

REPORT TO THE TRUST BOARD (PUBLIC)

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| REPORT TITLE | Freedom to Speak Up Guardian Mid-Year Report (Q1 & Q2) |
| AUTHOR | Sally Mumford, Freedom to Speak Up Guardian |
| EXECUTIVE SPONSOR | Taff Gidi, Company Secretary |
| DATE OF MEETING | 10 th December 2021 |
| PRESENTED FOR | Discussion |
| ITEM PREVIOUSLY CONSIDERED BY | N/A |

Presented For: Definitions

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| Information | For information only. Not to be discussed at meeting unless members have specific questions. |
| Discussion | For discussion and possibly future decision. This includes items presented for assurance. |
| Decision | For approval and/or when any other decision is required |

PURPOSE OF THE REPORT

This report is to update the Board regarding concerns raised via Freedom to Speak Up in Q1 and Q2 of the 2021/22 financial year and to provide pertinent local and national updates.

RISKS RELEVANT TO THE PAPER

| Risk ID | Risk Description |
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RISK APPETITE RELEVANT TO THE PAPER

| DOMAIN | TRUST RISK APPETITE LEVEL | DESCRIPTION OF RISK APPETITE |
|------------------------------|--|--|
| Compliance/Regulatory | Minimal (ALARP) - (as little as reasonably possible) Preference for ultra-safe delivery options that have a low degree of inherent risk and only for limited reward potential | Want to be very sure we would win any challenge. Similar situations elsewhere have not breached compliances. |

THE BOARD IS ASKED TO:

1. Note and discuss the information included in the report.

STRATEGIC GOALS THIS REPORT SUPPORTS *(Check all that apply)*

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| Delivering outstanding care and experience | <input checked="" type="checkbox"/> |
| Recruiting developing and retaining our workforce | <input checked="" type="checkbox"/> |
| Improving and developing our services and infrastructure | <input checked="" type="checkbox"/> |
| Working together with local health and social care providers | <input type="checkbox"/> |
| Delivering financial sustainability | <input type="checkbox"/> |

OTHER IMPLICATIONS OF THE PAPER

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|---------------------------------------|---|
| Legal/ Regulatory Relevance: | NHS Improvement License : FT4: Foundation Trust Governance Regulation 17 – Good Governance |
| NHS Constitution Delivery | Staff: Raising Concerns |
| Freedom of Information Release | This report should not be released under the Freedom of Information Act 2000 without further consideration under section 36 |

Equality and Diversity Implications *(Check all that apply)*

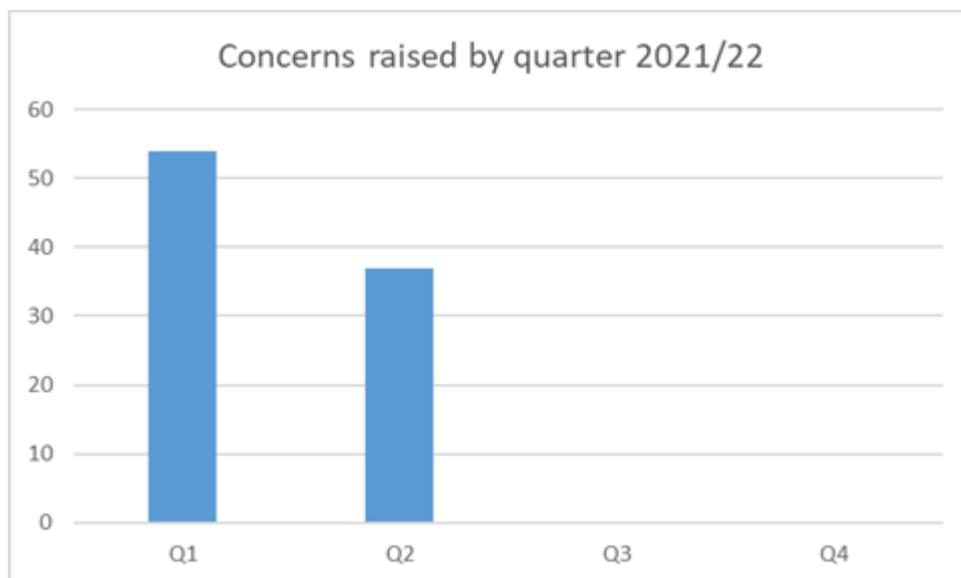
| Age | Gender | Ethnicity | Disability | Pregnancy/ Maternity | Marriage/ Civil Partnership | Religion/ Belief | Sexual Orientation | Gender Reassignment |
|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| <input checked="" type="checkbox"/> |
| <i>Additional comments</i> | | | | | | | | |

1. Executive Summary

- 1.1 This report serves as a summary of concerns raised with the Freedom to Speak Up Guardian between 1 April 2021 to 30 September 2021 (Q1 & Q2).
- 1.2 During this period a total of 91 (54 in Q1 & 37 in Q2) cases were raised by staff within North West Anglia NHS Foundation Trust.
- 1.3 These concerns were raised by staff of all grades and disciplines including nurses, doctors, administration and AHPs. They were from Peterborough City Hospital (PCH), Hinchingsbrooke Hospital (HH) & Doddington Hospital.
- 1.4 Freedom to Speak Up Champions are actively supporting contacts dealing with the issues.

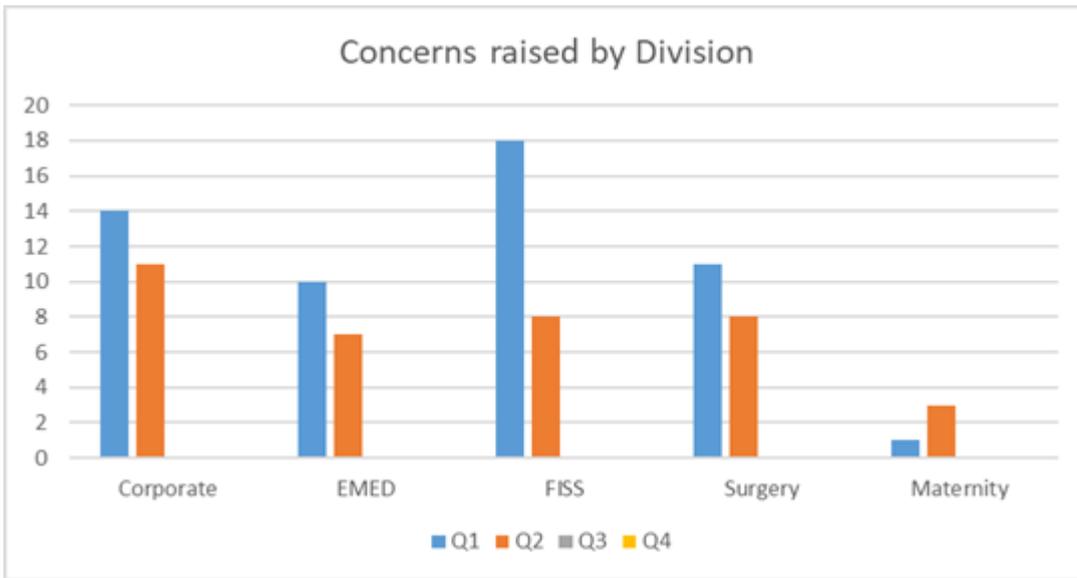
2. Analysis of Cases

- 2.1 During the period 1st April 2021 to 30th September 2021 (Q1 & Q2) a total of 91 concerns were raised (54 in Q1 and 37 in Q2) with the Freedom to Speak Up Guardian or champions by staff working in the organisation. This is an increase from the 73 cases in the previous two quarters. Seven of the concerns were raised with a Freedom to Speak Up champion.

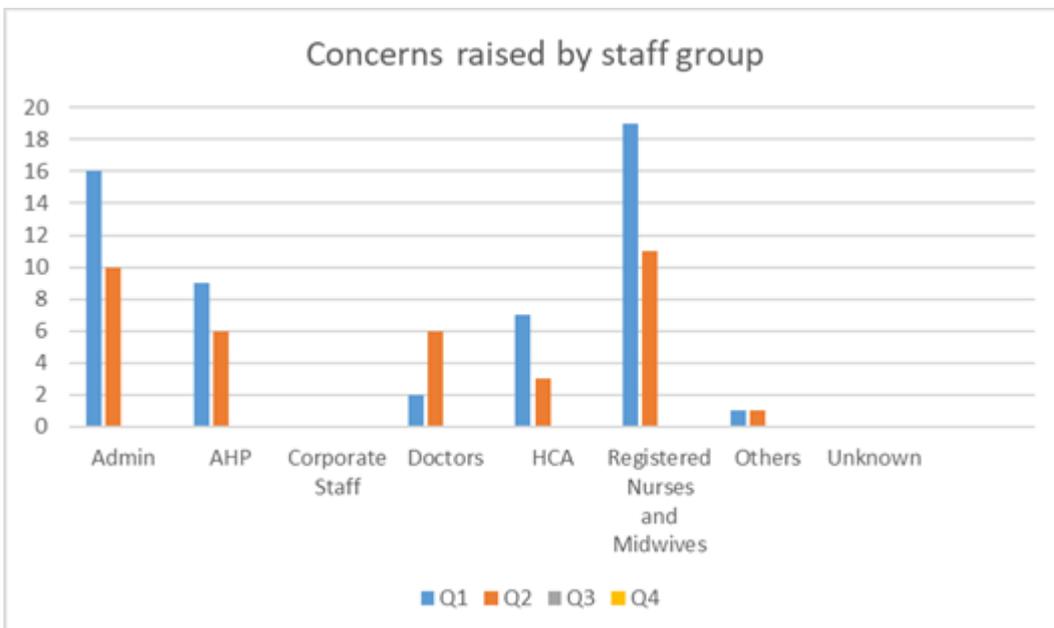


- 2.2 There were no concerns raised anonymously. This is an indication that there is a level of trust in the Speaking Up process.

2.3 Each individual who approaches the FTSU Guardian is classed as one concern albeit that the FTSU Guardian may have met more than once with that individual. If more than one individual approaches the FTSU Guardian with the same concern the concerns are recorded as separate cases as per the National guidance. The concerns raised were split across all Divisions:



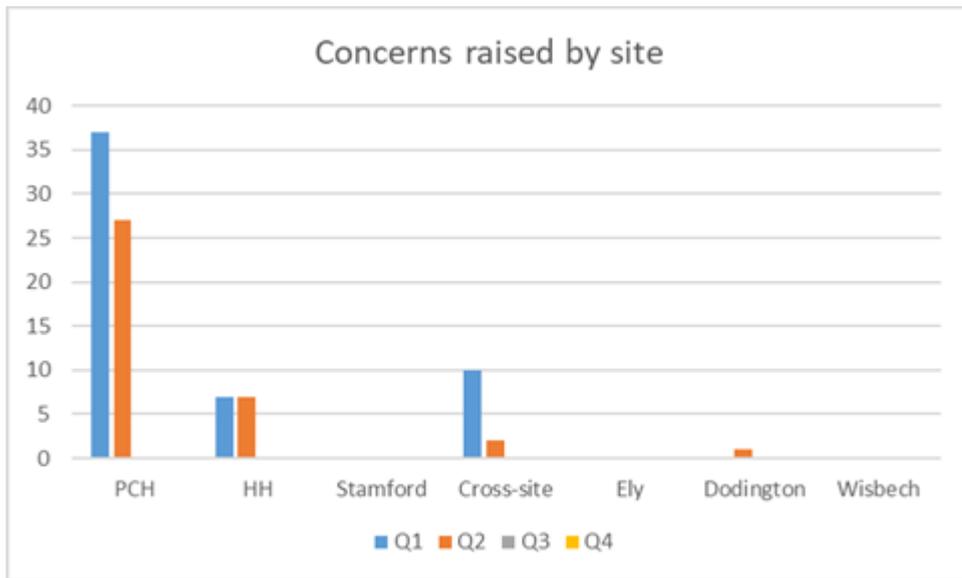
2.4 The concerns were raised across the following staff groups:

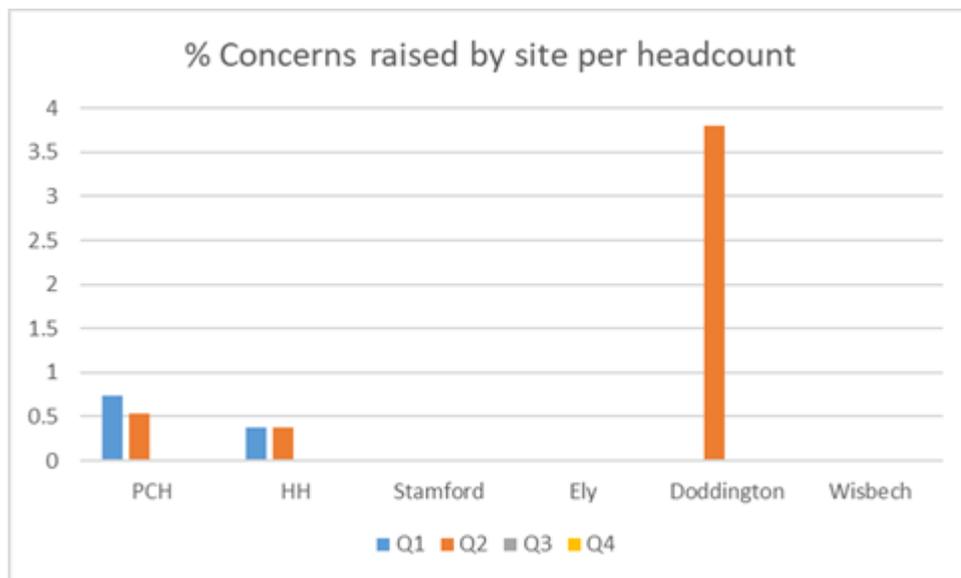


2.5 The professional level of staff, as defined by the National Guardians office, raising concerns were:



2.6 The breakdown of concerns raised by site:





2.7 There was one case of staff reporting detriment due to Speaking Up. Work is currently underway to try to understand and address this.

3. How the cases above have identified potential issues with patient safety or worker experience

3.1 The concerns raised involved issues that fell into, one or more, of the following categories:

- Bullying and harassment
- Potentially unsafe patient care
- Issues with leadership and/or management
- Poor behaviours
- Systems or processes that staff feel have been applied unfairly
- Staff safety
- Potential discrimination both sexual and racial

3.2 The most consistent theme in the past two quarters has been poor behaviours. There has been an increase in Doctors raising concerns. Predominantly this is junior doctors who are new to the Trust. Extra support has been provided via the college tutors to help address some of these concerns and the Chief Medical Officer is aware.

3.3 Another theme is that there is a delay in receiving feedback from formal HR processes. Individuals who have utilised formal HR processes to address issues feel that they wait a protracted length of time to receive either feedback or an outcome from this. Often the issue is caused by the manager/investigating officer not having protected ring-fenced time to deal with the issue whilst also managing all their other competing priorities which form part of their role.

4. Action taken to improve the FTSU culture across the Trust

4.1 Freedom to Speak Up Month:

October was Freedom to Speak Up month. Lots of activities to promote FTSU took place in the Trust including:

- Walk a rounds to distribute merchandise with the Guardian’s contact details on
- Trained new FTSU champions
- Presented at the Surgical audit meeting
- Information article in factsheet
- Presented a Trust Wide Education on Teams session (TWEET)

4.2 Freedom to Speak Up Training

The FTSU training produced by the National Guardian’s office was launched during October. This was the first module in a series of three aimed at all staff, managers and senior leaders respectively. There was good uptake of the training initially, however due to a technical glitch it had to be taken offline after a short period of time. This has now been relaunched and in future compliance against the training will be reported in subsequent Board reports.

5. National Guardian Update

5.1 New National Guardian

A new National Guardian has been appointed. Dr Jayne Chidgey-Clark is a clinical leader and registered nurse, with more than 30 years’ experience in the NHS, higher education, voluntary and private sectors. Her most recent roles include as non-executive director at NHS Somerset Clinical Commissioning Group (CCG) where she was a Freedom to Speak Up Guardian.

5.2 Case review – Blackpool teaching Hospitals NHS Foundation Trust

The National Guardian’s Office (NGO) has published its findings of their case review at Blackpool Teaching Hospitals NHS Foundation Trust. The objective of case reviews is to work with a Trust and individual workers who speak up to identify learning and areas of improvement. The National Guardian’s Office encourages all Trust to conduct a gap analysis to review they own Speaking Up arrangements with relation to the recommendations. The recommendations are outlined below:

| No | Recommendation | NWAFT Current picture |
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| | Within three months the Trust should: | |
| 1.1 | Continue to demonstrate that it values the views of its workers, including consulting staff about changes to their services as appropriate, in line with its policies and procedures and good practice | Opportunities for staff to contribute include cultural barometer, National staff Survey, Ask Caroline email as well as various other mechanisms |
| 1.2 | Continue to take appropriate steps to promote a culture of visible and accessible leadership | New First 100 days managers programme being delivered |
| 1.3 | Take appropriate steps so that issues about which workers speak up are responded to in accordance with trust policies and procedures and good practice | Concerns raised to FTSU Guardian are risk assessed and managed accordingly, other concerns managed through appropriate use of Trust policies i.e. grievance procedures |

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| 1.4 | Take appropriate steps to ensure workers who speak up are meaningfully thanked for doing so, in accordance with trust policies and procedures and good practice | All staff raising concerns to FTSU guardian are thanked for doing so in line with NGO guidance on best practice |
| 1.5 | Take appropriate steps to ensure its policies and procedures are fair and supportive of all workers in the speaking up process, including those who are the subject of matters that are raised | All policies assessed using equality impact assessment and will soon also include FTSU impact assessment. Support provided to those who are the subject of matters raised needs to be considered in more detail |
| 1.6 | Take appropriate steps to promote effective communication with those speaking up in order to effectively manage expectations | FTSU Guardian has continued contact with staff that raise concerns until matter is resolved in order to help manage expectations and ensure updates are provided |
| 1.7 | Take appropriate steps to assure themselves that speaking up practices ensure that the confidentiality of workers who speak up is appropriately supported – including looking into cases where a breach of confidentiality is reported | Confidentiality of workers protected. One case of possible breach of confidentiality currently being looked into |
| 1.8 | Take appropriate steps to ensure that workers who speak up can have input into the terms of reference for any subsequent investigations, in accordance with trust policies and procedures and good practice | Requires action |
| 1.9 | Take appropriate steps to ensure its response to workers speaking up, including the investigations of those issues and the implementation of learning resulting from them, is undertaken by suitably independent and trained investigators | Requires action by Workforce & OD |
| 1.10 | Take appropriate steps to ensure matters arising from cases of speaking up are investigated within reasonable timescales and without undue delay | Requires action by Workforce & OD |
| 1.11 | Take appropriate steps to ensure that workers who speak up receive meaningful and timely feedback in accordance with trust policies and procedures and good practice | Feedback provided by FTSU Guardian |
| 1.12 | Communicate that detriment for speaking up will not be tolerated, act to prevent detriment occurring, and put in place procedures that would enable cases of detriment to be looked into effectively when they are reported | Individuals speaking up assured detriment will not be tolerated. One case of detriment reported, currently working to understand causes and rectify |
| 1.13 | Take appropriate steps so that those who speak up have access to appropriate support and are made aware of and appropriately supported to access this support in a timely way | Range of support available including occupational health and counselling services. All individuals that raise concerns are signposted if appropriate. |
| 1.14 | Work with their Freedom to Speak Up Guardian to identify potential groups that face particular barriers to speaking up, and work towards addressing those barriers | FTSU Guardian attends all staff networks to increase visibility and encourage speaking up from groups that may face barriers to Speaking Up |
| 1.15 | Provide assurance that all three Freedom to Speak Up Guardians that support workers at the trust are able to meet the requirements of the universal job description | FTSU Guardian recruited into dedicated role in Trust in line with universal job description |
| 1.16 | Revert to using the term 'Freedom to Speak Up Guardian' for all three guardians. It may, | Term FTSU Guardian already used in the Trust. Only one Guardian in post. |

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| | locally, consider how it communicates the primary functions of the individuals in each of the roles though, at all times, the individuals should be able to fulfil the requirements of the universal job description | |
| 1.17 | Ensure that that changes to the Freedom to Speak Up arrangements are communicated to workers in a timely way | No changes made recently but arrangements regularly promoted throughout the Trust using a variety of mechanisms |
| 1.18 | Take appropriate steps to assure themselves that their Freedom to Speak Up Guardian arrangements have the confidence of the workforce | National staff survey contains a question regarding awareness FTSU. Need to ensure that staff who have spoken up are sent questionnaire to record their feedback |
| 1.19 | Provide the Freedom to Speak Up Guardian(s) with ring-fenced time for the role, taking account of the time needed to carry out the role and meet the needs of workers in their organisation. Leaders should be able to demonstrate the rationale for their decisions about how much time is allocated to the role | Full time FTSU Guardian in post |
| 1.20 | Take appropriate action to ensure the Freedom to Speak Up Guardian(s) are appropriately supported to carry out their role, in line with guidance from the National Guardian's Office and NHS England and Improvement | FTSU Guardian has ready access to Company Secretary (line manager), Non-Exec Director for FTSU as well as CEO and Executive Board members |
| 1.21 | Take appropriate steps to ensure cases brought to the Freedom to Speak Up Guardian are recorded and reported in accordance with guidelines from the National Guardian's Office | All cases recorded in line with guidance and data uploaded quarterly to NGO |
| | Within six months the Trust should: | |
| 2.1 | Continue with and review the effectiveness of its programme of work to challenge unwanted and/or unprofessional behaviours | Work underway to introduce Civility Saves Lives into Trust |
| 2.2 | Continue to promote and facilitate the use of mediation where appropriate | Mediation available via HR |
| 2.3 | Continue to improve effectiveness of its governance arrangements, including the communication of information from and to 'board to ward'. | The Trust has robust governance arrangements to ensure flow of information from 'board to ward' and vice versa. The system are assessed regularly for robustness through internal audit, peer reviews and independent reviews. Resulting improvement plans are monitored through the relevant governance forums as agreed. |
| 2.4 | Continue to take appropriate steps to ensure human resources policies and processes have the confidence of its workforce, including effective training for workers in human resources. | Requires action by Workforce & OD |
| 2.5 | Update and implement the trust's equality, diversity and inclusion strategy considering the findings of this review | Requires action by Workforce & OD |
| 2.6 | Provide and monitor the uptake of effective speaking up training for all workers, ensuring this meets the expectations set out in guidelines from the National Guardian's Office | NGO training launched but due to technical difficulties had to be withdraw. Relaunch due on 2/12/2021. Uptake will be monitored monthly |
| 2.7 | Complete the Freedom to Speak Up review toolkit and share this with NHS England and Improvement, in line with NHS England and Improvement guidelines | Toolkit completed May 2021 |

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| 2.8 | Continue to improve the board reports presented by the Freedom to Speak Up Guardian, ensuring this is in line with guidelines from NHS England and Improvement | Board report now being produced in line with recommendations from NHS Improvement |
| 2.9 | Develop and begin the implementation of a strategy to improve the speaking up culture across its workforce, in line with guidelines from NHS England and Improvement. The plan should contain measures to identify the main issues the trust should address, clear actions to address those issues and steps to measure the effectiveness of those actions | Strategy approved by the Board. Progress against the strategy to be reported to Board annually |
| 2.10 | Develop and evaluate its Freedom to Speak Up communication plan in line with guidelines from NHS England and Improvement, ensuring this takes account of workers in the trust's community sites and other groups that may face barriers to speaking up | Communication plan in place |
| 2.11 | Develop a plan to ensure that workers can speak up effectively about the impact of integration as its local integrated care system continues to develop and mature | Action will need to be taken alongside system partners and woven into the emerging system governance arrangements. Company Secretary involved in the system conversations with other Directors of Corporate Affairs. |
| Within nine months the Trust should: | | |
| 3.1 | Review the use of the Freedom to Speak Up Champion role, ensuring this is in line with guidelines from the National Guardian's Office | Champion role has reviewed and is in line with NGO guidance |
| Within twelve months the Trust should: | | |
| 4.1 | Discuss and agree a continuity plan to support incoming Freedom to Speak Up Guardians and minimise any disruptions to the Freedom to Speak Up arrangements, ensuring this is in line with guidelines from the National Guardian's Office | The Company Secretary, as Executive Lead for Freedom to Speak Up provides interim cover when the FTSU Guardian is away. This process is activated several times a year and we can demonstrate that FTSU issues continue to be picked up when the FTSU Guardian has been away. |
| 4.2 | Take appropriate steps to identify and review measures to assure themselves that those with senior responsibility for Freedom to Speak Up have the confidence of the workforce, making improvements as needed | This is primarily monitored via the Quarterly Cultural Barometer, FTSU Index and Staff Survey. Staff confidence in speaking up and that action will be taken will indicate if staff are concerned about raising concerns through all channels. |
| 4.3 | Revise the trust's speaking up policy to take account of the observations made in this report | Policy currently has short term review date whilst awaiting National policy guidance from NGO which is expected early in 2022 |
| 4.4 | Take steps to ensure all existing and new workers are aware of the contents and meaning of its revised speaking up policy | Changes to policy will be communicated at appropriate time. |

5.3 Benchmarking

The National Guardian's office (NGO) requires all Guardian's to report data on the number and nature of cases quarterly to allow them to benchmark Trusts. The table below contains the data uploaded from quarter 4 of 2020/21 and quarter 1 of 2021/22.

| | Number of cases raised | | Number raised anonymously | | Number related to patient safety /quality | | Number related to behaviours including bullying or harassment | | Number of cases where people indicate they are suffering detriment as a result of speaking up | |
|--|------------------------|------------|---------------------------|------------|---|------------|---|------------|---|------------|
| | Q4 2020/21 | Q1 2021/22 | Q4 2020/21 | Q1 2021/22 | Q4 2020/21 | Q1 2021/22 | Q4 2020/21 | Q1 2021/22 | Q4 2020/21 | Q1 2021/22 |
| North West Anglia NHS Foundation Trust (Medium) | 29 | 54 | 0 | 0 | 3 | 11 | 5 | 14 | 0 | 0 |
| Cambridge University Hospitals NHS Foundation Trust (Large) | 49 | 24 | 12 | 2 | 4 | 4 | 15 | 6 | 0 | 0 |
| Luton and Dunstable University Hospital NHS Foundation Trust (Medium) | 6 | - | 0 | - | 0 | - | 5 | - | 1 | - |
| Milton Keynes University Hospital NHS Foundation Trust (Small) | 1 | 3 | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 2 |
| Norfolk and Norwich University Hospitals NHS Foundation Trust (Medium) | 64 | 63 | 4 | 5 | 2 | 13 | 6 | 6 | 0 | 0 |
| Royal Papworth Hospital NHS Foundation Trust (Small) | 17 | 26 | 0 | 0 | 3 | 5 | 7 | 21 | 21 | |

6. Recommendations

- Continue promotion of FTSU
- Encourage uptake of FTSU training modules
- Continue collaborative working across the Trust to increase awareness and importance of Speaking Up
- Gather feedback from staff that have raised concerns

