

Board of Directors (Open)

Date: 12 February 2020

Item Ref: 07

TITLE OF PAPER	Freedom to Speak Up Bi-annual Report (Quarter 1 & 2 April to September 2019)
TO BE PRESENTED BY	Wendy Fowler, Freedom to Speak Up Guardian
ACTION REQUIRED	To receive the report for information

OUTCOME	To receive assurance that Freedom to Speak Up process is being met and developed in line with national requirements
TIMETABLE FOR DECISION	Board February 2020
LINKS TO OTHER KEY REPORTS / DECISIONS	Learning Not Blaming available at: https://www.gov.uk/government/publications/learning-not-blaming-response-to-3-reports-on-patient-safety NHS-Standard-Contract-Technical-Guidance-1920 https://improvement.nhs.uk/resources/patient-safety-strategy/
STRATEGIC AIM STRATEGIC OBJECTIVE BAF RISK NUMBER & DESCRIPTION	Quality & Safety - A1 01: Effective quality assurance and improvement will underpin all we do A1 02: Deliver safe care at all times Quality and safety - BAF Risk A101iii - Risk that Trust governance systems are not sufficiently embedded
LINKS TO NHS CONSTITUTION /OTHER RELEVANT FRAMEWORKS, RISK, OUTCOMES ETC	2019-Risk-management-strategy.pdf National Guardians Office
IMPLICATIONS FOR SERVICE DELIVERY & FINANCIAL IMPACT	Freedom to Speak Up processes must be transparent and robust to ensure staff have confidence in raising concerns and that they are taken seriously which will help improve improved service user safety, quality of care, staff satisfaction and embedding a learning culture.
CONSIDERATION OF LEGAL ISSUES	Litigation and clinical negligence claims Non-compliance with regulatory bodies

Author of Report	Wendy Fowler
Designation	Freedom to Speak Up Guardian
Date of Report	February 2020

Summary Report

Report to: Board of Directors

Subject: Freedom to Speak Up Bi-annual Report (Quarter 1 & 2 April to September 2019)

Author: Wendy Fowler-Freedom to Speak Up Guardian

1. Purpose

For approval	For assurance	For collective decision	To seek input	To report progress	For information	Other (Please state)
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2. Summary

This report is submitted by the Freedom to Speak Up Guardian (FTSU) to the Trust Board for information and to provide assurance that the Trust is effectively implementing Freedom to Speak Up requirements.

A version of this report was presented to Audit and Risk Committee on 21 January 2020 who requested more assurance in terms of impact of FTSU and organisational learning. Following further discussion at the Executive Directors' Group (EDG) the report has been developed to aim to provide assurance on process, detail learning from concerns raised and include national benchmarking through the FTSU index.

3 Next Steps

- Further embedding the FTSU Guardian role within the Trust through team visits, delivering workshops and presentation at Trust conferences
- Implementation and monitoring of the FTSU Self-Review Action Plan through the FTSU Task and Finish Group
- Continue to strengthen FTSU processes including reporting, investigations, closing concerns and the sharing of learning
- To continue to encourage feedback about the process and the experience of staff who raise concerns
- To consider a further plan of training for managers and staff in FTSU
- The FTSU Guardian to be part of the Staff Experience Survey group to promote speaking up and to help support any initiatives from the group
- The FTSU Guardian to attend monthly care network meetings for crisis care and planned and scheduled care
- The FTSU Guardian to present to the quarterly safety event
- To use the FTSU index as a new measure for assessing the speaking up culture

4 Required Actions

To receive the report for information

5 Monitoring Arrangements

The FTSU Guardian will continue to meet the Executive and Non- Executive Director leads and work closely with the Associate Director of Patient Safety. The FTSU Guardian will report quarterly to EDG.

6 Contact Details

For further information, please contact:

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► Freedom to Speak Up

Bi-annual Report

Update and summary of the concerns raised
between April and September 2019 (Quarter 1 & 2)

Summary

The purpose of this paper is:

- To provide a six-monthly report on the process of developing the capability and capacity of FTSU
- To update on current and new FTSU requirements from a national and local perspective
- To provide an overview of the concerns raised through the FTSU Guardian for the period of April to September 2019 (Quarter 1 and 2)

1. Introduction

A governmental response to Sir Robert Francis Report 2015 led to the introduction to the NHS Contract for 2016/17 requiring every NHS trust to have a local FTSU Guardian from 1 October 2016.

2. Appointment of Freedom to Speak Up Guardian

In October 2016 Sheffield Health and Social Care NHS Foundation Trust (SHSC) appointed Wendy Fowler as the Trust's FTSU Guardian. The Trust has increased the capacity of the FTSU Guardian from 15 hours to 22.5 hours per week for 12 months to April 2020 with the intention of making this change permanent.

3. National Guardian's Office news

The National Guardian's Office (NGO) is an independent body sponsored by the Care Quality Commission (CQC) and NHS Improvement (NHSI). The Guardian's Office has recently:

- published national guidelines on FTSU training in the health sector in England, August 2019. Although, this is not a legal requirement they propose that training should be mandatory and delivered to staff at all levels of the organisation
- appointed an external provider to offer a 24hr support service for FTSU Guardians in July 2019, in acknowledgment of the difficulty of the role and the need for support
- developed an FTSU index designed to be used as a new measure for assessing the speaking up culture in NHS organisations. The FTSU index is calculated as the mean average of responses to four questions from the NHS Annual Staff Experience Survey. Our current score is 76% and this puts in the bottom 30% compared to all other trusts. We are awaiting the outcome of the 2019 staff survey and will work with the staff survey steering group to take appropriate actions to work to improve this index during 202/21.

The survey questions that have been used to make up the FTSU index are:

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- % of staff responded "agreeing" or "strongly agreeing" that their organisation treats staff who are involved in an error, near miss or incident fairly (question 17a)
 - % of staff responded "agreeing" or "strongly agreeing" that their organisation encourages them to report errors, near misses or incidents (question 17b)
 - % of staff responded "agreeing" or "strongly agreeing" that if they were concerned about unsafe clinical practice, they would know how to report it (question 18a)
 - % of staff responded "agreeing" or "strongly agreeing" that they would feel secure raising concerns about unsafe clinical practice (question 18b)

4. Actions Taken in Q1 & Q2 (April to September 2019)

NHS Improvement (NHSI) and the National Guardian's Office produced guidance for Boards on Freedom to Speak Up (FTSU) in NHS Trusts and NHS Foundation Trusts (Trusts) in May 2018.

As intended, the Trust used the guide as a benchmark for good practice and undertook a review against the expectations articulated within the guide to assess speaking up processes and connections with patient safety and staff experience within the Trust.

The FTSU Task & Finish Group continues to meet to ensure progression of the FTSU Self-Assessment Action Plan. Progress updates will be presented to The EDG.

The FTSU Guardian activity up to December 2019 includes:

- Delivering presentations and visits to various Trust sites and teams including Birch Avenue, Stanage Ward, Burbage Ward, Cert, Maple Ward, Decisions Unit and Crisis Team, Edmund Road, Dovedale, Forest Close, Forest Lodge, Northlands, Eastglade,
- Conducting two exit interviews, Chaplaincy
- Promoting the FTSU role in Connect and on the digital banner
- Helping to deliver antibullying workshops as part of "page on a plan"
- Meeting the chair of the BME Steering Group to update on issues
- Attending a Listening into Action Champion meeting
- Meeting with Sandie Keane, Non-Executive Director for FTSU
- Attending two regional meetings for FTSU Guardians
- Introducing drop-in sessions at different locations
- Attending and advertised FTSU at the quarterly safety event
- Presenting at the Trust Management Group
- Attending care network groups
- Completing a case study with a member of clinical staff and submitted this in the 100 voices campaign (which is a campaign developed by the National Guardian to promote the experience of staff who speak up and the powerful impact it can have)
- Shared a link with The Medical Teaching Department and Human Resources for <https://www.civilitysaveslives.com/> (which is a national campaign highlighting the impact of incivility at work and how this is detrimental to patient safety)
- Provided details of an opportunity for medical students to enter a national competition, sponsored by the Guardians Office and the British Medical Association on professionalism and speaking up in the workplace
- Promoted "Speaking UP" month by visiting several sites, launched a new poster encouraging staff to raise concerns, presented to staff feedback to the Executive Directors Group who agreed to respond to the staff feedback
- Attended FTSU task and finish groups.

5. Concerns raised between April 2019 to September 2019

During the period of April 2019 to September 2019, 41 concerns were raised.

Graph 1

Graph 1 shows how many concerns were opened by month dating back to December 2017. The amount of concerns raised in (Q1 & Q2) was only one less than in (Q3 & Q4) 2018/19 which was 42. Below is a breakdown of concerns raised by month.

Graph 1 – Opened FTSU Cases

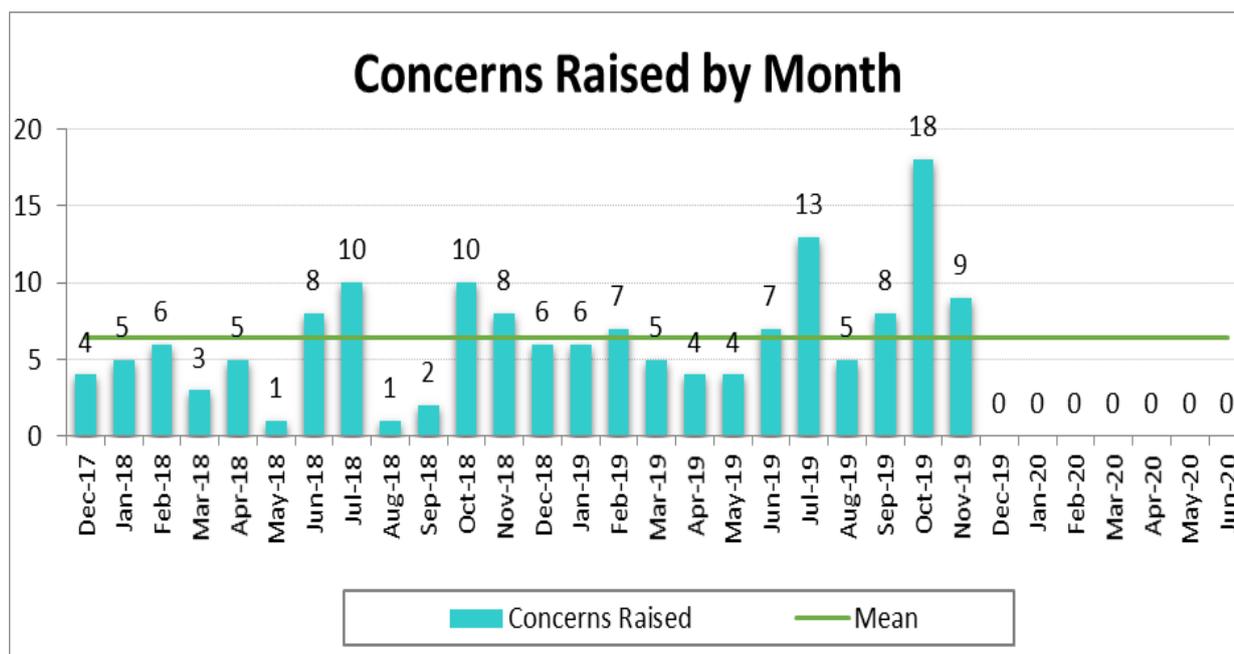


Table 2

All concerns received are labelled by their primary category and secondary category as outlined by the National Guardians Office. The three most reported categories in (Q1 & Q2) 2019 were system and processes, patient safety and bullying and harassment.

Table 2 – Concern by Category

Concern by category	Primary Category	Secondary Category
Systems and Process	18	4
Patient Safety	10	18
Bullying and Harassment	5	1
Behavioural/Relationship	3	0
Cultural	2	2
Staff Safety	2	1
Infrastructure and environmental	1	0

5.1 Themes of the concerns raised and resulting changes made

Exit interviews: There have been various issues raised about the process of exit interviews. These include staff requesting exit interviews where they did not take place before leaving; questioning what action is taken from exit interviews and staff wanting to choose who they have their interview with.

Response:

- SHSC HR team have undertaken a piece of work, regionally, to look at developing a shared exit interview template. The FTSU Guardian has made an open offer to be part of this work.

- There is no centrally coordinated system within the Trust to collate and learn from exit interview feedback. Human resources are aware of this issue and a meeting is arranged to discuss this issue with human resources and the FTSU Guardian.

Access to inpatient beds: Concerns have included service users having delays in being admitted, how teams manage services users who are waiting for an inpatient bed and the difficulty in coordinating professionals and the police to assess someone under the Mental Health Act. A second concern about co-ordination of inpatient beds was submitted.

Response:

- Key performance indicators have been introduced for timescales for Mental Health Act assessments
- Through joint working with SHSCFT, South Yorkshire Police have simplified processes which have helped in coordinating mental health assessments with the Trust.

Racism: There have been concerns raised about racism towards staff from service users and other members of staff. Concerns have also been raised to how staff are supported by managers when racial incidents occur.

Response:

- A cross organisational action plan has been agreed earlier this year to develop shared protocols in how to respond to racial harassment
- A psychology student is due to start an evaluation looking at staff experience of how they have been supported when they have experienced racial harassment from service users – the initial findings will be presented at the working together conference in December which is organised by the Trust
- An infographic is being developed to promote the initial cross organisational plan on how to respond to racial harassment
- Leaflets about zero tolerance are displayed in strategic positions on wards
- Staff are encouraged to report incidents of racial harassment to the police if service users have capacity
- All racial harassment incidents should be reported as an incident
- A contract about acceptable behaviour has been agreed with some service users who have been racially abusive
- Letters outlining Trust policy has been sent to some service users who have been racially abusive.

Inappropriate Behaviour/Bullying and Harassment: There have been various concerns raised about inappropriate behaviour shown by managers.

Response:

- Representatives from the Trust Board and staff side signed a pledge to rethink how we approach bullying and harassment. The Trust has committed to reviewing our policy on bullying and colleagues from human resources and the Freedom to Speak Up Guardian has also been involved in a roadshow which gathered feedback from staff about the process of dealing with bullying and harassment.

6. Learning from concerns, resulting improvements and wider Trust initiatives

A greater emphasis must be placed on learning from concerns and how this learning is shared across the Trust. Learning from concerns and the experience of those speaking up include:

- A review of all safety glass has been conducted on all the wards and where appropriate upgrades have been made
- Intelligence from FTSU has helped to inform safety initiatives such as security on the wards, body cameras and implementing Listening into Action
- The template on which concerns are raised has been strengthened, setting out time scales and expectations
- Opportunities to obtain feedback from staff who speak up have been increased.

The FTSU Guardian continues to encourage investigators to identify learning from concerns that are raised. Responses to concerns remain variable and response times need to improve.

Learning from concerns that are ongoing or closed in Q1 & Q2 includes:

FTSU Guardian's learning:

- Some staff have expressed the importance of being able to discuss concerns with someone who is independent and removed from the situation. This has been particularly the case where there is a suggestion of bullying and harassment and some staff are unaware what to do
- The importance of listening to staff and considering ways of assessing culture in work areas where informal issues are raised.
- The need to finalise the new FTSU Standard Operating Procedure (SOP) to ensure that there is clarity to responding to concerns with timescales and expectations. Compliance to the new guidelines will be published in future reports. These guidelines will be shared at the next Audit and Risk Committee

Trust learning:

- To provide a social media guide to staff who get involved in Trust social media initiatives
- The leaver policy is being reviewed and staff are given more choice in who facilitates their exit interview
- Concerns about complex systems should be overseen by a senior manager and this has been written into the SOP
- To increase information sharing of the FTSU Guardian to help triangulation of information. This will be done by the FTSU Guardian attending monthly care network meetings for crisis care and planned and scheduled care, Trust Management Group and continue to meet the Acting Chief Executive and Non-Executive Director with whistle blowing responsibilities
- The Guardian to be involved in initiatives where speaking up can be promoted such as the group looking at the Staff Experience Survey results

7. Staff Experience of Speaking Up

In addition to verbal feedback, staff who speak up are sent an e-mail and asked to complete an anonymous feedback questionnaire. It is not possible to know which response relates to which concern and when the concern was raised. Not everyone filled out all the questions.

In total 6 staff filled in a feedback questionnaire in Q1 & Q2 2019/20 and:

- 3 staff felt that their concerns had been addressed in part, 1 staff member felt their concern had not been addressed and 1 staff member was not sure.
- 3 staff felt the trust had taken their concerns seriously and 2 were not sure
- 5 staff stated they would speak up again although one comment was with some apprehension
- 1 staff member felt thanked by the organisation for raising a concern, 2 did not and 3 were not sure
- Staff indicated that they found it easy or very easy to contact the FTSU Guardian
- Three staff indicated that they had been treated confidentially and two indicated that they had not. No further details were given. However, if a staff member talks to the Guardian then confidentiality is maintained and details are not passed on
- 2 staff indicated that they felt they had suffered detriment as a result of speaking up. One comment indicated that a staff member felt dissatisfied about decision makers in the NHS. The other comment indicated the staff member felt they had been treated differently and told to stop raising concerns. It is impossible to know which case this refers to however, confidentiality has not been breached by the FTSU Guardian. Although, in several cases staff have also spoken to managers and there have been two incidents where managers have inadvertently passed on the person's name to another manager.

8. Current Issues

Current issues with FTSU include:

- The length of time that it takes for investigations to be concluded remains is variable and for some concerns take too long
- Not all managers and staff understand the principles of FTSU and this has led to a breach in confidentiality where a staff member's name was shared (the staff member had given permission to share with the manger but did not expect for their identity to be disclosed further).
- Learning from concerns needs to improve and shared across the Trust
- More needs to be done to triangulate information and intelligence raised through FTSU with other parts of the Trust. This work will be undertaken as part of FTSU Self-Review Task and Finish Group as well as linking in with Listening into Action.

9. Next Steps

- Further embedding the FTSUG role within the Trust through team visits, delivering workshops and presentation at Trust conferences
- Implementation and monitoring of the Freedom to Speak up Self-Review Action Plan through the FTSU Task and Finish Group
- Continue to strengthen FTSU processes including reporting, investigations, closing concerns and the sharing of learning
- To continue to encourage feedback about the process and the experience of staff who raise concerns
- To consider a further plan of training for managers and staff in FTSU
- The FTSU Guardian to be part of the Staff Experience Survey group to promote speaking up and to help support any initiatives from the group
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10. Conclusion

Listening to the voice of workers is fundamental to improving patient safety and experience and improving the working lives of staff. The FTSU Task and Finish Group will continue to ensure the Freedom to Speak Up Self Review Action Plan is delivered. This will help develop a vision and strategy for freedom to speak up in the Trust which in turn should strengthen and promote a culture that actively promotes speaking up.

Staff continue to seek advice from the FTSU Guardian and raise concerns. It is important that systems and processes continue to be strengthened and that we ensure that responses are consistent and timely and help the staff member who speaks up to feel assured that their concern has been taken seriously.

The FTSU Guardian will continue to operate across the Trust, to further embed the monitoring and timeliness resolution to queries. The SOP will be reviewed to ensure monitoring and assurance and that it is fit for purpose as a source for better understanding of clinical and working conditions in the Trust. This will be presented to EDG and then to ARC in April 2020.

Wendy Fowler
FTSU Guardian

Jan 2020