

Agenda item 4.ii

<b>Report to:</b>	<b>Board of Directors</b>	<b>Date: 5 September 2019</b>
<b>Report from:</b>	Tony Bottiglieri, Freedom to Speak up Guardian	
<b>Principal Objective/Strategy:</b>	To inform the board of progress on Speaking Up Service	
<b>Title:</b>	<b>Freedom to Speak Up Guardian Update Report Q1:2019/20</b>	
<b>Board Assurance Framework Entries:</b>	744, 1929 Staff Engagement Patient Safety	
<b>Regulatory Requirement:</b>	Recommendation from Francis Review 2015; Governance – Well-led Framework Workforce	
<b>Equality Considerations:</b>		
<b>Key Risks:</b>	Staff do not feel confident to speak up and raise concerns	
<b>For:</b>	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 is the first update report for 2019/20. 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 second appointment to this role.

In line with national recommendations, the Board of Directors is to receive regular quarterly update reports followed by a yearly report on Freedom to Speak Up. This report covers the period from April 2019 to June 2019. The board are advised that Q1 report has not been submitted to the National Office as the system is currently undergoing software update reconfiguration work. The National Office will advise accordingly.

The current post holder is allocated 1 day per week undertaking duties related to this role.

### 3. Progress to date

It was pleasing to be assured through the Trusts staff survey that over 80% of staff are aware of the FTSU Guardian. Focus of activity since taking up post at the end of August 2018 has been to establish the role and to increase its profile across the Trust. The approach adopted and mechanisms used to enhance profile continue to be used. These include holding surgeries and offering clinical and non-clinical area walkabouts;

presentations, and membership of a range of Trust committees such as BAME, Joint Staff Council and the Equality and, Diversity and Inclusivity Steering Group. The importance of speaking up is both emphasised and strengthened within the corporate trust induction by the Chief Executives welcome also. It is however a concern that the current ability to undertake the full range of FTSU guardian duties and responsibilities on one day per week is not possible.

#### 4. Priorities for 2019/20

Based on national guidance and internal Royal Papworth Trust discussions the priorities for 2019/20 are to:

- Continue to provide a safe channel for all staff who require support to raise concerns
- Work towards cultivating an improved speaking up culture at Royal Papworth, by continuing to support the current organisational initiatives.
- Learn from others, particularly from those who raise concerns to improve our policies and procedures for dealing with concerns.
- Seek ways to build upon the current channels for staff to enable them to raise concerns.
- Explore how the FTSUG role can link/contribute to the Culture and Leadership programme.
- Implement FTSU champions across clinical and non-clinical areas
- To find the appropriate local solution for implementing the National Guidelines on FTSU training for all NHS staff (National Office report August 2019).

#### 5. National reporting

Quarter 1 reporting (2019/20) to the National Guardian's Office

This is to be submitted to the National Office when requested. At the time of reporting, this amounted to 15 incidents, all of which fell within the category of harassment and bullying. It is important to note that classification is that which is reported by the member of staff and not that which is applied by the FTSU guardian.

#### 6. Concerns raised with the FTSU Guardian

Fifteen staff have contacted the FTSU guardian during the period Q1- 2019/2020. The themes identified in the concerns raised were as follows:

Concern theme	Sub-theme	Number	Occupational group
Bullying and harassment	Work expectations	4	Nursing; medical administration/coordination
Bullying and harassment	Equality and diversity (ethnicity)	3	Nursing
Bullying and harassment	Management and leadership style	8	Nursing; Admin and Clerical; Medical staffing

#### 7. Feedback and outcomes of reported incidents

Several of the reported incidents are known to the trust and are currently in the process of investigation. Where permitted by the member of staff, incidents have been escalated to the Employee Relations Team for further action. Staff that did not wish to progress

their concerns have had their concerns noted and followed up in order to seek an outcome. Not all staff responded to the request from the FTSUG for further discussion.

Where public disclosure is required, staff have been advised accordingly. In a few incidents, staff were happy for the FTSUG to contact their managers/leads, this was extremely rare and it is quite clear that staff confidence in reporting concerns to the Trust continues to be an issue. As noted in previous reports to the board (Q2-2018/19), staff felt that behaviours and attitudinal based concerns would not be considered important if reported (examples- behaviours at meetings by leaders, a belief that leadership behaviours are informed by racial attitudes; lack of confidence with human resource processes). In such cases, staff felt that this had a deleterious effect on staff morale leading to staff turnover.

It is worth noting that staff were unclear of their entitlements and rights under their contract of employment and NHS Constitution. It is a concern that information provided by team leaders may not offer accurate guidance and may not be indicative of the nature and/or spirit of trust policy as intended. Examples of potentially inaccurate advice provided by managers and team leaders include: nursing band 6 development programme access; staff salary concerns regarding under and over payments; flexible working arrangements; absence due to sick leave and its management; staff consultation and communication regarding team structural changes and timelines.

In summary, by far, the majority of incidents reported to the FTSU Guardian for Q1 (2019/20) have related to issues of bullying and harassment as a consequence of the styles adopted by leaders and managers, and the possible lack of knowledge regarding employment policies and procedures. Staff continue to have concerns in reporting concerns to their managers and in the ability of the Trust's policies and procedures to find a suitable outcome.

## **Example of cases**

### **Case 1**

Clinical staff emailed FTSU guardian wishing to report a concern. Face to face meeting agreed. The concern relates to leaders behaviour towards them. Issue of bullying and harassment is the issue highlighted. The leaders' behaviour continues to be a concern as this has been reported on by other staff on previous occasions. Previous action has not led to any long term changes. Team manager is currently addressing this with the person and their immediate clinical lead.

### **Case 2**

Staff approached FTSU guardian to discuss the capability process as applied to them. Action plans and objectives were disputed. The person felt that the role and duties expected were too demanding for one person (1 WTE). Request for a 2<sup>nd</sup> post holder had been made to support them which had been rejected. Decision for this was based on one of the clinical leads interpretation of the role requirements. The decision was based on the person's experience of the role and duties when in post during 2004 – 2006. The FTSU guardian questioned the reliability of this assumption in comparison to current demands of role and duties. The person going through capability has now left the

Trust. The Trust has now appointed both a replacement and approved the appointment of an additional post holder – equating to 2 x WTE practitioners.

### **Case 3**

A series of individual meetings held with staff requesting meetings with the FTSU guardian. There is consistency and pattern to their stories. All separately reporting concerns about one person. All report separate incidents of bullying and harassment. Staff lacked confidence that action will be taken. They state that the trust had been aware of their concerns for some time with little change in the person's behaviour noted. Staff are concerned that some staff are "beyond" reproach and that trust grievance policy is not applied fairly and consistently.

## **8. Future Actions**

- a. Implementation of the Trust's FTSU Guardian 2019-2021 strategy – to include the development and support of champions across the trust.
- b. To continue to undertake activities which support the process of raising concerns (ward rounds, staff meetings, presentations at study days, trust inductions etc.), and to offer staff an opportunity to share their experiences and concerns.
- c. Training for all FTSU champions and on-going support
- d. Implementation of National guidelines on FTSU training in the health sector in England (National guidance recommendations -2019).
- e. Training of the Trusts FTSU guardian September 2019.
- f. Involvement with National events – FTSU month- October 2019.
- g. Joint working with other local NHS Trusts where lessons learnt can be shared.
- h. Continue to fulfil our duties regarding national reporting.
- i. Support the outcomes and recommendations following the recent CQC review (Well-led component - July 2019) when these are available.

## **9. Recommendation**

The Board of Directors is asked to receive and discuss this report from the Freedom to Speak up Guardian.