

Trust Board Meeting: Wednesday 11 March 2015
TB.2015.37

Title	Trust Procedures for Raising Concerns
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Status	For noting
History	The paper references a report submitted to the Audit Committee in February 2015.

Board Lead(s)	Mark Power Director of Organisational Development and Workforce			
Key purpose	Strategy	Assurance	Policy	Performance

Executive Summary

1.	The Trust has an established Raising Concerns Policy. The Policy includes a detailed procedure to be followed when a concern meets the definition of a qualifying disclosure. A summary of those issues meeting this definition, for the period January to December 2014, is provided within this paper.
2.	The 'Freedom to Speak Up' Review report was published in February 2015. The report's Recommendations and actions have been accepted by the Secretary of State for Health and their impact on local policy and procedures needs to be assessed, alongside anticipated national guidance from the regulatory bodies.
3.	The assessment will be undertaken by the Director of Organisational Development and Workforce. All proposed changes to the Trust's existing Policy and procedures will be presented to the Trust Board for approval.
4.	The Trust Board is asked to note this paper.

Trust Procedures for Raising Concerns

1. Purpose

1.1 The purpose of this paper is to provide a brief update to the Trust Board regarding the intention to review the Trust's procedures for raising concerns. This review is a necessary response to the recent publication of the 'Freedom to Speak Up' Review report¹.

2. Background and Context

2.1 The Trust has a number of established procedures which support staff in raising and addressing concerns relating to the working environment, the provision of services, standards of patient care and the conduct of individuals. All staff, at every level of the organisation, are encouraged to highlight any such issues of concern in a timely manner, such that appropriate action can be taken in response. The Trust's core values underpin a culture of openness and organisational learning, where staff feel confident and are supported in speaking up where an issue of concern needs to be addressed.

2.2 The majority of concerns raised by staff are effectively and routinely responded to at a local level, through established management structures, and dealt with informally. Where a particular issue of concern meets the definition of a 'qualifying disclosure' (also referred to as a 'protected disclosure') the Trust's Raising Concerns Policy details the procedures which are followed in response. At its meeting in February 2015, the Trust Audit Committee received an assurance report which provided an overview of these procedures and a summary of those issues meeting the definition of a qualifying disclosure over the twelve-month period January to December 2014. These qualifying disclosures are summarised at **Appendix 1**.

3. Freedom to Speak Up Review

3.1 February 2015 saw the publication of 'Freedom to Speak Up - A review of whistleblowing in the NHS'. Chaired by Sir Robert Francis QC, the Review was commissioned to consider the reporting culture in the NHS, and the way NHS organisations deal with concerns and with the staff who raise them. The aim of the Review was to provide advice and recommendations to ensure that NHS staff, at all levels, feel confident and safe in raising concerns, and are assured they will be listened to and the concerns acted upon.

3.2 From the evidence received and considered, the Review draws five overarching themes, which highlight the need for:

- culture change;
- improved handling of cases;
- measures to support good practice;

¹ Freedom to Speak Up - An independent review into creating an open and honest reporting culture in the NHS; Sir Robert Francis QC, February 2015. <http://freedomtospeakup.org.uk/the-report/>

- particular measures for vulnerable groups;
- extending the legal protection.

The Freedom to Speak Up report addresses each of these themes and sets out the recommended principles which should be followed to bring about the changes required, and the actions which follow from each.

3.3 The two Recommendations arising from the report are as follows:

- Recommendation 1

All organisations which provide NHS healthcare and regulators should implement the Principles and Actions set out in the report, in line with the described good practice.

- 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.

4. Response to the Review and Next Steps

4.1 The Secretary of State for Health has accepted the Review report's Recommendations and all of the highlighted actions. He has also agreed that further consultation will be undertaken, where appropriate, to work through how these actions can be implemented. In particular a 'package of measures' will be consulted upon in response to the Review outcomes, which will include the appointment of a national 'whistleblowing guardian' within the Care Quality Commission (CQC) to review serious cases where concerns are raised about the treatment of staff who make qualifying/protected disclosures.

4.2 In responding to the Review report the Secretary of State also made a commitment to write to every NHS trust chair to reinforce the importance of staff being able to discuss concerns openly in teams, and for appropriate actions to be taken. He specifically stated that each organisation should act now to appoint a local guardian who has a direct reporting line to the chief executive, who staff can approach to raise concerns. Similarly, the NHS Trust Development Authority (TDA) and Monitor will also be writing to all chief executives.

4.3 Further guidance is anticipated from the CQC, the TDA and Monitor regarding the implementation of the Review actions. In the interim, it is important that a thorough assessment of the impact of these actions on the Trust's existing Policy and procedures is completed. This work will be undertaken by the Director of Organisational Development and Workforce and informed by the emergent regulatory guidance.

4.4 All proposed changes to the Trust's Raising Concerns Policy will be presented to the Trust Board at a future meeting.

5. Recommendation

5.1 The Trust Board is asked to note this report.

Appendix:

1. Qualifying Disclosures - January to December 2014

Prepared and presented by:

Mark Power
Director of Organisational Development and Workforce

March 2015

Appendix 1: Qualifying Disclosures - January to December 2014

In the period 1 January to 31 December 2014 a total of ten reported concerns met the definition of a qualifying disclosure and were therefore handled under the Trust's procedure for raising matters of concern. For all but one disclosure, investigations have been completed. The most recent disclosure, made in December 2014, remains open and is currently under investigation.

Five of the ten disclosures were reported by individuals who wished to remain anonymous. Most concerns were raised by email, to either the designated raising concerns email address or to a member of the Trust's senior management team - two issues were notified to the Trust via the Care Quality Commission (CQC). The table below summarises the ten concerns raised during the twelve month period.

Log No	Method of Contact	Nature of Concern	Category	Date Received	Date Closed	Action Taken to Resolve
2014 0127	Email	Fire Safety	Health and Safety	07.01.14	10.02.14	Investigated by Health and Safety Coordinator. No contravention identified. Department manager monitoring adherence to fire safety protocols.
2014 0128	Post	Patient care on four named Wards	Patient Care	28.01.14	11.07.14	Investigation recommendations have been actioned by Divisional Nurse.
2014 0204	Email	Behaviour of senior member of staff towards junior colleagues	Staff	05.02.14	13.05.14	Appropriate management action undertaken to resolve issues.
2014 0205	Email	Multiple generation of temporary patient records	Patient Care	04.02.14	07.05.14	Audit undertaken and 'Casenote Tracking' training increased.
2014 0225	Email	Patient care on SEU and Stroke Wards	Patient Care	25.02.14	11.07.14	Investigation recommendations have been actioned by Divisional Nurse.
2014 0226	Email	Cleaning standards in outpatients	Health and Safety	03.03.14	10.03.01	Lapse in standards addressed by Carillion.
2014 0523	Email	Clinic capacity impacting on patient care	Patient Care	23.05.14	Full closure estimated May 2015	Outpatient improvement programme has created an additional 31k appointment slots, annually. This is supporting the Trust in achieving agreed waiting times for individual specialities. Full closure will be confirmed when all additional clinic slots are available, estimated to be May 2015.
2014 0709	Email	Inappropriate behaviour of staff on night shifts	Patient Care	06.07.14	24.07.14	Appropriate facilities provided for night staff for use during rest breaks.
2014 0903	Via CQC	Clinical capability and management in PICU	Patient Care	03.09.14	18.11.14	Investigated and no evidence to support allegation identified. Recommendations shared with the Divisional team.
2014 1202	Via CQC	Alleged underestimated mortality data and risks not properly explained	Patient Care	02.12.14		Investigation being undertaken.