events, and sharing and learning from best practice.

Where required, seek advice and guidance from the National Guardian’s Office.

Keep abreast of developments and best practice, and assess own and Support Guardians’ development and training needs in addressing these.

### 4. ORGANISATION AND REPORTING STRUCTURE

![Organisation and Reporting Structure Diagram]

### 5. OTHER RESPONSIBILITIES

**Risk Management**

The management of risk is the responsibility of everyone and will be achieved within a progressive, honest and open environment. The post holder should be familiar with relevant Trust policies.
Responsibilities for Health and Safety
The post holder is responsible for ensuring that all duties and responsibilities of this post are carried out in compliance with the Health and Safety at Work Act 1974, Statutory Regulations and Trust Policies and Procedures. This will be supported by the provision of training and specialist advice where required.

Infection Control
Infection Control is everyone’s responsibility. All staff, both clinical and non-clinical, are required to adhere to the Trusts’ Infection Prevention and Control Policies and make every effort to maintain high standards of infection control at all times thereby reducing the burden of Healthcare Associated Infections.

Safeguarding Children and Vulnerable Adults
The post holder will endeavour at all times to uphold the rights of children and young people in accordance with the UN Convention Rights of the Child.

The Trust is committed to safeguarding children and vulnerable adults throughout the organisation. As a member of the Trust, there is a duty to assist in protecting patients and their families from any form of harm when they are vulnerable.

Information Governance
The post holder must complete annual information governance training.

Data Quality
Data quality is a vital element of every member of staff’s job role. The Trust recognises the importance of information in the provision of patient care and in reporting on its performance. Data quality is therefore crucial in ensuring complete, timely and accurate information is available in support of patient care, clinical governance, performance management, service planning, and financial and resource planning and performance.

The post holder must be familiar with the Trust’s Data Quality Policy.

Disclaimer
This role description aims to illustrate the range and nature of the duties and responsibilities associated with the role and is not intended to be restrictive - it will be regularly reviewed and may be amended following consultation with the post holder, and does not form part of the contract of employment.
### PERSON SPECIFICATION FOR THE ROLE OF

**Freedom to Speak Up Lead Guardian**

<table>
<thead>
<tr>
<th>Attributes</th>
<th>Essential</th>
<th>Desirable</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Education and Qualifications</strong></td>
<td>▪ Degree or equivalent work experience.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>▪ Recognised clinical professional qualification.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>▪ Ongoing membership of a registered clinical body (e.g. GMC, GDC, NMC, HPC).</td>
<td></td>
</tr>
<tr>
<td><strong>Knowledge</strong></td>
<td>▪ Detailed understanding of the Trust, its values, and key priorities and challenges.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>▪ Comprehensive understanding of the issues and implications relating to the Freedom to Speak Up Review.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>▪ Awareness of current NHS and government strategic initiatives and key policies.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>▪ Understanding of the issues relating to cultural change, staff engagement and the NHS constitution.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>▪ Knowledge of safeguarding principles and practice.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>▪ Detailed understanding of how to raise concerns and the barriers that can exist for those who speak up.</td>
<td></td>
</tr>
</tbody>
</table>
### Experience

- Experience of working in a senior clinical role in an NHS or social care environment.
- Previous management of complex concerns and issues, in a management, staff side or governance role.
- Comprehensive track record of supporting and listening to staff.
- Experience of coaching and/or mentoring others.
- Experience of providing mediation in complex and emotive situations.
- Experience of working in a multi-professional team in an NHS or social care environment.
- Experience of managing matters of a confidential nature.
- Experience of facilitating conversations between staff and managers.
- Experience of working with people at all levels of an organisation, including very senior managers and directors.
- Knowledge and experience of handling complex working relationships.
- Experience of providing effective support to staff in difficult work-related situations.
- Highly developed negotiating and influencing skills, with the ability to overcome barriers to understanding to achieve acceptance and agreement.
- Experience of analysing, interpreting and presenting data/evidence and applying to practice.
### Management and Leadership

- Commitment to creating an open and transparent organisational culture.
- Ability to establish credibility across all professional groups.
- Ability to be seen as impartial and independent.
- Ability to provide honest, timely and values-based feedback to people at all levels of the Trust, irrespective of their position.
- Effective management and leadership skills, with an understanding of how these skills need to be deployed in an organisation with complex governance arrangements.
- Ability to work with a range of colleagues, especially those responsible for patient safety and staff experience, to ensure that lessons are learnt, themes identified and necessary changes made.
- Ability to work effectively and be comfortable with achieving through influence and leadership.
- Ability to design, facilitate and evaluate training packages for a range of audiences.
- Commitment to team working and breaking down traditional barriers which affect the raising of concerns.
- Ability to confront and manage
<table>
<thead>
<tr>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>▪ Ability to set boundaries, be concise, synthesise and present information.</td>
</tr>
<tr>
<td>▪ Flexible attitude to work and willingness to travel to any Trust site in order to meet the needs of the role.</td>
</tr>
<tr>
<td>▪ Able to work unsocial hours, if</td>
</tr>
</tbody>
</table>