

## Freedom to Speak Up Guardian Bi-Annual Report

**Public Board**

**25<sup>th</sup> May 2023**

<b>Presented for:</b>	Approval
<b>Presented by:</b>	Alan Sheppard, Trust Freedom to Speak Up Guardian Jenny Lewis, Director of Human Resources & Organisational Development
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<b>Previous Committees:</b>	Six monthly updates to Workforce Committee Annual Assurance Report to Audit Committee 2 March 2023

<b>Our Annual Commitments for 2023/24 are:</b>	
Effectively develop and deploy new assets (buildings, equipment, IT)	
Reduce healthcare associated infections	
Improve staff retention	✓
Deliver the financial plan	
Reduce average length of stay by 0.5 days per patient	
Achieve the Access Targets for Patients	
Support a culture of research	

<b>Risk Appetite Framework</b>				
<b>Level 1 Risk</b>	<b>(✓)</b>	<b>Level 2 Risks</b>	<b>(Risk Appetite Scale)</b>	<b>Impact</b>
Workforce Risk		Workforce Retention Risk - We will deliver safe and effective patient care, through supporting the training, development and H&WB of our staff to retain the appropriate level of resource to continue to meet the patient demand for our clinical services	Cautious	Moving Towards

Operational Risk		Health& Safety Risk - We will protect the health and wellbeing of our patients and workforce by delivering services in line with or in excess of minimum health & safety laws and guidelines.	Minimal	Moving Towards
Clinical Risk		Patient Safety & Outcomes Risk - We will provide high quality services to patients and manage risks that could limit the ability to achieve safe and effective care for our patients.	Minimal	Moving Towards
Financial Risk		Counter-Fraud Risk - We will adopt a zero-tolerance approach to workforce fraud through the maintenance of an anti-fraud culture, investigating all reported instances of fraud and following disciplinary and criminal proceedings.	Averse	Moving Towards
External Risk		Legal & Governance Risk - We will operate the Trust in compliance with the Law and UK Corporate Governance Code, where applicable.	Averse	Moving Towards

<b>Key points</b>	
1. This report provides a bi-annual update regarding Freedom to Speak Up processes and activity over the last six months.	For information and assurance

## 1. Summary

This paper provides an update and assurance on the progress for the period quarter 3 and 4 - 1st October 2022 to 31 March 2023.

## 2. Background

At the Trust Board on 24 November 2022, it was agreed that a listen/review/reset approach to speaking up was undertaken which encompassed a review of the roles of champions, undertake a review of the NHSE FTSU review tool for NHS Trusts and support the communications and engagement work with a focus on listening up. The actions culminating from this review were approved by Board on 23 March 2023 and a detailed RAG rated action plan is included at Appendix 1. The majority of items are on track however, there are three areas that are outside of the target completion date, however it is anticipated that this will be rectified within one month.

### 3. Bi-Annual Activity Review

The table below displays the themes and number of concerns via the FTSU Guardian for the period 1 October 2022 – 31 March 2023.

Number	Theme
10	Other*
10	Bullying (Individual)
8	Failure/Incorrect use of Trust policy
3	Bullying (Team/Culture)
3	Discrimination/Race
3	Breach of professional standards/conduct
2	Failure to follow fair recruitment process
1	Falsification of data
1	Fraud
1	Abuse (Physical)
1	Abuse (Verbal)
1	Poor clinical practice
<b>Total 44</b>	

\* of the fifteen cases identified as other the reasons are

Concern regarding	Number
Failure to obtain P45	1
Incorrect use of IT	1
Age discrimination	1
Advice regarding TUPE	1
Poor communication	1
Advice on holidays for religious reasons	1
Poor communication following Organisation Learning and Development intervention	4

**Please note** - the activity only reflects cases reported directly to the Guardian. There are many routes that we encourage staff to use to raise concerns to ensure that those raising concerns. Concerns that have been raised directly with local managers and FTSU Champions are not logged centrally.

### Progress for concerns raised in Q3 and Q4

Status	Number
Open - investigation on-going	4
Closed - referred to another process	10
Closed - resolved to the satisfaction of the individual (s)	30
Closed - other	0
<b>Total</b>	<b>44</b>

## 4. Themes

Bullying features strongly in the concerns raised with the Guardian; approximately 30% of cases. Bullying was a factor in another six cases, although not the principal reason for the concern. Therefore approximately 43% of cases feature an element of bullying at an individual or team level. The work underway to address bullying includes The Summer of Connecting - Leeds Way Behaviours refresh, civility work to support the embedding of the Leeds Way Behaviours, reviewing and connecting the Speaking Up Routes and removing barriers to speaking up.

Failure to follow Trust policy accounts for 23% of all cases. Without breaching confidentiality of the cases, the move to a personalised people management process has left a number of staff misunderstanding the process and believing that the resolution policy is not in line with Trust process. I have discussed this with the Senior HR Business Partners and the Operational HR team and have agreed to review the feedback after six months to allow the policy to be fully embedded. The operational HR team will continue to coach managers in the use of the policy and support staff in the cultural shift that is rightly taking place with this approach. It is a useful addition to include the FTSUG details in letters that are issued to people undergoing an HR process.

Of note are the numbers of cases where staff report that they are thinking or are actively looking to leave the organisation coupled with an element of sick leave (both short and long term). Although beyond the scope of the role of the Guardian, the management of cases between the Guardian and the HR team may have an impact on the length of absence and an opportunity to develop a stay interview process for staff who are expressing a wish to leave the Trust. There is significant work underway led by the Director of HR and OD on sickness absence and retention.

Central to the principles of Speak Up, Listen Up and Act Up is that the organisation incorporates these themes into existing work streams. The Guardian will feed these themes into the appropriate subgroups of the Workforce Committee to ensure that appropriate work plans are in place to address them.

## 6. Financial Implications

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

## 7. 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 risk appetite and no specific risks need to be captured on the risk register.

## 8. Communication and Involvement

It is recognised that the profile of the new guardian needs to be raised and there is a communications plan to do this.

## 9. 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 considerable number of those contacted who do not respond.

#### **10. Publication Under Freedom of Information Act**

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

#### **11. Recommendation**

The Board is asked to:

- a) Receive the information and assurance provided.
- b) Consider the themes and actions highlighted from Q3 and Q4 2022/23.

#### **12. Supporting Information**

Appendix 1 – FTSU Action Plan 2023/24

## Appendix 1 - FTSU Action plan 2023/24

High level development action from reflection and planning tool	Target date for completion	Detailed activity	Update on action	Revised date for completion and rating
1. Undertake a survey to determine the barriers to speaking up	March 2023	1. Develop survey taking account of wayfinder information 2. Launch survey in April 2023 3. Analyse data and develop actions in conjunction with key groups e.g., staff networks	Survey ready to launch May 2023	May 2023
2. Develop a communications plan	March 2023	1. Update intranet pages per CSU 2. Develop CSU specific posters for champions and FTSU details 3. Link FTSU policy to intranet pages 4. Rerun screensavers 5. Make FTSU video available at induction and per intranet links 6. Use stories from people who have spoken up	Meeting arranged with Communications early April 2023 21/04/23 – communications plan agreed	

		7. CSU feedback to CSUs re cases on a quarterly basis		
3. Develop a FTSU improvement plan	March 2023	1. Utilise staff survey data, wayfinder data and FTSU data to develop an improvement plan linked to FTSU reflection and planning tool.	CSU level staff survey data received improvement plan to be incorporated into FTSU Strategy	May 2023
4. Develop a FTSU strategy	March 2023	1. Horizon scan for best practice.  2. Liaise with Director of Strategy and team to review strategy and link to existing strategies (e.g., Quality Improvement strategy, EDI strategy, people priorities strategy)	First draft completed, to liaise with strategy team for critical appraisal.  31 March 2023 – First draft sent to Director of Strategy	May 2023
5. Increase the numbers of Champions, raise their profile, and provide ongoing support and development.	March 2023	1. All CSU/Corporate areas to identify Champions.  2. Training to be provided to existing and new champions (both national e learning programmes and internal FTSUG led programme)	Completed  Completed	
6. Review local induction checklist	April 2023	1. Local induction checklist to include FTSU information  2. Corporate induction to include a video for new starters	Completed  Completed	

<p>7. Thematic analysis of cases to inform corporate programmes.</p>	<p>May 2023</p>	<p>1. FTSU Guardian to provide a quarterly thematic analysis of cases</p> <p>2. CSU specific information will be provided via Champions for discussion within CSUs for information, learning and development.</p> <p>3. Link with communications to disseminate organisational actions from themes.</p> <p>4. Reports to Board and sub committees will include thematic analysis and any actions taken to develop organisation development and learning.</p>	<p><b>Completed and ongoing</b></p> <p>Available from Q1 23/24</p> <p>Available from Q1 23/24</p> <p>Included from Q1 23/24</p>	<p><b>On target</b></p>
<p>8. Review of FTSU to consider being made mandatory for all staff (levels 1 2 and 3)</p>	<p>June 2023</p>	<p>As part of the Trusts focus on listening up, training will be concentrated on leadership within the organisation.</p> <p>1. Liaise with Organisation Learning and Development to include mandatory training for leaders</p> <p>2. Augment training with sessions facilitated by the Guardian and</p>	<p>Level 2 training to be made essential for managers.</p> <p>Training uploaded to ESR and will be launched by target date</p>	<p><b>On target</b></p>



		champions to embed listening up across the organisation.		
9. Dedicated financial input for FTSU portfolio, Guardian and Champions CPD training.	August 2023	<ol style="list-style-type: none"> <li>1. Align all FTSU spend to dedicated FTSU budget code to ensure costs are recorded in the correct place</li> <li>2. Work with CSU accountant to track back previous non-pay budget to re-align to current FSTU budget to ensure funds are in place to meet the needs of the service.</li> </ol>	<p>Budget code set up and all activity coded.</p> <p>Raised with CSU accounts management - update at next monthly finance meeting (April 2023)</p>	<b>On target</b>
10. Local feedback required to determine the experience of those who speak up at a local level	October 2023	<ol style="list-style-type: none"> <li>1. Review of existing process for data collection which currently has a poor response rate</li> <li>2. Work with champions to assist with feedback within CSUs</li> </ol>		<b>On target</b>
11. Additional processes required following FTSU process to ensure management learning and adaptation (linked to action 12)	December 2023	<ol style="list-style-type: none"> <li>1. Dissemination of themes to CSUs via FTSU Champions</li> <li>2. Feedback from CSUs regarding actions taken</li> <li>3. FTSUG to liaise with corporate teams to identify corporate learning and adaptation</li> </ol>		<b>On target</b>

12. Undertake a strategic review of the triangulation between speaking up and quality improvement	December 2023	1. Discussion with CNO/CMO facilitated by Director of HR		On target
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