

Request: 0010QEHB

3rd May 2018

Dear Minh Alexander,

I am writing to confirm that the Trust has now completed its search for the information you requested.

Our response is as follows:

1. Please advise of how your Freedom To Speak Up Guardian(s) assess and monitor staff's experience of the service they provide.

Freedom to Speak Up Guardians have a key role in helping to raise the profile of concerns within the Trust and provide confidential advice and support to staff in relation to concerns they have about, for example, patient safety and/or the way their concern has been handled. Guardians do not get involved with investigations or complaints, but help to facilitate the process of raising a concern where needed, ensuring policies are followed correctly.

Antony Cobley is the Trust's Freedom to Speak Up Guardian and staff can contact him via telephone, email or face to face meetings. All of those who raise concerns are offered a 'face to face' meeting to share their concerns. Follow up is of choice and invariably 'face to face' with outcomes and findings. Part of that is to ask for feedback of the experience either at that meeting or to follow via e mail if preferred.

2. If they collect staff feedback, please advise how they do so, and when they started collecting such data.

At UHB, the Freedom to Speak Up Guardian receives informal feedback via verbal or email correspondence depending on the individuals wish. Some people do not wish to commit to written communication therefore, a 'face to face' meeting is always offered and to date has never been declined. This has been the position since October 2016 when the Guardian was appointed.

3. Please provide the staff feedback data collected up to 31 March 2018.

The feedback provided by the Freedom to Speak Up Guardian to the staff member is either by way of a conversation or an email. The content of this

feedback includes a summary of the concerns, findings and the action plan to address issues, if the complaint is found. We are unable to provide data for specific feedback on individual cases as this constitutes personal information and is exempt from disclosure under the Freedom of Information Act.

Under section 40(2) of the FOIA, the Trust is not obliged to disclose personal information. Personal information is defined as data

“relating to a living individual who can be identified –

(a) from those data, or

(b) from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller, and includes any expression of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual”.

The Trust is of the view that disclosure of this information will contravene the first data protection principle set out in schedule 1 of the Data Protection Act. The first data protection principle states that personal data should only be disclosed fairly and lawfully.

In order to determine fairness, we have considered the following:

Reasonable expectations

The feedback will form part of the case file of the individual and amounts to personal information based on the content held within this document. It would be a reasonable expectation for the named individual to believe that this information will not be disclosed and information they provide and responses they receive will be held in confidence.

Consequences of disclosure

Disclosure is unlikely to be fair if it would have unjustified adverse effects on the individuals within the document. Based on the sensitive nature of the circumstances of whistle blowing, it can be argued that disclosure of this information would cause damage and distress to the individuals concerned.

Taking the aforementioned points into consideration, the Trust has decided to withhold the investigation document under section 40(2) of the Freedom of Information Act.

The Trust can confirm that 1 April 2017 to 31 March 2018, the Freedom To Speak Up Guardian has been contacted on 5 occasions and discussed concerns raised.

- 4. Please also disclose what the rate of response from staff has been to date, in terms of the % rate of response.**

There has been 100% rate of response from staff.

- 5. If your Freedom To Speak Up Guardian(s) collects staff feedback via a specific form, please provide a copy of the feedback form.**

The Trust does not hold this information because we do not use specific forms for feedback.

- 6. Please advise when your Speak Up Guardian(s) started sending out feedback forms, how many forms have been sent out by your Freedom To Speak Up Guardian(s) up to 31 March 2018, and how many forms have been received back.**

The Trust does not hold this information because we do not use specific forms for feedback.

- 7. Please advise what staff feedback data your Freedom To Speak Up Guardian(s) has submitted to the National Guardian's Office and provide a copy of the submitted data.**

The Trust is required to send a quarterly summary to the Guardians Office. The content of this feedback includes details of the complaint and how the complaint was raised. Further feedback on outcomes and the closing of the raising of a concern is also required. The Trust is unable to provide data for specific feedback on individual cases as this constitutes personal information and is exempt from disclosure under the Freedom of Information Act. As per the Trusts response to question 3, taking the aforementioned points into consideration, the Trust has decided to withhold the investigation document under section 40(2) of the Freedom of Information Act.

- 8. Please also disclose any guidance received by the trust or the Freedom To Speak Up Guardian(s) from the National Guardian's Office on how to collect staff feedback, and any related correspondence between the trust and the National Guardian's Office submitting feedback data or discussing the submission of feedback data.**

The Freedom To Speak Up Guardian is not aware of any such correspondence or feedback therefore such data is not held within the Trust.