

Freedom to Speak Up Guardians Annual Update Report 2020/21

Public Board Meeting

20th May 2021

Presented for:	Information and Assurance
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Previous Committees:	Annual Report to Trust Board in May 2020 6 monthly updates to Workforce Committee and Trust Board in January 2021. Assurance Report to Audit Committee in March 2020.

Trust Goals	
The best for patient safety, quality and experience	✓
The best place to work	✓
A centre for excellence for research, education and innovation	
Seamless integrated care across organisational boundaries	
Financial sustainability	

Key points	
This report gives an annual update regarding Freedom to Speak Up process and activity over the last 12 months, including on-going plans for strengthening arrangements for staff to raise concerns.	For information and assurance

1. Summary

This paper is to provide an update and assurance on the year's progress for the period April 2020 to March 2021.

2. Background

The NHS Contract from 2016/17 onwards requires every NHS Trust to have a local Freedom to Speak Up (FTSU) Guardian (the Guardian) appointed by the Chief Executive. The LHT FTSU Guardian is Joe Cohen. Joe is, additionally, the Vice Chair of the Regional FTSU Group and an accredited trainer for new Guardians.

Trusts are also required to appoint a lead Non-Executive Director with the responsibility for providing oversight and guidance. This role is undertaken by Tom Keeney, who took over this role from Mark Chamberlain in December 2020.

Governance is provided by the Workforce Committee, providing assurance in relation to process and clear connectivity to the People Priorities. On-going guidance and support is provided via the Staff Engagement Group, a sub-committee of the Workforce Committee. In addition, an assurance paper was submitted to the Audit Committee on 4th March 2021

Issues and/or concerns are highlighted to other Trust Committees to be considered, as and when appropriate. The Guardian has a formal quarterly meeting with the Non-Executive Lead and Director of HR and OD. In addition, the Guardian updates the Chief Executive about cases and/or concerns as required.

The Guardian is supported by both Freedom to Speak Up Leads and FTSU Champions from across the Trust. Their roles are as follows:

- **FTSU Leads**
To listen to and support staff regarding any concerns they have, ensuring appropriate action is taken to address concerns, and implement any learning arising from the concerns raised. If appropriate, FTSU Leads may personally investigate concerns.
- **FTSU Champions**
To provide support to colleagues who wish to discuss concerns, signposting them to the Guardian, FTSU Leads and other sources of support.

The numbers of individuals in these roles as at 31 March is shown in the Table below:

Table 1:

Issue	March 2020	March 2021
FTSU Leads	15	13
FTSU Champions	12	48

There is a continuing training programme in place for FTSU Champions and, during 2020/21, 37 Champions were trained. A priority has been to increase the diversity of the FTSU team. The goal being to have at least one FTSU Champion in all of our CSUs and these would be representative of the diverse groups of colleagues they would be

supporting. The Guardian works closely with Staff Networks to increase the diversity of FTSU Champions. Staff from a range of banding levels and ethnic backgrounds have accessed the Champion training and, out of a total of 48 Champions, 16 are from BME a background.

3. Annual Activity Review

The table below displays the themes and number of concerns raised, and a comparison over a 3-year period:

Table 2:

Issue	2018/19	2019/20	2020/21
Behaviours	15	37	11
Process	8	24	20
Patient Safety	18	27	2
Other	16	15	14
Total	57	103	69

Please note - the activity as detailed the tables 2 & 3 only reflects cases reported directly to the Guardian. Concerns raised directly with local managers and FTSU Leads are not logged centrally.

The number of concerns raised has reduced noticeably during the Covid-19 period. This has been the common narrative throughout the Regional network. It has been speculated that employees may have felt reluctant to raise their concerns during the enormously challenging day to day experience of the pandemic.

From October 2020 a more detailed recording process has been put into place. This allows reporting and analysis at a more granular level. Table 3 provides a summary of granular data available.

Table 3:

Issue		Oct 20 - March 21
Behaviours	Bullying (Individual)	2
	Bullying (Team/Culture)	2
	TOTAL	4
Process	Breach of Legislation	1
	Breach of Professional Conduct/Standards	1
	Covid-19 (Vaccinations)	1
	Covid-19 (Social Distancing)	3
	Application of HR Policies	10
	TOTAL	16
Patient Safety	Patient Care	1
	TOTAL	1
Other	Staff Safety	2
	Safety (Other)	1
	Training	1
	TOTAL	4
TOTAL		25

When a concern is raised to the Guardian, the individual(s) are supported through the appropriate process, which may involve investigation by FTSU Lead or Senior Management.

None of the above concerns have been escalated to the Chair of a Sub-Committee of the Board for consideration.

4. NHS Staff Survey Assurance

There are a number of questions within the annual NHS Staff Survey which relate to FTSU. For 5 of the 6 questions shown in Table 4 below, LTHT scores above the national average for Acute and Acute/Community Trusts. The Trust scores slightly below average in the sixth.

Table 4:

Q. No.	Question	2018	2019	2020	Comparison to 2020 National Benchmark
Q16A	My organisation treats staff who are involved in an error, near miss or incident fairly.	62.5%	65.0%	64.5%	Above average (61.4%)
Q16B	My organisation encourages us to report errors, near misses or incidents.	88.4%	88.9%	88.8%	Above average (88.2%)
Q17A	If you were concerned about unsafe clinical practice, would you know how to report it?	93.1%	92.8%	93.6%	Below average (94.6%)
Q17B	I would feel secure raising concerns about unsafe clinical practice. Those responding Strongly Agree	73.9%	73.2%	74.5%	Above average (71.8%)
Q17C	I am confident that my organisation would address my concern	63.2%	65.9%	63.9%	Above average (59.1%)
Q18F	I feel safe to speak up about anything that concerns me in this organisation	N/A	N/A	69.4%	Above average (65.0%)

5. NHSE/I FTSU review tool for NHS Trusts and Foundation Trusts

The FTSU review tool enables the Trust to identify areas of success and areas for improvement within the FTSU process and culture. Identified actions were first presented to the Workforce Committee and Board in July 2020. It was agreed there would be 6 monthly updates thereafter, with the most recent update in January 2021.

In addition, further assurance was provided to the Audit Committee on 4th March 2021. At the Audit Committee meeting it was noted that there were 9 actions in progress in the January 2021 update, but four of these had subsequently been completed. The Committee

also noted that the remaining actions remained on track to be completed, as shown in Table 5.

Table 5:

Action identified	In Progress
E-Learning modules created for all NHS employees by HEE	2 of the 3 modules complete. The 3 rd is in production by HEE.
Development of Intranet Page	Joint approach with Staff Engagement Team to locate Speaking Up within wider range of options for staff.
FTSU Policy	Still awaiting template from NHSE/I
Zero Tolerance Violence	Supporting the Steering Group within Staff Engagement Team

The most recent updates for these actions are as follows:

- The 3 E-Learning module is still awaited from HEE.
- The Trust Communications Team are updating the Trust intranet and the Guardian is working with the Team to update the FTSU pages.
- The national FTSU policy template is still awaited. Pending receipt, the local Policy has been scheduled for review in accordance with Trust processes.
- A task and finish group in relation to staff violence has been established and progress will be monitored by the Staff Engagement Group.

These updates will be included in the next formal progress report to the Workforce Committee.

6. FTSU Gap Analysis Tool

A local FTSU Gap Analysis Tool has been jointly developed by the Guardian and John Walsh, FTSU Guardian for Leeds Community Healthcare NHS Trust. The gap analysis was subsequently completed for the Trust by the Guardian and in summary:

- 22 indicators were assessed as green
- 13 were assessed as amber
- 2 were assessed as red.

The two red indicators both relate to training:

- One relates to regular mandatory training for staff. There is no national requirement for this and currently our staff receive training on commencement and eLearning is available on demand. There is currently no requirement for on-going training in the Trust's mandatory training policy. This will be reviewed at the next Policy refresh.
- The other relates to Board Members accessing training, however, the national training package is not currently available. Locally developed training could be provided to the Board by the Guardian as required.

In relation with the areas assessed as amber and red, the Guardian is liaising with the relevant Trust policy leads to review Trust practices. The outcomes and actions from the local gap analysis exercise will be incorporated into the FTSU review tool self-assessment and action plan, as part of the next 6 monthly update.

7. Creating a FTSU Culture

The Trust is moving to a culture where speaking up becomes business as usual aligned to our new approach to personalised people management with a positive description of 'speaking up' as opposed to the legacy of whistleblowing.

The participation of the FTSU Guardian in the Chief Executive's Corporate Induction session each Monday was reintroduced since January 2021 (it had been interrupted by the Covid restrictions). This integrates 'speaking up' into the range of separate but connected cultural ideas that new starters learn about through the Induction Day, Leeds Way Values and The Leeds Improvement Method being the most obvious.

In addition to all the activities reported in other sections, encouragingly, management teams are beginning to seek input from the FTSU Guardian in their own initiatives to create a safe and open speaking up environment.

Participation in a range of training events has provided opportunities to bring 'speaking up' into other management and team discussions. Currently the FTSU Guardian is working with Pharmacy, Medical Physics, Medical Education & Finance.

Progress has also been made as follows:

- The peer review carried out during August 2020 provided scrutiny and additional assurance.
- Collaboration with Leeds Community Healthcare to deliver joint training and share resources.
- The development of a Management Toolkit recommended in the Peer Review has been absorbed into the significant pieces of work being prepared by the OL&D Team.

8. Impact of FTSU

The majority of concerns raised related to behaviours, leadership including:

- Dominant and/or alleged bullying behaviour
- Inconsistent treatment of team members
- Non-adherence to policies, for example recruitment policies

There is not a large number of concerns about dominant and/or alleged bullying behaviour, however, these are significant in terms of impact on the individuals concerned and the management resource to respond to these concerns.

There were also some/many concerns relating to poor management behaviours toward those individuals who have spoken up in their own teams/departments.

As our Speaking Up culture has developed (matured) the relationship with the HR Business Partners is now a significant support in the approach to dealing with the issues. If concerns are already 'known' they have been incorporated into planned or on-going interventions in the affected teams.

Where concerns require specific investigation, they are carried out by appropriate independent individuals.

9. Impact of COVID-19

During 2020 the COVID-19 pandemic has significantly impact both service delivery and the way in which employees work.

In line with the experience of Regional FTSU colleagues, concerns have decreased during the Covid pandemic, although specific Covid specific concerns have been raised. The Guardian has worked with the Health and Wellbeing Team providing informal support to individuals making contact.

The FTSU Guardian was appointed to serve the Harrogate Nightingale Unit and met with the Nursing Management Team during the initial set up. To date no concerns were raised through this channel.

Many 'informal contacts' were made with the Guardian to seek advice on 'safe working practices' during COVID.

Social distancing and permission to 'work from home' were the most common aspects; ensuring safe conversations and then directing individuals to the available support/advice, information proved effective in most cases.

10. Publication under the Freedom of Information Act

This paper has been made publicly available under the Freedom of Information Act 2000.

11. Recommendations

The Board is asked to note the information and assurance provided in this paper.