

ORGANISATION B East and North Hertfordshire NHS Trust

This is an extract from an email conversation and contains the answers to additional questions received on 8th December 2023

Dear Ellen and Adam

Many thanks for sharing actions that your Trust are taking in response to our request for information as a result of the Lucy Letby verdict.

Your response is very comprehensive and lots of issues are covered, but there are a number of specific questions not covered which you may wish to address/confirm?

Question:

Are all relevant departments, such as Human Resources, and Freedom to Speak Up Guardians aware of the national Speaking Up Support Scheme and actively refer individuals to the scheme?

Response:

We are aware of the national speaking up support scheme. Since April 2022, no staff member who has spoken up has reported detriment. This scheme is primarily for staff who have lost jobs as a result of speaking up or staff who felt compelled to leave the organisation due to consequences of speaking up and have not been able to move on or secure another job. No staff member since April 2022 has reported to a speak up champion that they are resigning due to detriment in response to speaking up

Question:

Are Boards seeking assurance that staff can speak up with confidence and whistleblowers are treated well?

Response:

Yes. ENHT's Board supported the creation of a full-time Freedom to Speak Up Guardian role who has been in post for over a year. Approval of the Freedom to Speak Up and Whistleblowing policies have been intentionally reserved to Board under the Trust's Scheme of Reservation and Delegation given the importance of functions in the context that only five other Trust policies are viewed as sufficiently sensitive to warrant being reserved to Board. This ensures that the Board is fully sighted on how the FTSU and whistleblowing processes work. In addition, the Board receives regular reports. The Trust also created a People Committee in May

2022 to further drive HR standards. The FTSU Strategy was considered by the Trust Board Seminar in the last year. The FTSU policy was reviewed and approved by the Board in the last year. FTSU is on the annual Board cycle and a report was received on good progress in the last year.

Question:

Are NHS organisations meeting the Fit and Proper Person requirements not to appoint any individual as a Board director unless they fully satisfy all FPP requirements – including that they have not been responsible for, been privy to, contributed to, or facilitated any serious misconduct or mismanagement.

Question:

The Trust is complying with the FPP requirements. All Trusts must submit compliance reports signed by the Trust Board Chair to NHS England before the end of March 2024. As examples of the ENHT's commitment to complying with the FPP requirements, ENHT chose to apply the new FPP test requirements for a new Non-Executive Director who was appointed before September 2023 when the new requirements came into force, despite not being obliged to. A further example is an internal audit of compliance with the FPP requirements has been added to the internal audit plan for 2024/25. The Trust uses an external agency for internal audit which increases the independence and level of assurance that can be drawn from audit findings.

Question:

Confirmation that the Trust is adopting the updated Freedom to Speak up Policy by the NHS deadline of 24 January 2024.

Response:

We have already adopted the National Speak Up policy published by NHS England. This policy was also endorsed by Trust Board in Sept 23