

Agenda item 4.iv

Report to:	Board of Directors	Date: 03 November 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 Update Report Q1 & 2:2022/23	
Board Assurance Framework Entries:	744, 1929 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:	Information	

1. Executive Summary

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 report reflects the period Q1 & 2 – 2022/23. It is intended to inform the board of progress and of key issues

2. Context and background

The development of the FTSU guardian role was one of the recommendations of the Sir Robert Francis FTSU review following the Mid Staffordshire Public Enquiry. The Trust appointed its first FTSU Guardian in 2016. The current FTSU guardian is the 2nd appointment.

In line with national recommendations, the Board is to receive regular six-monthly update reports followed by a yearly report on Freedom to Speak Up. As mentioned, this report covers the period April – September 2022. The board have received the annual report for 2021/22 – submitted June 2022. The FTSU guardian is currently appointed to role within the establishment of 0.6wte. The remaining establishment of 0.4wte is dedicated to accommodate clinical education.

Progress to date

Pleased to update the board that staff recognise the value of speaking up. This has been encouraged through a continued commitment in raising the profile of the speaking up service, supported by the growing critical mass of FTSU champions. Core tenets of this service are to ensure staff awareness of the importance of speaking, the value that the trust places on speaking up, and the contribution speaking up makes to establishing and

maintaining a just culture. Incidents reported during Q1&2 suggests reinforcement of what has become an established baseline of themes, with a growing assurance that staff are more likely to speak up again. Ambivalence and the responsiveness of services to staff queries is a consideration however and requires further attention. It is important to reiterate the message, wherever possible, through the many trust forums, that we promote speaking up and that we encourage the calling out of behaviours which are not aligned to our trust values, which themselves are aligned and are in keeping with professional codes of conduct and the NHS managerial constitution.

During Q1 & 2 FTSU champions have become further established. Champions are receiving greater contacts as staff seek out a supportive ear and guidance. Unfortunately, two champions left the trust during this period, however, balanced by a further four staff expressing interest in taking up champion roles. Interest is often captured during trust inductions where we now utilise the face-to-face delivery, enabling critical discussion on the importance of speaking up and the responsibilities held by all in calling out inappropriate behaviours.

I hope the Board will agree that our champions, in working alongside the freedom to speak guardian, play a pivotal role in the promotion of a just culture. The network of champions has continued to support staff, and we now see champions engaged with a variety of Trust networks. As guardian, part of supporting our champions is to maintain the network through regular contact and dialogue. These include bimonthly meetings with case study discussions between the business meetings. Attendance, as I am sure the Board appreciates, is challenging. Our champions are volunteers where time to support is constituted through good will, and where their primary focus is to serve their primary roles. Notwithstanding the popularity and the value in which champions/guardian hold the forums, to reiterate, attendance is predicated on competing priorities. Use of private time is common.

The business meetings are a legitimate use of time to meet, discuss and review the incidents we encounter. The meetings provide guidance and updates on issues and concerns reported by champions.

Champions continue to express interest in venturing into more activities to improve the profile of the role. Development into 2022/23 is to encourage engagement with shadowing the guardian, attending FTSU board reporting and facilitating trust inductions.

Support for the service and FTSU guardian.

Iterated in previous reports, the role of the guardian and champions continues to attract support. Clarity about the role of the guardian attracts occasional misinterpretations. For example, some staff seek remedies against issues through the guardian where line managers are more appropriate and best placed in dealing with the concern.

All discussions are treated in confidence and if/where possible, with anonymity. The compromise to this, and which I feel the board should be made aware (and certainly embedded in guidance provided to guardians through the national office) is where public safety and protection is required. Support to the guardian is appreciated through regular 1:1 with senior leads and executives. The format is supportive, constructive, reflective and critical, enabling the examination of themes, trends and patterns, and to check on progress.

Regularity of access to executive leads is accommodated and includes access when matters are of an urgent nature. The full plethora of communication modes are utilised.

Less effective has been a lack of engagement with some forums. This is not to be critical but to indicate the nature of a challenging work environment. It would be helpful, as requested, to accommodate an agenda item within said forums, with periodic updating from the guardian set against the agenda. As mentioned, access to senior leaders is not a concern, communication across all spheres (medical/non-medical) works well in dealing with day-to-day issues and concerns as they arise.

It is important to update the board of the guardian's engagement with our disciplinary processes. Staff are increasingly seeking outcomes ameliorated through such processes (Dignity at work for example), including involvement with disciplinary hearings where performance is at issue. It is important to again make clear, involvement in such processes is based on explicit rules of neutrality and independence. In most cases, this is relatively easy to navigate. Requests are usually associated with concerns about the application of process as defined by policy, and with a reduction in confidence over the process being undertaken.

Wherever possible, pursuance of a mediated outcome is preferred. However, as mentioned, confidence has been a concern, and building trust emanating through the process is essential. In all cases where the guardian has been asked to engage, careful oversight has proven to be helpful. It is unfortunate however, often related to growing frustrations; staff seek the formal process in order to ensure their issue/concern is taken seriously.

Further use of informal and skilled discussions is to be encouraged. Formal processes do cause emotional harm both for the individual and for the organisation and may be long lasting.

3. National reporting

Quarter 1 and 2 reporting (2022/23) to the National Guardian's Office:

Reporting period 2020/21	2021-22					2020/21	2022-23			
	Q1	Q2	Q3	Q4	Total		Q1	Q2	Q3	Q4
Number of cases brought to FTSU Guardian	26	20	28	31	105	84	32	41		
Number of cases with an element of bullying or harassment	20	13	17	17	67	42	13	18		
Number of cases with an element of patient safety/quality	5	3	7	1	16	12	2	4		
Number of cases where staff indicate they are suffering detriment as a result of speaking up	1	2	5	9	17	9	4	0		
Number of cases raised anonymously	0	0	0	0	0	0	0	0		
Number of cases with an element of worker safety	0	2	4	1	7*		3	7		
Number of cases brought by professional group										
Admin/Clerical/maintenance	5	4	4	11	24		5	4		
AHPs	10	3	4	4	21		5	3		
Doctors	3	1	2	1	7		4	6		
Healthcare Assistants	1	0	1	2	4		5	8		
Nurses	7	10	16	12	45		12	17		
Corporate services	0	2	1	1	4		1	3		
Given your experience, would you speak up again?										
Total responses	22	16	28	27	93		24	35		
Yes	22	12	20	14	68		13	26		
No	0	0	0	0	0		2	3		
Maybe	0	2	5	6	13		4	2		
Don't know	0	2	3	7	12		5	4		

4. Common themes from cases brought to FTSU Guardian (Q1 & 2)

- Reporting concerns were not always taken seriously by managers/leaders.
- Inconsistent messaging against trust values and behaviours across all grades of staff, but more concerning amongst senior grades of workers.
- Racial/ethnic discrimination bias against professional development opportunities
- Discrimination - task delegation in clinical areas.
- Civility and poor leadership.
- Bullying behaviour in clinical and non-clinical areas
- Delayed timeframes in responding to concerns/engaging with formal processes.
- Staff morale; motivation; intimidatory/bullying leadership styles

Example case report:

Administrator seeking flexible working arrangement to be considered. Mental health need identified (OCD with agoraphobia ideations). Requested to work from home 1 day per week. Request approved but time limited. Option to work from home rescinded at expiry time, worker required to work from base full time. OH guidance provided, that employer should consider workers request for flexible working. Worker advised that all workers were now required to return to office working. Outcome, worker has now been approved to work from home 1 day per week. Elongated process in reaching a supportive and compassionate outcome.

5. Recommendation

The Board of Directors is asked to receive and discuss this report from the Freedom to Speak up Guardian relating to Q1 & 2 2022/23.