

Trust Board Meeting

2 March 2023

Report Title:	Freedom to Speak Up Report
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Previously considered by:	N/A

Approval
 Discussion
 Information
 Assurance

Executive summary

This report provides members of the Board with an update on the activities progressed by the Freedom to Speak Up Guardian during the period Oct 2021 to Oct 2022. The report summarises the concerns that have been raised with the FTSU Guardian and outlines the other programmes of work that are underway. A link to the National Guardian Guide for leaders in the NHS is included within the narrative and has a further link to the improvement tool that is designed to help ESNEFT identify strengths in our leadership team and organisation – and more specifically any gaps that need work. https://nationalguardian.org.uk/wp-content/uploads/2022/06/B1245_ii_NHS-FTSU-Guide-eBook.pdf

Action Required of the Board

The Board is asked to:

- note this report and support the recommendations, to be completed by September 2023
- support the Freedom to Speak up Guardians and Assistant Freedom to Speak up Guardians in their role.

Link to Strategic Objectives (SO)		Please tick
SO1	Improve quality and patient outcomes	<input checked="" type="checkbox"/>
SO2	Provide better value for money	<input type="checkbox"/>
SO3	Sustain and improve access to services that meet the needs of the population	<input type="checkbox"/>
SO4	Deliver a sustainable, skilled workforce	<input checked="" type="checkbox"/>

Risk Implications for the Trust <i>(including any clinical and financial consequences)</i>	Patient Safety and Reputation
Trust Risk Appetite	Choose an item.
Legal and regulatory implications <i>(including links to CQC outcomes, Monitor, inspections, audits, etc)</i>	CQC
Financial Implications	Click here to enter text
Equality and Diversity	Click here to enter text

1. This report is written to cover the 15 months from Oct 2021 to December 2022, during which a total of 164 staff contacted the ESNEFT FTSU Guardian to raise a variety of issues. It is now five years since the Freedom to Speak Up Review and the appointment of a Freedom to Speak Up Guardian for ESNEFT. There is now a network of over 700 Freedom to Speak Up Guardians supporting more than 400 organisations. Guardians across the country amplifying the voices of those who might otherwise not be heard, seeking to break down barriers to speaking up, and supporting the use of speaking up as a valuable opportunity to learn and improve. The report is written using the guidelines from the Freedom to Speak Up Guide for leaders in the NHS [B1245 ii NHS-FTSU-Guide-eBook.pdf \(nationalguardian.org.uk\)](#) and in particular using the 8 principles highlighted by the guide as the fundamental requirements for an environment where people feel safe to speak up with confidence.

2. Principle 1: Value speaking up. For a speaking-up culture to develop across the organisation, a commitment to speaking up must come from the top. Within ESNEFT support from senior management has continued to be excellent and concerns raised have been addressed and action has been taken. The Trust vision statement remains extant:

“We encourage our staff to raise concerns openly, or anonymously if they prefer, safe in the knowledge they will be supported if they do, to make our trust a positive and trustworthy place to work and receive care.”

Of note the Board needs to recognise that there should be more regular conversations regarding speaking up within the Board and that going forward that we should recognise as a Trust that a culture in which workers feel safe and can confidently share their voice and speak up plays a critical role in organisational effectiveness. Organisations where workers can highlight issues, challenge the status quo or question the norm are better able to innovate, perform well and provide ever safer, more effective care.

Recommendation: There should be a FTSU update to the board every six months.

3. Principle 2: Role-model speaking up and set a healthy Freedom to Speak Up culture. Role-modelling by leaders is essential to set the cultural tone of the organisation. Leadership has the biggest impact on how workers behave – and actions speak louder than words. Workers take their cues on how to behave from the behaviour, decisions and communication style of their leadership. So, as a leader, it is essential that you embody the culture and behaviours you want to see.

The FTSU meets on a monthly basis with both the Wellbeing Guardian and the Director of HR, is a member of the Wellbeing Steering group and is one of the 4 quarters of the Wellbeing Hub. The FTSU is also a member of the EDI Steering Group, briefs SPF bi monthly and has a briefing slot on inductions.

The Board have the opportunity to complete the accompanying self-reflection tool developed by the National Guardian’s Office, which will help

- build a culture that is responsive to feedback from workers
- ensure that ESNEFT focuses on learning, to continuously improve quality of care and the experience of staff, patients and service users alike
- improve staff survey scores and other worker experience metrics
- demonstrate to regulators or inspectors the work ESNEFT is doing to develop our speaking up arrangements.

Recommendation: The Board will complete the self-reflection tool by September 2023 to assess further scope for improving the Speaking Up process and culture (Owner: Director of HR & OD)

4. Principle 3: Make sure workers know how to speak up and feel safe and encouraged to do so. Regular, clear and inspiring communication is an essential part of making a speaking-up culture a reality. The Freedom to Speak up page on the intranet is reached in 2 clicks, [Freedom to Speak Up \(sharepoint.com\)](#). Within this page are all the links required to support staff accessing the service including profiles of all the Assistant Guardians.

Of significant concern are the number of staff who fear detriment to their career should they raise concerns. This issue is well recognised nationally and across the NHS. Nationally despite the improvement in levels of anonymity, there has been a rise in reported detriment for speaking up, which was indicated in 4.3% of cases, up from 3.1% in 2020/21. Within ESNEFT all those who raise concerns are asked 'Given your experience would you speak up again?'

	Q3 21/22	Q4 21/22	Q1 22/23	Q2 22/23	Q3 22/23
Total Cases	31	52	23	24	34
Total responses	11	8	5	11	12
Yes	7	4	2	4	8
No	3	4	3	3	4
Maybe	1	0	0	1	0
Don't know	0	0	0	1	0

Whilst this is a small sample size there is much conjectural evidence that suggests that the most significant obstacle to encouraging staff to speak up is this fear that they will be subject to retribution for having done so. Staff are acutely aware of the career limiting potential of being seen as a trouble maker and many will go out of their way to remain anonymous or confidential. The cultural shift required to ensure that staff feel safe to raise concerns will not be easy to make and will require leadership and example.

5. Principle 4: When someone speaks up, thank them, listen up and follow up. Speaking up is not easy, so when someone does speak up, they must feel appreciated and heard. Many who raise concerns do so out of desperation. On occasions having raised a concern the individual does not want any further contact,

some having raised a concern ask that no further contact is made with them and quite a few will only raise concerns as they are leaving the Trust as a final comment.

In addition to the difficulties of speaking up in the first place is the complexity of closure. Not all investigations are going to uphold in full the concerns raised by an individual. Many will not bring closure and few will meet in full the outcome desired. Some cases will not have closure at all and the support to frightened and nervous staff can be challenging.

Managers play a vital role in supporting senior leaders to set the right cultural tone for speaking up and for handling speaking-up matters effectively. Within ESNEFT managers will have influence over how their teams and colleagues behave. Leaders at every level need to role-model the speaking-up principles. It helps workers feel safe, valued and confident to speak up and workers are likely to emulate the values and behaviours they see in their more senior colleagues.

Recommendation: review of leadership development training at ESNEFT to consider whether the importance of establishing a speaking-up culture is sufficiently addressed.

6. Principle 5: Use speaking up as an opportunity to learn and improve. The ultimate aim of speaking up is to improve patient safety and the working environment for all NHS workers. The information gleaned through speaking up is a precious resource that can help boost understanding and performance. To help identify patterns, trends and potential areas of concern, it is helpful to compare the themes in speaking-up cases with other data and information.

Data is provided, in line with the reporting used by the National Guardian Office and includes the number of staff contacting the FTSU Guardian and the reason for the contact. The number of staff contacting the FTSU has continued to increase year on year since the role was introduced in ESNEFT. Comparison data from the introduction of the FTSU is provided in the following table:

Year	Contacts
17/18	37
18/19	40
19/20	46
20/21	104
21/22	119
Q1,2 & 3 22/23	81

The National Guardians Office requires an identification of themes which include an element of patient safety or bullying and harassment within each quarter.

Themes	Q3 2021/2022	Q4 2021/2022	Q1 2022/23	Q2 2022/23	Q3 2022/2023
Total Cases	31	52	23	24	34
Element of patient Safety	14	9	6	11	9
Element of B &H	6	19	8	10	14

Nationally 2021/2022, nineteen per cent (19.1%) of cases raised included an element of patient safety/quality, a slight increase from 18% in 2020/21. Within ESNEFT 28.5% of cases had an element of patient safety/quality.

Poor behaviour including bullying and harassment also remain a cause for concern. Nationally in 21/22, the highest proportion of cases – a third (32.3%) – included an element of such behaviours. This is a rise from 30.1% last year. Within ESNEFT this figure was 37.8%.

Triangulation with other data takes place within the Wellbeing MDT including comparisons with indicators of the quality and safety of patient care (such as complaints) and indicators of work wellbeing (such as sickness rates). Data for speaking up is used with other sources to indicate amongst other detail - Who are the outliers, and why?, which departments and staff groups have consistently occurring issues and are any issues concentrated in one department or directorate, or do all types appear across different teams or parts of the organisation. Within ESNEFT there has been significant activity within Maternity, ED and the Pharmacy that have caused concern and these have been highlighted to relevant executives.

7. Principle 6: Support guardians to fulfil their role in a way that meets workers' needs and National Guardian's Office requirements. The guardian role is a wide-ranging and complex one. Not only does it involve responding to workers who speak up and supporting them

The FTSU Guardians continues to work with peers across the region and is an original member and was party to the establishment of the East of England Group. This meets on a quarterly basis and includes input from the National Guardians Office. The FTSU Guardian regularly joins seminars and webinars and has contributed to the ongoing National rewrite of Raising Concerns / Speaking Up policy. Further communications and engagement with staff in all parts of ESNEFT should be considered, so that all ESNEFT staff are aware of the FTSU process, and other ways to raise concerns.

Recommendation: Director of Communications and Engagement to review approach to raising staff awareness of the FTSU process.

8. Principle 7: Identify and tackle barriers to speaking up. However strong an organisation's speaking-up culture, there will always be some barriers to speaking up, whether across the entire organisation or in small pockets. Finding and addressing them is an ongoing process and in particular there needs to be further triangulation with the data provided from EDI sources and staff networks.

Staff networks provide a place for people to come together and share their experiences. They may be somewhere those who are least often heard feel safe and included. It is crucial that the FTSU builds strong connections with all staff networks as part of their work to understand the barriers some people face to speaking up. The very purpose of staff networks is to make a difference, so working with them to co-create solutions would be sensible, and may give proposed changes more traction. Currently the ESNEFT Guardian is a member of the EDI steering group and briefs the Staff Partnership Forum on a monthly basis. Throughout the course of the

pandemic a weekly meeting was established, jointly chaired by the Guardian and the then Head of EDI, specifically for staff networks to raise matters of importance and identify hotspots.

9. Principle 8: Know the strengths and weaknesses of the organisation's speaking-up culture and take action to continually improve. Building a speaking-up culture requires continuous improvement. The National Guardians Office have also produced a guide that is designed to be used by any senior team, owner or board in any organisation that delivers NHS commissioned services. This includes all aspects of primary care; secondary care; and independent provider.
https://nationalguardian.org.uk/wp-content/uploads/2022/06/B1245_ii_NHS-FTSU-Guide-eBook.pdf

Recommendation: All Board members should familiarise themselves with the NGO's Guide by September 2023.

The self-reflection tool should be completed by the senior lead for FTSU in the organisation, at least every 2 years. Previously this has been completed by the FTSU Guardian.

The Freedom to Speak up Guardian remains a key member of the Wellbeing Hub and will continue to develop the already close links that were established as the hub developed. This close relationship will allow far closer triangulation and significantly improve the ability to coordinate response to those with concerns. The establishment of a monthly MDT including representation from Employee Relations, Staff Side and Chaplaincy has been a major step in developing this triangulation.

10. The Raising Concerns / Freedom to Speak Up policy is currently 5 years old and requires updating. The National Guardians Office have now published a new national policy (June 2022) with an accompanying message:

'NHS England has today published its new and updated national Freedom to Speak Up policy, which is applicable to primary care, secondary care and integrated care systems.

Together with NHS England, the National Guardian's Office has also published new and updated Freedom to Speak Up guidance and a Freedom to Speak Up reflection and planning tool.

Each will help organisations deliver the People Promise for workers, by ensuring they have a voice that counts, and by developing a speaking up culture in which leaders and managers value the voice of their staff as a vital driver of learning and improvement.

NHSE is asking all trust boards to be able to evidence by January 2024:

- An update to their local Freedom to Speak Up policy to reflect the new national policy template;
- Results of their organisation's assessment of its Freedom to Speak Up arrangements against the revised guidance; and
- Assurance that it is on track implementing its latest Freedom to Speak Up improvement plan.

The 1st draft of the revised ESNEFT Policy was submitted to the Policy Sub Group on the 8th November and following further comment from staff side representatives it is planned to submit a final version for endorsement in April 2023.

Recommendation: Board to note that the revised policy has been agreed by the Policy Sub Group

11. The Trust Board is asked to

- note this report and support the recommendations, to be completed by September 2023,
- support the Freedom to Speak up Guardians and Assistant Freedom to Speak up Guardians in their role.