



Health and Care Overview and Scrutiny Committee - Monday 16 October 2023

Briefing Note on NHS Integrated Care Board (ICB) "Freedom to Speak Up" arrangements following the trial of Lucy Letby

Recommendation(s)

I recommend that the Committee:

- a. **Receives** the briefing which outlines NHS England's expectations of all NHS organisations following the outcome of the Lucy Letby trial.
- b. **Notes** the changes to the ICB's "Freedom to Speak Up" (FTSU) policy which strengthens the organisation's approach to supporting staff and patients to speak up, embedding a culture of transparency and learning.
- c. **Notes** that it is anticipated that further NHS England actions for all NHS organisations following FTSU self-assessment will be required.
- d. **Notes** that the ICB's Freedom to Speak Up Guardians complete a report that will be presented to the ICB's People, Culture and Inclusion Committee of the ICB Board.

Report of the Staffordshire and Stoke-on-Trent Integrated Care Board – (Tracey Shewan, Director of Corporate Governance and ICB FTSU Lead)

Summary

What is the Overview and Scrutiny Committee being asked to do and why?

1. This report provides a briefing to the HCOSC regarding the actions required by all NHS organisations in response to the outcome of the recent Lucy Letby trial.
2. NHS Leaders and Boards are expected to have implemented the updated national Freedom To Speak Up (FTSU) policy by January 2024. The FTSU Policy recognises the importance of embedding a culture which supports staff and patients to voice their concerns and adopts robust processes and governance to ensure people feel confident to speak up, feel heard and responded to in a timely way.

3. It is noted that the ICB had, prior to receipt of the letter from NHS England, already strengthened the organisation's FTSU policy, introducing two new FTSU Guardians and extending the ICB's policy to support staff within General Practice.
4. It is anticipated that representatives from the ICB will continue to work with the national Freedom to Speak Up Guardians Network to review our progress against all that is in the formal letter from NHS England. Thereby ensuring that all required actions are undertaken, including the use of a self-assessment toolkit to measure all of our arrangements made.
5. The outputs of this self-assessment will be reported to the ICB People, Culture and Inclusion Committee of ICB Board, and escalated to the ICB Board for public and stakeholder accountability purposes.

Report

Background

6. All NHS organisations and others providing NHS healthcare services in primary and secondary care in England are required to adopt this national policy as a minimum standard to help normalise speaking up for the benefit of patients and workers.
7. The Care Quality Commission (CQC) is primarily responsible for assuring speaking up arrangements across all organisations.
8. Maintaining the safety of patients and staff who receive care or work within NHS organisations is central to the ask from NHS England.
 - a. Continuously improving services as a result of learning from the experience of patients and staff who work and receive care from the NHS is imperative to maintaining sustainable, high quality and safe services.
 - b. Embedding a culture which runs through the ICS of transparency, responsiveness and compassion is essential to delivering the necessary change and requires strong leadership at all levels.
9. Both the ICB's Freedom to Speak Up and Whistleblowing policies are aligned to the NHS People Plan, which sets out the ambition to work in new ways to improve staff experience and patient care.
 - a. Introducing the FTSU Guardian role within the ICB requires a level of expertise and completion of training at an individual level in order to

support a healthy speaking up culture which protects patient safety and enhances worker experience.

Main Body of the Report

10. Following the outcome of the trial of Lucy Letby, the ICB received a letter from NHS England leaders that included an ask of NHS organisations. The harrowing details of her crimes has touched us all and it is important for us to take stock, reflect and act to ensure processes are in place.
 - a. It is important to remind ourselves of the importance of NHS leaders listening to the concerns of patients, families and staff, and that we follow whistleblowing procedures, alongside good governance, particularly at organisational level.
 - b. Everyone working in the health service should feel safe to speak up – and confident that it will be followed by a prompt response. The actions taken by the ICB in response are:
 - i. The ICB strengthened our Freedom to Speak Up (FTSU) policy, having two Guardians, an Executive Lead and a Non-Executive Lead, and currently we are taking the new policy to cover General Practice through our governance process.
 - ii. All organisations providing NHS services are expected to adopt the updated national policy by January 2024 at the latest.
 - iii. That alone is not enough. Good governance is essential. NHS leaders and Boards must ensure proper implementation and oversight.
 - iv. Specifically, they must urgently ensure:
 - a. All staff have easy access to information on how to speak up.
 - b. Relevant departments, such as Human Resources and Freedom to Speak Up Guardians, are aware of the national Speaking Up Support Scheme and actively refer individuals to the scheme.
 - c. Approaches or mechanisms are put in place to support those members of staff who may have cultural barriers to speaking up or who are in lower paid roles and may be less confident to do so, and also those who work unsociable hours and may not always be aware of or have access to the policy or processes supporting speaking up.

- d. Methods for communicating with staff to build healthy and supporting cultures where everyone feels safe to speak up should also be put in place.
 - e. Boards need to seek assurance that staff can speak up with confidence and whistle-blowers are treated well.
 - f. Boards are regularly reporting, reviewing and acting upon available data.
11. While the CQC is primarily responsible for assuring speaking up arrangements, NHS England have also asked ICBs to consider how all NHS organisations have accessible and effective speaking up arrangements as detailed above.
12. There is a Freedom to Speak Up Guardians Network that will review all that is in the letter from NHS England, including the use of a self-assessment toolkit to measure all our arrangements on.
13. In terms of the ICB, the Freedom to Speak Up Guardians complete a report that will routinely go to the People, Culture and Inclusion Committee of the ICB Board.

Link to Strategic Plan

14. Staffordshire and Stoke-on-Trent Integrated Care Partnership (ICP) strategic priority themes of 'People and Communities' and 'Personal Responsibility'.

List of Background Documents/Appendices:

15. No further documents or appendices.

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