

Freedom to Speak Up Assurance Report

Public Board

25th November 2021

Presented for:	Information and Assurance
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Previous Committees:	Freedom to Speak Up Guardian's Annual Update Report, for 2020/21, was presented to the public Trust Board Meeting on 20 th May 2021. This paper was presented to the Workforce Committee on 11 th November 2021.

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	

Trust Risks (Type & Category)				
Level 1 Risk	(✓)	Level 2 Risks	(Risk Appetite Scale)	Risk
Workforce Risk	✓	Workforce Retention Risk	Cautious	↔ (same)
Operational Risk	✓	Health and Safety Risk	Minimal	↔ (same)
Clinical Risk	✓	Patient Safety and Outcomes Risk	Minimal	↔ (same)
Financial Risk	✓	Counter Fraud Risk	Averse	↔ (same)
External Risk	✓	Legal and Governance Risk	Averse	↔ (same)

Key points	
1. This report provides an update of activity and progress during the 6 month period 1 st April 2021 to 30 th September 2021.	For discussion and assurance

1. Summary

This paper provides an update and assurance in relation to progress and activity in the first 6 months of 2021/22.

2. Background

The NHS Contract from 2016/17 onwards requires every NHS Trust to have a local Freedom to Speak Up (FTSU) appointed by the Chief Executive. The LTHT 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. Governance is provided by the Workforce Committee and on-going guidance and support is provided via the Staff Engagement Group, a sub-committee of the Workforce Committee. 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.

3. FTSU Leads and Champions

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 30 September 2021 is shown in Table 1 below:

Table 1:

	31 st March 2021	30 th September 2021
FTSU Leads	13	14
FTSU Champions	48	53

13 FTSU Champions are from a BME background compared to 16 as at 31st March 2021. The Guardian works with the BME Staff Network to encourage BME colleagues to become FTSU Champions.

4. FTSU Concerns Raised

Table 2 below shows the number of concerns raised directly with the FTSU Guardian in the 6 month period

Table 2:

Category		Nos of Concerns
Behaviours	Bullying (Individual)	1
	Bullying (Team Culture)	3
	Discrimination	7
	TOTAL	11
Process	Breach of Legislation	0
	Breach of Professional Conduct/Standards	0
	Covid-19 (Vaccinations)	0
	Covid-19 (Social Distancing)	2
	Covid-19 (Patient Care)	1
	Application of HR Policies	8
	HR Template Invitation letter	7
	TOTAL	18
Patient Safety	Patient Care	0
	Poor clinical practice	2
	TOTAL	2
Other	Staff Safety	0
	Safety (Other)	2
	Training	1
	Risk Management	2
	TOTAL	5
TOTAL		36

Table 3 below shows the total number of concerns raised directly with the FTSU Guardian over the last 4 years

Table 3:

Year	Concerns Raised
2018/19	57
2019/20	103
2020/21	69
2021/22 (First 6 months)	36

Table 4 shows the status of the concerns raised in the 6 month period

Table 4:

Status	Number
Open - Investigation on-going	7
Closed – referred to another process	21
Closed – resolved to the satisfaction of the individual(s)	4
Closed - other	4
TOTAL	36

The number of concerns raised in the first 6 months of 2021/22 is consistent with 2020/21.

For the 8 closed cases, the average time to close the concern was 60 days. The “Closed – other category” includes concerns where the individual has stopped engaging with the FTSU Guardian and therefore a judgement needs to be made taken in relation to when to close the concern.

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

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. As at 31 March 2021 there were 4 outstanding actions. Table 5 provides an update in relation to these actions.

Table 5

Action Identified	Update	Action Owner	Expected Completion Date
E-Learning modules created for all NHS employees by HEE	No change. 3rd E-Learning module is still awaited from HEE.	HEE	Not known
Development of Intranet Page	The Trust Communications Team are updating the Trust intranet and the FTSU Guardian is working with the Team to update the FTSU pages	FTSU Guardian	In the ‘architecture phase’ no completion date available.
FTSU Policy	The national FTSU policy template is still awaited. Pending receipt, the local Policy has been scheduled for review in accordance with Trust processes.	FTSU Guardian	Consultations took place with NHSE/I and NGO 7/9/21 which anticipate the new template being available early 2022.
Zero Tolerance Violence	A new integrated governance structure has been established for workplace violence and from a FTSU perspective this action is complete	Complete	Complete

6. FTSU Gap Analysis Tool

A local FTSU Gap Analysis Tool has been jointly developed and completed by the Guardian and John Walsh, FTSU Guardian for Leeds Community Healthcare NHS Trust. The results of the gap analysis were presented to the Public Board Meeting in May 2021 and in summary:

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

The Guardian has subsequently reviewed the gap analysis in November 2021:

- The two red indicators related to training are currently being reviewed as part of the refresh of the Trust's mandatory training policy
- An update in relation to the 13 amber indicators is shown in **Appendix 1**. 3 of the 13 indicators have now been rated as green and 10 remain at amber.

7. Creating a FTSU Culture

Following: wide consultation within the Trust (including the staff engagement group); consultation externally with the Y&H Regional FTSU Guardian Group; and piloting with a number of concerns; a new system has been implemented for the management of concerns. This is designed to ensure all parties are clear about their responsibilities, lessons learnt from concerns are captured and there is regular feedback to the individual(s) who raised the concerns. This is based on the use of a 'template' that supports and guides the Investigating Manager through the process with specific timescales and evidence based confirmation that each part of the process has been completed. It is important to note that this template method needs formal support from Senior Leadership to deliver significant improvement to the current process and a PDSA approach will be used to continue to develop the system.

Following the recent Wayfinder Campaign the FTSU Guardian is actively contributing to the groups established to review and improve internal processes. In many ways the challenges/criticisms of other investigative processes (Grievance, Dignity at Work etc) are replicated regarding the Freedom to Speak Up process and the improvements being sought may be interchangeable.

Stronger links between the Trust and University of Leeds Medical School are being developed, significantly assisted by our Non-Executive Director, Laura Stroud. This gives us the ability to listen and respond to any concerns from Medical Students at each part of their training journey. Training and support have been provided by the LTHT FTSU Guardian to 2 new FTSU Guardians who are based in the University Medical School. The LTHT FTSU Guardian was also a member of the Interviewing Panel for the appointment of a 3rd Guardian.

8. Impact of FTSU

Covid-19 has impacted many of our process including 'speaking up' and some of the views coming through the Wayfinder exercise confirmed the elements of our existing arrangements that urgently needed improvement. A number of these were already becoming known through other channels and in collaboration with Senior HR leadership the concept of an evidence based, responsive and most importantly, swift but thorough process has been developed. An example of a concern that ensured an employee's voice was heard involved a non-binary colleague. They had had a difficult experience in a small group training session. They approached the person delivering the training and explained their preferred pronouns. The conversation was difficult and did not produce a good outcome. The employee contacted the FTSUG and asked for support. An investigation took place that aimed to support the Trainer to improve their understanding of the use of pronouns going forward. The non-binary employee was invited to discuss their wider concerns regarding improvements to our Equality and Diversity policy. Two very successful meetings with our Equality 'lead' followed and the employee has welcomed the

opportunity to participate in the review of the E&D policy to ensure their 'voice is heard' in the process.

No concerns have been highlighted to other Trust Board Committees in the 6 month period.

9. Financial Implications

There are no cost pressures or waste reductions resulting from this paper.

10. Risk

The contents of this report do not significantly impact the risks identified on page 1 of this report.

It is considered that the FTSU arrangements are within the existing risk appetite and no specific risks need to be captured on the risk register.

11. Communication and Involvement

The FTSU Guardian works closely with CSUs and Corporate Departments in relation to responding to and learning from concerns which are raised. The last 2 sections of the template tool ask the Investigating manager: What learnings have been captured in your investigation? How do you plan to disseminate those learnings?

12. Equality Analysis

Processes are now in place to capture protected characteristic data for individuals raising concerns. This demographic information is captured in the Feedback Part A form sent to everyone raising a concern through the Guardian's office. Those completing it routinely populate the relevant demographic questions but in common with our Equality and Diversity teams experience, there is a significant number of those contacted who do not respond. An equality analysis will be provided as part of the annual report for 2021/22.

13. Publication Under Freedom of Information Act

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

14. Recommendation

The Workforce Committee is asked to note the contents of this paper.

Joe Cohen
Freedom to Speak Up Guardian
18th November 2021