

Agenda Item 12.2 (ii)

## Report of the Freedom to Speak Up Guardian

### Trust Board

### 25<sup>th</sup> January 2024

<b>Presented for:</b>	Approval
<b>Presented by:</b>	Alan Sheppard Trust Freedom to Speak Up Guardian
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<b>Previous Committees:</b>	Six monthly updates to Workforce Committee Annual Assurance Report to Audit Committee

Our Annual Commitments for 2023/24 are:	
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	

Risk Appetite Framework				
Level 1 Risk	(✓)	Level 2 Risks	(Risk Appetite Scale)	Impact
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	Minimal	Moving Towards

		or in excess of minimum health & safety laws and guidelines.		
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.	For information and assurance

## 1. Summary

As the Freedom to Speak up Guardian (FTSUG) report was deferred from the Board meeting in November 2023, this paper provides an update and assurance on the progress for the period quarter 1 and 2 (1st April 2023 to 30 September 2023).

## 2. Background

In line with the requirements of NHS England and the National Guardians Office (NGO), the concerns raised with the FTSUG are included in this report for the first six months of the financial year 2023/2024.

The NGO stipulates that the FTSUG presents a report, in person, to the Board which,

- includes information on the number and types of cases they deal with
- barriers to speaking up
- details of opportunities for learning and improving,

## 3. Bi-Annual Activity

The table below displays the themes and number of concerns via the FTSU Guardian for the period 1 April 2023 – 30 September 2023.

Number	Theme
11	Failure/Incorrect use of Trust policy
8	Unsafe patient care
6	Other*
6	Bullying
2	Attendance management letter
2	Discrimination/Race
2	Failure to follow fair recruitment process
2	Unsafe working conditions
2	Staff safety
1	Fraud
1	Abuse (Physical)
1	Breach of professional standards/conduct
1	Risk management process
1	Adult Safeguarding
<b>Total</b>	<b>46</b>

\* of the cases identified as other the reasons are

Concern regarding	Number
Undermined by colleague	1
Executive Team Communication	1
Car park management	1
Agenda for Change back pay	1
Car parking	1
Senior staff working practices	1

**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. Concerns that have been raised directly with local managers and FTSU Champions are not logged centrally.

#### Progress for concerns raised in Q1 and Q2

Status	Number
Open - investigation on-going	5
Closed - referred to another process	8
Closed - resolved to the satisfaction of the individual (s)	33
<b>Total</b>	<b>46</b>

#### 4. Barriers to Speaking Up

Demographic data, in common with many other Trusts, is very difficult to obtain from staff who raise a concern. All those who raise a concern receive a post concern form which includes questions related to ethnicity, gender, age, disability and religion. These forms are

very rarely returned from staff, despite assurance from the Guardian that the data will remain confidential and will only inform patterns and trends.

In discussion with regional Guardians and the NGO, several iterations of the structure of the form and the time that it is issued have been attempted. Unfortunately, this has made negligible difference to return rates.

However, from national data and an internal staff survey, we are aware that the major barriers are related to fear and futility. The FTSUG has been in touch with the NGO who have advised the use of 100 voices, a national campaign where raising concerns have been seen to make a difference. The FTSUG will use this national data to inform staff of the benefits of speaking up and publish through the quarterly FTSUG Newsletter to Champions for wider dissemination to the Trust.

In collaboration with the Organisational Learning and Development team, we are reviewing the training, roles and data collection processes to ensure we are gathering multiple speaking up routes to enhance thematic analysis of concerns, provide cohesion of speaking up routes and effective support for those who undertake these challenging roles as an addition to their substantive role.

The FTSU Champions are in place across most of the Trust with more training being planned for 2024. Although the Champions are dealing with concerns and are visible in the workplace, there is a need to determine greater visibility and voice at CSU staff engagement groups. MMPS is an exemplar in this area, with a very active network of champions and a solid infrastructure to hear concerns by the senior management team.

The first FTSU newsletter has been developed and sent to all FTSU Champions. The newsletter provides Champions with information on data, organisational learning, and information from the NGO. It is hoped that this will enable our Champions to continue to highlight the benefits of speaking up and provide assurance to those who are worried about raising their concerns.

## **5. Themes**

The data provided at section three of this report highlights the broad range of concerns that come to the FTSUG. The largest theme relates to failure/incorrect use of Trust policy. This, in itself, has many subcategories and relates to the individuals belief that policy has been incorrectly applied. In reality, the majority of cases relate to a failure in communication around the policy being applied and/or a misunderstanding by the staff member of policy application.

Interestingly, this theme did not feature in the internal staff survey on barriers, this may be because staff do not see following a formal policy as a way of raising a concern. In addition, there remains a transition to following a resolution approach which some staff are confused by as they are used to a more formal approach being taken at the outset.

It is reassuring that managers and corporate teams, particularly in HR, have an open door policy to the FTSUG and take all concerns seriously and provide comprehensive responses to the concerns raised.

There has been an increase in the numbers of concerns in relation to patient safety. In 2021/2022 there were 2 concerns raised that had an element of patient safety. To date, for 2023/2024 there have been 11 cases.

Several of these cases have been raised with both the CNO and CMO and have been dealt with appropriately and to the satisfaction of the individuals who raised the concern.

Headlines of quarters 1 and 2 are included at appendix 1 of this report.

## **6. FTSU Action Plan**

The Action plan, which originated from the self-assessment tool, which was last presented to Board in March 2023, is being revised and will be discussed by the CEO in a separate paper.

The actions that are required of the Guardian are included in appendix 2 of this report.

## **7. NGO Annual Report**

In November 2023, the Annual Report of the National Guardians Office was laid before Parliament. This report reflects activity for the financial year 2022/23.

There are several points of note,

- FTSUGs dealt with 25,000 cases in the years 2022/23, the largest number since the inception of the role
- The Freedom to Speak Up sub-score has declined from 6.5 in 2021 to 6.4 in this year's NHS Staff Survey. This fall equates to a 1.5% change. this equates to a declining perception of over 9,000 workers in how safe and supported they feel to speak up about anything which gets in the way of them doing their job
- 82.8% of those who gave feedback said that they would do so again
- 9.3% of cases were anonymous, this continues the downward trajectory from 2019, when 17.7% of cases were raised anonymously.

## **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 Speaking Up needs to continue 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. Recommendations**

The Board is asked to:

- a) Receive the information and assurance provided
- b) Consider the themes and actions highlighted from Q1 and Q2 23/24
- c) Take assurance that the actions required of the Guardian from the self-assessment action plan are on track.

## Appendix 1

### Headlines Quarter 1 & 2 2023/2024

#### Total cases 46

The average time that a case was open was 40 days with the longest being 157 days and the shortest being one day.

There are multiple reasons for the lengths of cases,

- Redirection to another service
- Immediate closure following a discussion with the FTSUG
- Absence of the individual (short and long term)
- Absence of the FTSUG due to leave
- Delay in reply from the person who raised the concern
- Time for a thorough investigation to take place

#### Professional Groups

28% nurses

15% did not declare

9% were medics

6% were AHPs

6% were support workers

The remaining 36% were spread across other clinical and non-clinical groups

Nationally, nurses are the highest concern raising group.

#### Anonymous cases

6% of cases were anonymous, the national average is 9.3%

The closer to zero anonymity cases the better, as this suggests that the individual is so concerned about negative impact that they do not wish to be revealed even to the FTSUG.

#### Bullying and harassment

13% of cases

The national average is 22%

#### Worker Safety and Wellbeing

10% compared to a national average of 27%

### Patient safety and quality

18% compared to 19.3%

The number of cases relating to patient safety has risen steadily. The cases do not relate to immediate harm and many of the cases are long standing in nature with a focus on leadership and management.

### Detriment

0% compared to 3.9%

Any cases of reported negative impact are of concern and the FTSUG is collaborating with regional colleagues to develop a robust response to any reported cases. In line with NGO requirements, any cases will be raised to the Executive Lead, CEO and Non-Executive Lead.

## Appendix 2 Action Plan from FTSU Self-assessment

Development areas to address in the next 6–12 months	Status
Undertake a survey to determine the barriers to speaking up	Complete
Develop a communications plan	Complete
Develop a FTSU improvement plan	Complete
Develop a FTSU strategy	Complete
Increase the numbers of Champions, raise their profile, and provide ongoing support and development.	Complete
Review of FTSU training as mandatory/priority	Complete
Review local induction checklist	Complete
Thematic analysis of cases to inform corporate programmes.	In progress
Review of FTSU to consider being made mandatory for all staff (levels 1 2 and 3)	Complete
Additional processes required following FTSU process to ensure management learning and adaptation	In progress
Local feedback required to determine the experience of those who speak up at a local level	Complete

