

Agenda item 4.iii

Report to:	Board of Directors	Date: 9 June 2022
Report from:	Tony Bottiglieri, Freedom to Speak up Guardian	
Principal Objective/Strategy:	To inform the board of progress on Speaking Up Service	
Title:	Freedom to Speak Up Guardian annual report 2021-2022	
Board Assurance Framework Entries:	Staff Engagement Patient Safety	
Regulatory Requirement:	Recommendation from Francis Review 2015; Governance – Well-led Framework Workforce	
Equality Considerations:		
Key Risks:	Staff do not feel confident to speak up and raise concerns	
For:	The Board are asked to receive and discuss the report from the Trust's Freedom to Speak Up Guardian (FTSU)	

1. Background

In line with the recommendations of the Freedom to Speak Up Review (Francis, 11.2.15), the Trust has a Freedom to Speak up Guardian who took up post in August 2018. This is annual report covers the period April 2021 to March 2022. The report is intended to inform the board of progress and of key issues reported to the FTSU guardian during this period.

During this period, the post holder undertook duties and responsibilities as laid out by the post profile and in accordance with national office guidance. The post is currently allocated 24hrs (0.6 wte) per week. Support to establish the allocated hours as permanent have been agreed for financial year 2022/23, and to ensure equality of opportunity into this post to be undertaken.

2. Progress to date

As we progressed through the relaxation of Covid 19 restrictions, plans to address a return to return to 'business as usual' and to address the national health priorities ensued. The trust, like most trusts, worked at speed to build up capacity. Management of staffing capacity presented several challenges including one that is core – enhancing health care delivery and access. Some of the issues and concerns reported by staff during this reporting period are indicative of the drive for increase in service activity with what some staff report as little recovery from the pandemic waves.

As with previous annual reports, this period has been no less frenetic than others, with some positive indications that confidence in speaking up is more pronounced in some areas, but less so in others. Where speaking up has been encouraged and *listened to*, improvements in service have followed. In such cases, staff reported improvements in communication, working relationships across the team hierarchy and in teamworking. In other areas, incidents have required closer examination, with a few exceptional areas requiring a targeted transformational project approach. It is fair to say therefore that like other years, 2021/22 has been both a progressive and challenging year.

As FTSU Guardian, the importance of acting and behaving with neutrality and independence is critical for both governance and to ensure trust and confidence for staff. Speaking up is a process which encourages staff to speak on issues and concerns, whether on patient care, staff behaviour or a particular organisational process. Speaking up is guided by a governance process, so that when staff speak up, each can trust in a process which values this, that they are thanked and the contribution this makes towards the drive for an open and transparent working culture. This clearly aligns with the trust's values and its strategic intentions. There is still much work to progress a more fully speaking up culture, where staff feel safe to speak up and which we know leads to a wider positive effect on service provision and delivery.

If the role and service of speaking up guardian is considered established, then it fails to acknowledge the ongoing work needed in its long-term goals to establish the rightful culture where staff feel safe and confident to speak up on matters of concern. Towards this, there is ambition to utilise more opportunities in 2022/23. The approach in 2021/22 was to offer greater flexibility in reaching out points to staff through regular drop in and walkabouts beyond the working week, for example, through into unsocial and weekend hours; increasing the number of speaking up champions (no 32) into patient and non-patient service areas, and communicating themes to enhance confidence that the organisation is listening, and targeting priorities in line with areas of service concern. The range of strategies listed here are to continue into 2022/23, utilising a wider network of existing and established trust forums and enlisting the support of a larger number of FTSU champions.

Networking across the region continued, local engagement with Cambridgeshire NHS trusts provided the opportunity to share good practice and to consider national initiatives for local application. Currently attention is being given to the implementation of the national initiative to provide staff with training on speaking up "*Speak up, listen up, and follow up*", and in exploring how the role of the guardian is assimilated into the Integrated Care Systems.

At time of reporting, the Freedom to Speak Up annual national index report 2021/22 has not been published. This will be reported in Q1 2022/23 to the board.

A summary of the actions /commenced/completed April 2021 - March 2022 are outlined below:

- Recruiting additional Freedom to Speak Up Champions (2022- 32 champions)
- Commencement of reviewing the FTSU Guardian trust strategy (2019-2021)
- Increase access for 1:1 meeting with staff and attending operational and clinical committees
- 1:1 meeting with CEO, executive and deputy director for workforce, workforce employer partners; health and wellbeing facilitators; network chairs and EDI manager
- Quarterly reporting to the national office and periodic reporting to the Board
- Networking with district, regional and national FTSU forum representatives and events
- Engagement with trust committees and networks.
- Reporting through trust briefings and newsbite
- Profiling Speaking Up service at Trust induction/medical staffing inductions and other staff development workshops.

- Drop-in surgeries to increase access to speaking up guardian, particularly for our night staff (Covid regulations permitting – April 2021; July 2021; October 2021; February 2022)
- Engagement with trust disciplinary processes

3. Priorities for 2022/23

Outcomes, measures and monitoring mechanisms in supporting FTSU Guardian vision and strategy 2019-2021 (in process of being reviewed/updated)

- National FTSU Index report results/targets; await outcome report from the National Guardians Office
- Continue to monitor and review concerns raised through *Speaking Up* with Workforce Human Resource partners
- To continue to build upon the existing communication channels for staff to raise concerns, including attendance to staff forums and committees (e.g BAME/Joint staff consultative forums, EDI/walkabouts, drop-in surgeries, national speaking up month/trust briefings and networks)
- Maintaining a steady state of freedom to speak up champion across the trust
- Quarterly FTSU updates for all staff via communication team and intranet.
- Annual reporting to the Trust executive board to inform on annual reporting themes and lessons learnt
- Provide periodic storytelling as a method of learning lessons
- Profiling speaking up through National Speaking up Month – October 2022
- Bimonthly FTSU Champion forums with case study audit (supporting the FTSU champions)

4. Feedback/themes and outcomes of reported incidents

Incidents reported to either the guardian or champion, consented by staff member, are raised with HR partners. This is to explore nature of incident, to determine if concerning issue has been reported through trust processes (including through line management structure). This is to assist with signposting and to establish urgency of the concern (to align with policy guidance). A significant proportion of concerns raised through the *speak up service* are not known to workforce, that staff had a desire to circumnavigate the line manager (middle/senior).

All staff who seek to speak up are advised of public disclosure and safeguarding protections. Staff often express concerns for speaking up, worried about detriment, the effects on them, their careers and their working relationship. In essence, concerns about speaking up are associated with not being believed. Staff seek guardian or champion involvement at various stages, at initiation or at the point where the issue has gathered momentum and is subject to a process. Regarding the latter, seeking assurance and clarifications on how the process is to proceed. Where an investigation is being pursued, staff are concerned about their wellbeing, that the alleged perpetrator will be able to intimidate, and that the process will either (i) not investigate the index issue and/or contributing factors – that the focus is too narrow; (ii) that the relationship between the perpetrator and the trust is potentially bias.

National reporting Q1, 2, 3 and 4 – based on national reporting template

Reporting period 2020/21	Q1	Q2	Q3	Q4	Total	2020/21
Number of cases brought to FTSU Guardian	26	20	28	31	105	84
Number of cases with an element of bullying or harassment	20	13	17	17	67	42
Number of cases with an element of patient safety/quality	5	3	7	1	16	12
Number of cases where staff indicate they are suffering detriment as a result of speaking up	1	2	5	9	17	9
Number of cases raised anonymously	0	0	0	0	0	0
Number of cases with an element of worker safety	0	2	4	1	7*	
Number of cases brought by professional group						
Admin/Clerical/maintenance	5	4	4	11	24	
AHPs	10	3	4	4	21	
Doctors	3	1	2	1	7	
Healthcare Assistants	1	0	1	2	4	
Nurses	7	10	16	12	45	
Corporate services	0	2	1	1	4	
Given your experience, would you speak up again?						
Total responses	22	16	28	27	93	
Yes	22	12	20	14	68	
No	0	0	0	0	0	
Maybe	0	2	5	6	13	
Don't know	0	2	3	7	12	

* First year of reporting

The predominant theme, which we saw in 2019/20, appeared again across 2021/22. This was related to staff behaviours as cognisant of the trust's values of **compassion, collaboration and excellence**. Here, either inferred or specifically stated when reported, concerns were described within the category bullying, harassment and discrimination. Also worrying, are the existence of several situation's that although seeing more confidence with reporting year on year, staff have been more questioning, having a reducing confidence of the disciplinary processes – questioning whether they are conducted fairly, with transparency and are unbiased.

This has led the FTSU guardian to engage more fully with the disciplinary processes when activated. For example, engaging at different stages - obtaining copies of complaints/grievances raised including the ToR to guide the investigation and attending outcome meetings (hearings). It is also worth noting that in some instances, senior and middle managers are less enthusiastic on *hearing* the concern, nor in wishing to pursue a remedy either formerly or informally. There is a noted increase of issues related to patient safety, mapped against the Datix reporting method.

The board are also asked to be aware that reporting and speaking up continues to be difficult for most staff although observing a year-on-year increase a willingness to do so - as noted in section 2. Staff continue to be influenced by a fear of reprisals, being disbelieved, and lacking confidence of the neutrality of the process. Unfortunately, there is a continued reluctance to raise issues with direct line managers. Additionally, staff are seeking to have discussions/meetings recorded, with an increase in confidence to “call something out” through the Guardian/champion. The proportion of staff who speak up and are likely to do so again continues to increase relative to overall number of incidents. Of the 105 cases reported during 2021/22, 68 stated they would speak up again, 13 were unsure *maybe* and 12 *didn't know*.

5. Progressive initiatives

I am keen to use this space to acknowledge the efforts being made to address some of the concerns highlighted in this report. Acknowledged in last year's report, implementation of a range of staff development activities including values and behaviours workshop is in evidence. Here, roll out has seen a positive uptake but some groups are still underrepresented. Leadership training for managers is another provision which assists managers to harness the skills and values for management. This is welcomed.

Since last years report, recruitment and selection processes have been amended, with additional training for those involved with the process. This has included the development and provision of more diverse panels. The trust has also been instrumental towards the development of wellbeing facilitators to support staff welfare and wellbeing. Each is positioned strategically to support staff within dedicated time and areas of the service. In working closely with all networks across the trust, the service of speaking up is to support initiatives which bring about positive and sustainable change through speaking up. It welcomes the work currently undertaken in helping to support staff as described within these initiatives.

I would like to close by sharing a few examples of some of the issues reported within the period of reporting:

- A nurse, whilst on leave, offered to cover a night shift. The nurse was 10 minutes late for the start of the night shift. Was criticised for being late publicly. On finishing the shift, whilst walking towards the lift, was again criticised publicly by the shift leader. Reported to the senior leader, who claims that the person had been spoken to. No apology has been offered.
- Trainee working in a clinical area, was victimised and labelled. The terms were frequently used to describe their inabilities – stigmatising the person, and often undermined on tasks capable of undertaken but refused. The person has since been transferred to another dept.
- Staff reporting concerns about the leadership styles of another dept, advised that this would only be considered for attention if the people effected spoke up. That it was reported by a third party did not encourage the senior leader to pursue this any further. The leadership behaviours reported on were described as bullying with intimidation.

6. Acknowledgements in support of 2020/21

The role and service continue to attract a high level of support from the executive team which I am extremely appreciative of. Thanks to our chief executive Stephen Posey, executive director Oonagh Monkhouse and non-executive director Cynthia Conquest and a host of others within the trust! Thank you.

7. Recommendation

The Board of Directors are requested to note the contents of this report.