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<b>Report to:</b>	<b>Board of Directors</b>	<b>Agenda item:</b>	<b>16</b>
<b>Date of Meeting:</b>	<b>1<sup>st</sup> March 2023</b>		

<b>Title of Report:</b>	<b>Freedom To Speak Up Guardian Annual Report</b>
<b>Status:</b>	<b>For discussion and noting</b>
<b>Board Sponsor:</b>	<b>Alfredo Thompson, Director for People and Culture</b>
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<b>Appendices</b>	<b>-</b>

## 1. Executive Summary of the Report

This report provides an update on the progress the Trust continues to make including:

- FTSU Group assessment of the current position.
- Performance over the last 4 years which highlights confidence in Speaking Up is increasing.
- Work with Black Asian Minority Ethnic colleagues, highlighting current barriers to speaking up.

## 2. Recommendations (Note, Approve, Discuss)

- Discuss and note the Freedom to Speak Up update.
- Support on going work to ensure an open and transparent culture of speaking up is achieved in the organisation.
- Support the work underway to ensure Black and ethnically diverse staff can safely report concerns.
- Note the improvements in the numbers of staff speaking up.
- Note that the RUH was short listed for National HSJ awards supported by The National Guardians Office (NGO).
- Approve recommendations in Section 4 in response to NGO survey results.

## 3. Legal / Regulatory Implications

The Trust is required to meet the following legal/regulatory requirements in relation to raising concerns:

- NHS contract (2016/17) requirement to nominate a Freedom to Speak Up Guardian.
- National NHS Freedom to Speak Up raising concerns policy (2022)
- NHS Constitution: The Francis Report emphasises the role of the NHS Constitution in helping to create a more open and transparent reporting culture in the NHS which focuses on driving up the quality and safety of patient care.

## 4. Risk (Threats or opportunities, link to a risk on the Risk Register, Board Assurance Framework etc)

The implementation of effective practices ensuring that staff are able to raise concerns and are protected when they do will ensure that the Trust guards against legal claims against it. Failure to develop and implement the requirements of the legal and regulatory framework requirements may lead to reputational and finance losses.

<b>5.</b>	<b>Resources Implications (Financial / staffing)</b>
<p>There is currently one funded WTE Lead Freedom To Speak Up Guardian supported by 18 volunteer champions from a variety of job roles throughout the organisation. An Associate Guardian post is imminently being appointed to further support staff.</p> <p>The Champion team encourage staff to raise concerns, share themes with the FTSU Group and signpost concerns to the Guardian.</p>	
<b>6.</b>	<b>Equality and Diversity</b>
<p>The Raising Concerns Policy complies with the Public Sector Equality Duty.</p> <p>A more thorough Equality Impact Assessment is underway. The FTSU Lead is working through this with the EDI Lead and it will be provided for the next report.</p> <p>Staff disclose to the Freedom to Speak up service protected characteristics of disability, pregnancy, maternity, religion, LGBTQ+ race and age.</p>	
<b>7.</b>	<b>References to previous reports/Next steps</b>
November 2021 report to Board of Directors – Freedom To Speak Up - Update	
<b>8.</b>	<b>Freedom of Information</b>
Public Board.	
<b>9.</b>	<b>Sustainability</b>
-	
<b>10.</b>	<b>Digital</b>
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## 1. Purpose

The purpose of this report is to update Board on Freedom to Speak Up (FTSU) activities at Royal United Hospitals Bath NHS Foundation Trust (RUH) over Q1,2,and 3, providing information on the nature of the concerns raised including relevant internal data.

## 2. Background

The National Guardian's Office and the role of the Freedom to Speak Up Guardian were created in response to recommendations made in Sir Robert Francis' report 'The Freedom To Speak Up' (2015 [www.freedomtospeakup.org.uk/the-report/](http://www.freedomtospeakup.org.uk/the-report/)). These recommendations were in response to Sir Robert's finding that the culture in the NHS did not always encourage or support workers to raise concerns that they might have about quality and safety of care provided, potentially resulting in poor experiences and outcomes for patients and colleagues.

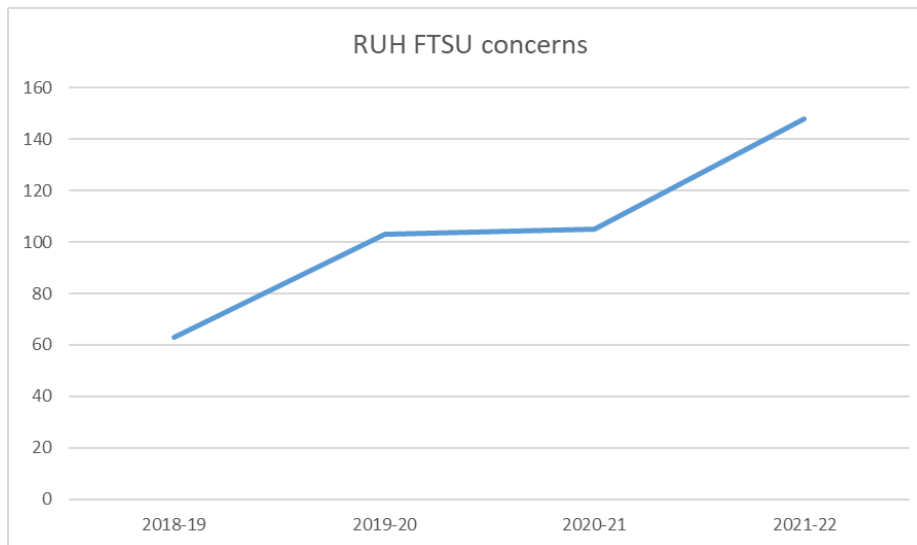
Concerns can be raised about anything that gets in the way of providing good care. When things go wrong, it is important to ensure that lessons are learnt and improvements made. Where there is the potential for something to go wrong, it is important that staff feel able to speak up so that potential harm is avoided. Even when things are going well, but could be even better, staff should feel confident to make suggestions and that these are taken on board. Speaking up is about all of these things.

The National Guardian's Office is an independent, non-statutory body with the remit to lead culture change in the NHS so that speaking up becomes business as usual. The office is not a regulator, but is sponsored by the CQC and NHSI/E.

The Trust Vision for Freedom to Speak Up is:

***To promote and maintain an open and transparent culture across the Trust, ensuring that all members of staff feel safe and confident to speak up about issues that concern them.***

A Freedom to Speak Up Guardian has been in place at the RUH since October 2016. The service has a committed team of champions who support and signpost to the Guardian. Concerns have gradually increased as outlined in the graph below:



A promotional video for members of staff has been created and can be accessed here:  
<https://youtu.be/CneEBsB5AIM>

### 3. National Guardians Office (NGO)

Highlights over the 2021/22 period include:

- A new national guardian Dr Jayne Chidgey-Clark was appointed in December 2021 as Dr Henrietta Hughes stepped down.
- Progress continues to be made to improve the speak up culture across a range of organisations. There are now more than 820 Freedom to Speak Up Guardians in over 500 organisations who have handled nearly 75,000 speak up cases to date, allowing workers to speak up who might otherwise not be heard.
- Support and development has improved for FTSU Guardians including revised training for new Guardians, refresher training for existing Guardians, and a refreshed Network Chair role in 2022.
- A new role Mentor role has been introduced to support success of FTSU services. The FTSU Guardian from RUH has been selected to be one of these mentors and is actively supporting other Guardians from different organisations.
- There is a new National Speaking up Policy. The RUH policy is currently under review to ensure alignment with national guidance.

### 4. NGO Freedom to Speak Up Annual Survey 2021

The annual NGO FTSU survey was carried out identifying key areas for future focus, in particular Senior Leaders' essential role in Freedom to Speak Up.

Recommendation	RUH's current Position	Meeting expectations Y/N?
Senior leaders should deepen their support for speaking up by taking action to demonstrate learning from	Current RUH processes in place. Board Assessment tool will test and add further assurance.	No <i>Recommendations to organisation for success: Instigate Follow up</i>

speaking up, tackling detriment, and supporting further cooperation within organisations on all matters related to speaking up.	With each case managers are educated on FTSU culture and safe speaking up for all staff. Training is available and essential for all staff. Currently staff share inconsistencies and report fear of speaking up due to fear of detriment from their managers/ culture of the organisation.	training for leaders Theme current data to support areas where staff report fear of speaking up Ensure Restorative Just Culture is embedded with consistency so all staff can benefit and the organisation can learn Re visit and identify touch points in current leadership programmes where psychological safety and FTSU can be included
There should be visible action on detriment for speaking up wherever this is reported.	Current process- staff can report detriment at any time. All detriment cases are reported and shared with NED Lead for FTSU to be investigated.	Yes
The frequency and status of training on speaking up matters should be reviewed so that guardians and leaders can satisfy themselves that workers and those who support them have the knowledge and skills they need to speak up, listen up, and follow up, well.	Current training regime in place that seeks to address any staff barriers. Current training targets are over and above expectation.	Yes
Senior leaders should take the necessary steps to tackle the perception that speaking up is futile, including ensuring appropriate action is taken when individuals speak up and that they are offered timely and meaningful feedback.	Open communication from Senior leaders encourage staff to speak up. Execs and senior managers refer staff and encourage staff to access FTSU. Current Staff survey results show improvement.	Yes

The full report can be found with the link below:

<https://nationalguardian.org.uk/wp-content/uploads/2022/03/2021-FTSUGuardian-Survey-Report.pdf>

## 5. FTSU Guardian Activity

### 5.1 National Work

The FTSU Guardian has continued to actively engage with the National Guardian's Office, including acting as SW Chair report to National Guardians Office when needed, completing data requirement, contributing to surveys.

The RUH was short listed for National **HSJ** awards which was supported by The National Guardians Office. Further discussions are in place with National Guardians Office to nationally highlight RUH work and achievements.

Amanda Pritchard, Ruth May and Professor Stephen Powis have written a joint letter to NHS leaders in response to the Ockenden report. The letter includes a paragraph which states:

*"The report illustrates the importance of creating a culture where all staff feel safe and supported to speak up. We expect every trust board to have robust Freedom to Speak Up training for all managers and leaders and a regular series of listening events. A dedicated maternity listening event should take place in the coming months."*

RUH listening events took place bringing an increased awareness of FTSU to staff and themes shared with leaders for learning and support.

### 5.2 Regional work

The FTSU Guardian regularly attends regional network meetings and is in regular contact with the Guardians across the SW region. This is key for peer support, benchmarking and working together to push the Speaking Up agenda forward as part of the BSW partnership.

Comparisons in current cases (obtained from NGO website):

RUH NHS FT	Salisbury NHSFT	Great Western Hospitals NHS FT
126	99	12

The FTSU Guardian provides ongoing mentorship to new and existing Guardians Nationally.

## 6. Local work

The National Guardian's Office has launched in April 2022, with Health Education England, training for all workers and managers with the view that organisations need to bring this training to staff attention.

As previously reported, this training is essential for all staff at the RUH. To date, over 60% of staff are trained. In addition, the FTSU Guardian will visit areas and adapt and provide training, ensuring all staff have access.

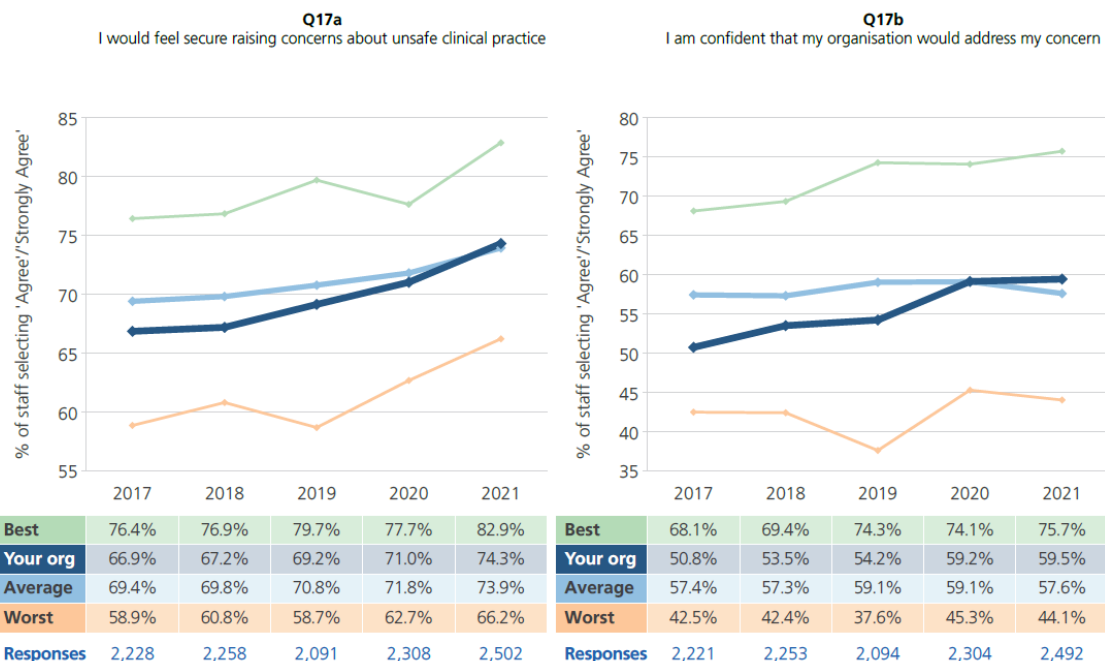
The FTSU Guardian is well supported by the communications team, who will regularly share information for all staff. Posters, leaflets and information are readily available for all staff.

Staff are referred to FTSU by senior leaders. The service is promoted in RUH question and answer sessions FTSU. There is a noted increase that speaking up is valued and appreciated in the RUH.

## 7. FTSU data

The FTSU service continues to be a busy service with staff accessing it from a range of job roles, bands and areas in the organisation. Please see appendix 1 for assurance.

As previously reported, confidence in speaking up is improving in the organisation. This data shows the increased confidence staff have with raising concerns in the organisation with a rise of 3.4% to Q17a. As 2022 Staff survey data is released we will update these changes.



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In accordance with National Guardian's Office guidance, we have adjusted our data collection to include concerns with an element of staff safety. To date, 25% of concerns have an element of staff safety.

## 8. Update on themes of cases Q1, 2, 3

As previously reported, during 2019/20 limited concerns were raised by Black and ethnically diverse staff. We continue to support staff with the service providing a secure, trust worthy option for staff to engage with. 16.1% of cases raised by Black and ethnically diverse staff in Q 1, 2, 3. We continue to increase diversity in our champion team to ensure support is available to all staff and note the WRES data in the organisation has a comparison of 16.2% with a current FTSU team of 45% Black and ethnically diverse staff.

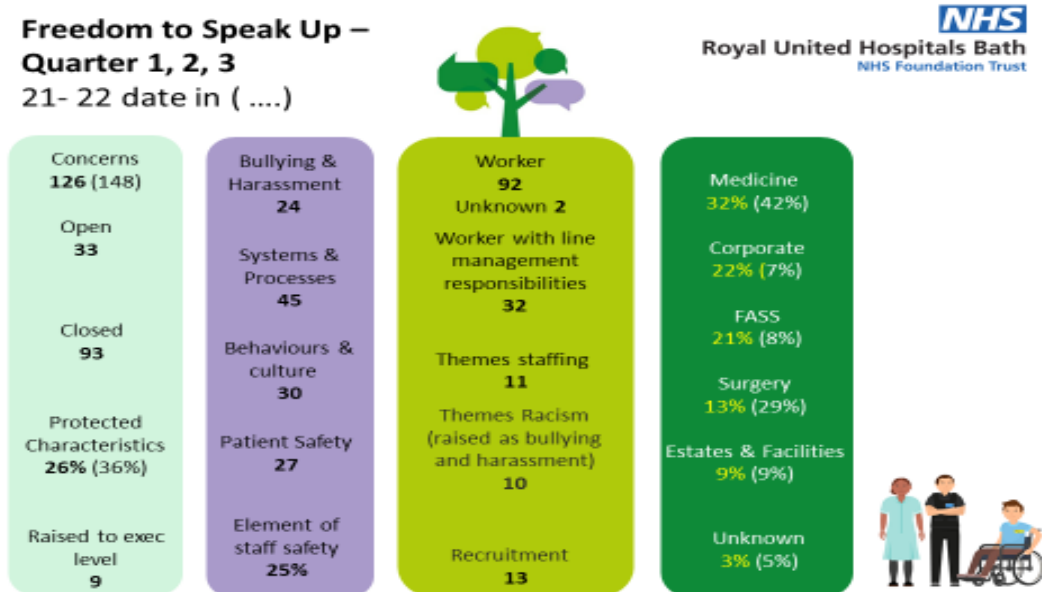
As previously reported, FTSU as a service has had many conversations seeking to support Black and ethnically diverse staff concerns in the organisation.

FTSU has found a theme of Black and ethnically diverse staff finding it hard to have a safe process to raise racism outside of the bullying and harassment policy. This theme has been noted by the Director for People and Culture, the Equality, Diversity and Inclusion Lead and Inclusion team. Further work is under way to address this and a further update will be provided in the next report.

It was previously reported that Midwives were speaking up about pressures and staffing levels. A series of listening events took place during August- November to provide sustained support and to promote FTSU. Feedback and adjustments are in process from the Midwifery Leadership Team. FTSU training continues to be included on the PROMPT training day that supports all staff working in the department.

Recruitment practices continue to be a reported theme for FTSU. Staff offer a range of concerns and are being captured for learning. An example of learning having taken place is poor recruitment processes improving systems in a highlighted area to provide improved trust and experience.

## 9. Improved Speaking up at the RUH



FTSU has continued to support teams with listening events and conducted events in five different areas between Q1-3. Improvements have been noted where FTSU as a service has not been accessed, and managers are the trusted option and voice that they feel safe to speak directly.

In other situations listening events have provided valuable insight into team dynamics for further support to be implemented.

Breakdown of data by division and reason for concern:

<b>2022 DATA Q1,2,3 % total cases</b>	<b>Medicine 32%</b>	<b>Corporate 22%</b>	<b>FASS 21%</b>	<b>Surgery 13%</b>	<b>Estates and Facilities 9%</b>	<b>Unknown 3%</b>
<b>Patient Safety</b>	26%	8%	55%	11%	0	0
<b>Bullying and Harassment</b>	33%	21%	4%	21%	8	13%
<b>Behaviours and Culture</b>	30%	37%	10%	17%	6%	0%
<b>Systems and processes</b>	29%	20%	29%	7%	13%	2%
<b>Total cases</b>	40	28	26	17	11	4

The increase of cases in FASS is the result of an increase in midwifery staff speaking up.

## Appendix 1 – Staff Groups accessing the FTSU Service

