

Trust Board of Directors
Report Summary

Date of meeting: 2 November 2023	
Title of Document: Freedom to Speak Up Report	
To be presented by: Tom Fleetwood, Freedom to Speak Up Guardian	Author: Tom Fleetwood, Freedom to Speak Up Guardian
1. Status: For Approval/Discussion/<u>Assurance</u>/Noting/Information	
2. Purpose: This report provides members of the Board with an update on the activities progressed by the Freedom to Speak Up Guardian during the period March 2023 to September 2023.	
Strategic Objective	Improve quality and patient outcomes
Operational performance	Deliver a sustainable, skilled workforce
Quality	Improve quality through cultural change
Legal, Regulatory, Audit	Policy in accordance with National Guardian revised Policy
Finance	Provide better value for money
Governance	Through POD
NHS policy/public consultation	In accordance with National Guardian Guidance
Accreditation/ Inspection	Through POD
Anchor institutions	N/A
ICS/ICB/Alliance	
Board Assurance Framework (BAF) Risk	BAF4 - Quality assurance mechanisms regarding the quality and safety of patient services. BAF5 - Workforce – recruitment and retention.
Other	
3. Summary: 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 Reflection and Planning tool is included within this brief as is the recently endorsed ESNEFT Freedom to Speak Up Policy which is aligned with the revised National Policy National Guardian Reflection and Self Planning Tool: is attached at Appendix 1 Policy: attached at Appendix 2	
4. Recommendations / Actions Members are asked to note this report for information.	

1. This report is written to cover the six months from 1st March to 1st Sept 2023. During this period a total of 69 staff contacted the ESNEFT FTSU Guardian to raise a variety of issues. 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 eight principles highlighted by the guide as the fundamental requirements for an environment where people feel safe to speak up with confidence. Of significance the recent sentencing of Lucy Letby has reinforced the need for a cultural shift in attitude across the NHS to encourage, support, listen and take action around speaking up concerns.

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. Monthly meetings take place with the HRD and Wellbeing Guardian and the Guardian meets on a regular basis with both the Chair and the CEO. In addition a monthly MDT meeting takes place to review, triangulate, resolve or determine for escalation, any concerns raised.

At the March 2023 meeting the Board agreed that they would complete the National Guardians Reflection and Planning tool by Sept 2023. This has been completed and is attached for discussion. There are a series of actions within the document that should be discussed by the board.

Recommendation: Director of HR & OD and the Wellbeing Guardian have completed the self-reflection tool. The Board should read, discuss and endorse the recommendations contained within it.

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.

ESNEFT now has a thorough and tested leadership development training programme which includes leader's responsibilities around: our values, vigilance, support and physiological safety. Further bitesize training sessions for leaders are programmed throughout the coming 12 months.

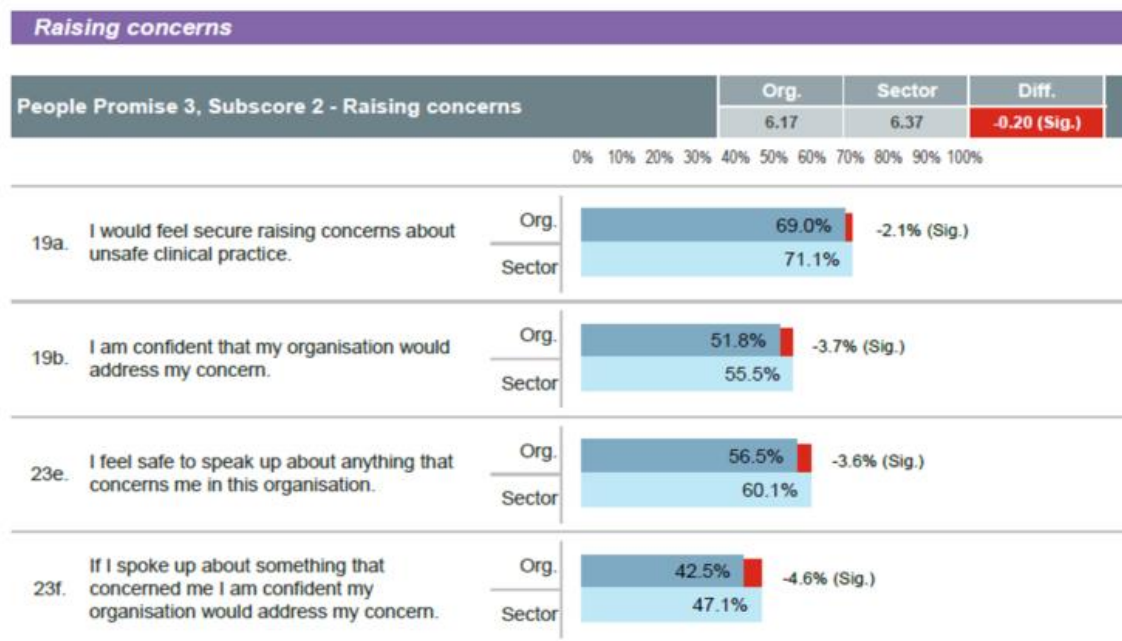
Recommendation: The Board should continue to lead the cultural shift towards a Trust that recognises that a healthy Freedom to Speak up culture is positive in every respect.

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.

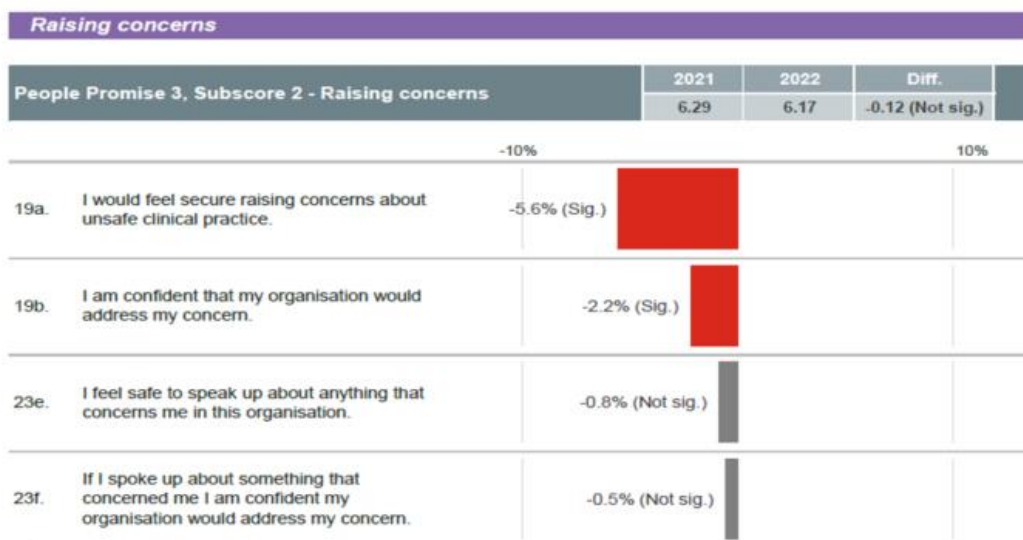
However it is evident that staff are still reluctant to speak up and fear that they will suffer detriment if they do. This is not peculiar to ESNEFT and has been highlighted by staff across the NHS though recent staff surveys though ESNEFT are below the national average.

Shown below are the results for the questions that make up the raising concerns section of the NHS national staff survey 2022. As can be ESNEFT scored significantly lower than comparable organisations.



The comparison between our 2022 and 2021 scores demonstrates a small deterioration in scores.

1.3.2. Local Changes



The above table shows a significant reduction in the security staff feel when raising concerns around unsafe clinical practice. Staff also report a reduction in confidence that the organisation will take action following a concern being raised.

Whilst not within section entitled raising concerns there are a two additional questions that indicate how colleagues feel about speaking up safely. The results demonstrate that the majority of staff agree that the organisation encourages reporting errors and that action is taken.

18b. My organisation encourages us to report errors, near misses or incidents.	2021		2022		Comparator	
Don't know	-	-	215	4.9%	9,188	4.5%
* Strongly disagree	-	-	51	1.2%	3,014	1.5%
* Disagree	-	-	137	3.3%	5,132	2.6%
* Neither agree nor disagree	-	-	561	13.5%	20,756	10.6%
* Agree	-	-	2,512	60.5%	116,109	59.5%
* Strongly agree	-	-	891	21.5%	50,203	25.7%
Missing	-	-	38		1,437	
Positive Score	-	-		82.0%		85.2%
Negative Score	-	-		4.5%		4.2%
Base	-	-		4,152		195,214

18c. When errors, near misses or incidents are reported, my organisation takes action to ensure that they do not happen again.	2021		2022		Comparator	
Don't know	-	-	603	13.8%	24,875	12.2%
* Strongly disagree	-	-	125	3.3%	5,827	3.2%
* Disagree	-	-	268	7.1%	11,175	6.2%
* Neither agree nor disagree	-	-	1,010	26.8%	41,529	23.2%
* Agree	-	-	1,864	49.5%	91,569	51.1%
* Strongly agree	-	-	495	13.2%	29,210	16.3%
Missing	-	-	40		1,654	
Positive Score	-	-		62.7%		67.4%
Negative Score	-	-		10.4%		9.5%
Base	-	-		3,762		179,310

Following the publishing of the 2022 staff survey results, much work has taken place to improve the speaking up culture at ESNEFT. This includes;

- Co-production of a raising concerns poster, to be launched in October
- Co-production of bitesize training for managers to encourage, support and take action around concerns being raised
- Review of how we encourage 'fresh-eyes' across the organisation
- Increase of diversity of our Associate Freedom to Speak Up Guardians
- Refresher training for all AFTSU Guardians to span; promotion of speaking up and support for staff and managers The intranet site has been updated to show all the ways in which staff can raise concerns in one place, making it easier for staff to see the most appropriate channel for the worry or concern they may have.
- Launch of ESNEFT's new FTSU Policy, incorporating the national guidance as well as local staff input.

Recommendation: The Board are asked to support and endorse the trust vision statement – “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.”

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.

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. This matter has been given much publicity recently. Within ESNEFT managers will have influence over how their teams and colleagues behave. The National Guardians office provides good online training packages which the Trust should consider making mandatory for all with management responsibility.

Recommendation: The Board are hosting the National Guardian at its October meeting and should take this opportunity to include discussion on mandatory Speaking Up training.

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.

There has been a steady rise in the number of annual contacts recorded by the Trust as the service has developed. As part of the quarterly report to the National Guardians office an identification of themes including those with an element of patient safety or bullying and harassment, within each quarter is recorded. Cases often have more than one element to them and it is rare that a concern involving Patient safety does not have an element of Bullying and Harassment as well.

Themes	Q1 2022/23	Q2 2022/23	Q3 2022/2023	Q4 2022/23	Q1 2023/24
Total Cases	23	24	34	29	34
Element of patient Safety	6	11	9	13	11
Element of B &H	8	10	14	8	11
Element of worker safety or wellbeing	3	2	10	7	12
Other	6	1	1	1	0

In Q1 2023/24 a total of 6,673 speak up cases were recorded nationally. This was similar to the number of cases (6,759) reported in the previous quarter. In ESNEFT numbers of cases remain stable. [There was a slight rise in Q1 2023/24 (34 cases) to Q4 2022/23 (29 cases) but the same as Q3 2022/23 (34 cases)].

In the most recent National annual (2021/22) report nineteen per cent (19.1%) of cases raised included an element of patient safety, a slight increase from 18% in 2020/21. Within ESNEFT 35.4% of cases recorded an element of patient safety in 2022/23.

Poor behaviour including bullying and harassment also remains a cause for concern both nationally and at ESNEFT. Nationally in 2021/22, 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 36.3%

Almost 1 in every 25 cases reported to Guardians are from workers indicating that they have suffered detriment after speaking up. There is evidence from the Staff Survey that suggests that the most significant obstacle to encouraging staff to speak up remains the fear that they will be subject to retribution for having done so.

The monthly MDT meeting incorporates input from other services including ER, Business Partners, Occupational Health, the Staff Psychology Service, Chaplains, H&S and EDI representatives to review challenging areas within the hospital and to identify 'hotspots' that require additional support and more focused targeting.

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 and the Trust has increased the reach of the guardian through the appointment of 7 Assistant Freedom to Speak Up Guardians. A further 4 Assistants have been appointed and all will receive training by the end of October. Sessions will also be provided to each of the Diversity Staff Network Leads. The introduction of wellbeing guardians will help to further promulgate the speaking up process and coupled with our increased reach into disability groups, Armed Forces networks, LGBTQI+ and EDI groupings will enhance our reach and effectiveness.

Recommendation: The Board support the recruitment and appointment of Assistant Freedom to Speak Up Guardians across ESNEFT.

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. The appointment of Assistant Guardians should significantly enhance this capability. At the same time the Raising Concerns Steering group will meet bi monthly to provide a forum for all those involved in Speaking Up to identify barriers and offer solutions.

Recommendation: The Board should support initiatives to remove barriers to Speaking Up.

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: The Board should remain familiar with the NGO's Guide.

Policy Introduction

The Raising Concerns / Freedom to Speak Up policy has been rewritten in accordance with National Guidance and ahead of schedule. This has been produced in conversation with staff side colleagues. The new policy whilst incorporating National Policy also offers considerable advice to any member of staff that might wish to raise a concern including the many support agencies that are available and with specific focus on how ESNEFT will not tolerate detriment in any form to someone who speaks up.

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

Action Required of the Board

The Trust Board is asked to note this report and support the recommendations,

Support the Freedom to Speak up Guardians and Assistant Freedom to Speak up Guardians in their role.