Board of Directors - Public

SUMMARY REPORT	Meeting Date:	28 July 2021
	Agenda Item:	22

Report Title:	Freedom to Speak Up Annual Report 2020-21
Author(s):	Wendy Fowler, Freedom to Speak Up Guardian
Accountable Director:	David Walsh, Director of Corporate Governance
Other Meetings presented to or previously agreed at:	**Committee/Group:** People Committee / Audit and Risk Committee **Dates:** 13/07/2021 & 20/07/2021
Key Points:	The People Committee considered the report in consideration of concern themes, learning and actions. The Audit and Risk Committee considers the effectiveness of the Freedom to Speak Up process as a control in the context of whistleblowing. The report combines the annual report with a focus on activity in Quarters 3 and 4. Board undertook its self-assessment in relation to Freedom to Speak Up at a development session in April.

Summary of key points in report

The purpose of the report is to provide the committee with the opportunity to hear directly from the Freedom to Speak Up Guardian about the current position relating to FTSU within the Trust, including:

- continued focus on local resolution, responsiveness and organisational learning from FTSU concerns raised
- continued commitment to raise the profile of the FTSU Guardian and promote a culture that actively encourages raising concerns
- thematic analysis and learning from (Q 3&4) 2020/21 from FTSU concerns raised

Recommendation for the Board/Committee to consider:					
Consider for Action		**Approval**		**Assurance**	**X**
				Information	**X**

To receive the detailed report, with specific focus on Q3 and Q4.

Please identify which strategic priorities will be impacted by this report:				
Covid-19 Getting through safely	*Yes*	*X*	*No*	
CQC Getting Back to Good	*Yes*	*X*	*No*	
Transformation – Changing things that will make a difference	*Yes*	*X*	*No*	
Partnerships – working together to make a bigger impact	*Yes*		*No*	

Is this report relevant to compliance with any key standards?					State specific standard
Care Quality Commission	*Yes*	*X*	*No*		As the FTSU system exists to provide opportunity for concerns to be raised across the range of services we provide, a large number of fundamental standards could potentially relate to the matters raised.
IG Governance Toolkit	*Yes*		*No*	*X*	

Have these areas been considered? YES/NO					If Yes, what are the implications or the impact? If no, please explain why
Patient Safety and Experience	*Yes*	*X*	*No*		Both the service user and staff experience are key factors in the raising of concerns to the FTSU Guardian. EDI matters are always taken into account for all FTSU concerns received.
Financial (revenue &capital)	*Yes*		*No*	*X*	
OD/Workforce	*Yes*	*X*	*No*		
Equality, Diversity & Inclusion	*Yes*	*X*	*No*		
Legal	*Yes*		*No*	*X*	

Section 1: Analysis and supporting detail

Background

1.1   A governmental response to the 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. In October 2016 Sheffield Health and Social Care NHS Foundation Trust (SHSC) appointed Wendy Fowler as the Trust's FTSU Guardian and the Guardian has 22.5 protected hours a week.

1.2   **National Guardian's Office news**

The National Guardian's Office (NGO) is an independent body sponsored by the Care Quality Commission (QCQ) and NHS Improvement (NHSI) to support Freedom to Speak Up in organisations. Recent work done by Guardian's Office include:

- Published the FTSU index report which uses the results of the staff survey. This year they have used a new question which is
- Released e-learning modules which include "speaking up" and "listening up". There is a strong recommendation that we make training in speaking up mandatory.
- 2020 National Guardian Annual Report Laid before parliament in March 2021
- Released guidance on Freedom to Speak Up champions and Ambassadors

Raising awareness of Freedom to Speak Up

1.3   Freedom to Speak up and raising concerns has been promoted in a variety of ways:

- Attendance at team meetings
- A poster developed to promote the importance of raising concerns during COVID
- Informal contact / meetings with staff and managers
- Information in connect, the trust electronic newsletter
- Attendance at senior managers meetings, Staff network groups, team meetings
- Attended in person a board awareness session on FTSU
- Information on Jarvis, our intranet, advertising the role and how to contact the Guardian
- Information given or attendance at Trust inductions about Freedom to Speak Up
- Training of culture champions in FTSU

Index Report

1.4   Every year the National Guardian publishes a FTSU index report to help trusts. The Freedom to Speak Up (FTSU) Index is one indicator which can help build a picture of what the speaking up culture feels like for workers. It is a metric for NHS Trusts, drawn from four questions in the NHS Annual Staff Survey, asking whether staff feel knowledgeable, encouraged and supported to raise concerns, and if they agree they would be treated fairly if involved in an error, near miss or incident.

1.5   This year, a new question was included in the NHS Staff Survey, question18f, asking workers if they feel safe to speak up about anything that concerns them within their organisation. The National guardian welcomed the inclusion of this

question because Freedom to Speak Up is about more than the ability to raise concerns about patient safety. It is about being able to speak up about anything which gets in the way of doing a great job, whether that's an idea for improvement, ways of working or behaviour.

1.6   The index also delved deeper in looking at ethnicity and speaking up. The results for the additional question in the 2020 staff survey – *"% of staff "agreeing" or "strongly agreeing" that they feel safe to speak up about anything that concerns them in their organisation"* – were also analysed by ethnicity of respondents.

1.7   Compared to black and minority ethnic respondents, white respondents (67.0 per cent) were more likely to agree that they felt safe to speak up about anything that concerns them in their organisation (see figure 1, below). This was a much greater difference (4.9 percentage points) than the FTSU Index (0.4 percentage points). The difference is also much greater for staff who prefer not to disclose their gender in the staff survey or prefer to self-describe (see figure 2)

1.8   Figure 1- Graph showing the breakdown of the results of 18f of the staff survey, asking workers if they feel safe to speak up about anything that concerns them within their organisation and ethnicity
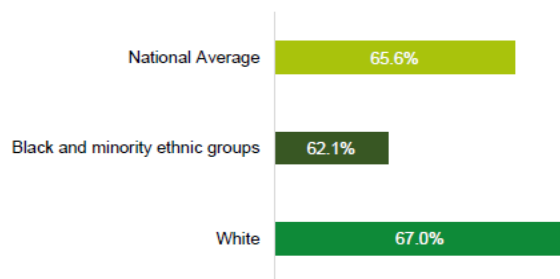

Figure 3. Q18f by ethnicity

1.9   Figure 2- Graph showing the breakdown of the results of 18f of the staff survey, asking workers if they feel safe to speak up about anything that concerns them within their organisation and gender self-identity
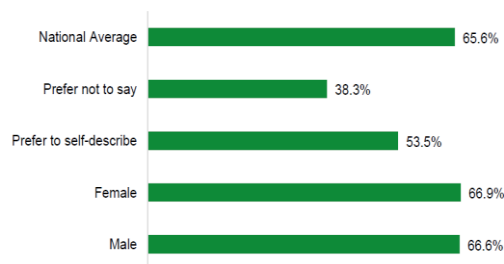

Figure 6. Q18f by gender

1.10   This is important to note and for the organisation as although we do not have a break down for our trust, anecdotally we know that not all staff who are black or ethnic minority or who have other protected characteristics do feel as safe speaking up as their white colleagues. We need to take action at removing barriers for and work harder at removing barriers to speaking up for all staff, in particular our colleagues with protected characteristics. The index report has been shared with the Equality and Inclusion lead and there are current initiatives to tackle inequality.

1.11   The National Guardian will be publishing a further report this year (2021/22) on the potential impact of personal characteristics on speaking up, with further analysis of results from the 2020 NHS Staff Survey and the 2020 FTSU Guardian Survey

https://nationalguardian.org.uk/wp-content/uploads/2021/05/FTSU-Index-Report-2021.pdf

1.12   The table below show SHSC FT scores for the FTSU index report along with the national average.

FTSU Index report	2019	2019 National Average	2020	2020 National Average
FTSU index report	76%	78.7	75.0%	79.2
Question 18f- Do you feel safe to speak up about anything that concerns them in their organisation? **% of staff agreeing or strongly agreeing**	N/A	N/A	59.6	65.6

360 Internal Audit
1.13   FTSU was audited within the staff engagement audit. As a result of the finding the Standard Operating Procedure has been updated and ratified.

Staff Experience of Speaking Up
1.14   Feedback from staff who contact the FTSU is collected verbally as well as the person being invited to leave anonymous feedback through a survey.

1.15   Verbal feedback reflects that the majority of staff have found the support of the FTSU Guardian valuable and would speak up again if they were concerned. One person indicated that they felt they had suffered detriment by speaking up but it is strongly suspected this was in relation to an HR process rather than raising anything through FTSU.

1.16   There has been an increased commitment to ensure that all staff who raise a concern have the opportunity to leave written feedback and staff are asked, often on multiple occasions to do this. The survey provider has changed and the questions updated. Written feedback remains lower than verbal feedback but has increased and will be reported in further detail in 2021/22.

CQC Inspection
1.17   The Freedom to Speak up Guardian was interviewed as part of the "well led" inspection and we are awaiting feedback. There were no immediate actions identified

Concerns Raised and Learning
1.18   Figure 3 shows how many concerns were opened by month dating back to April 2019. There were 35 concerns raised in (Q3 & Q4) 2020/21 compared to 49 raised in the previous quarter. A concern is recorded as a concern regardless if it is escalated. Therefore, some concerns recorded are where the Guardian has been contacted by a staff member for advice, signposting or do not respond to communication.

Figure 3 – Reported FTSU Concerns

Concerns Raised by Month
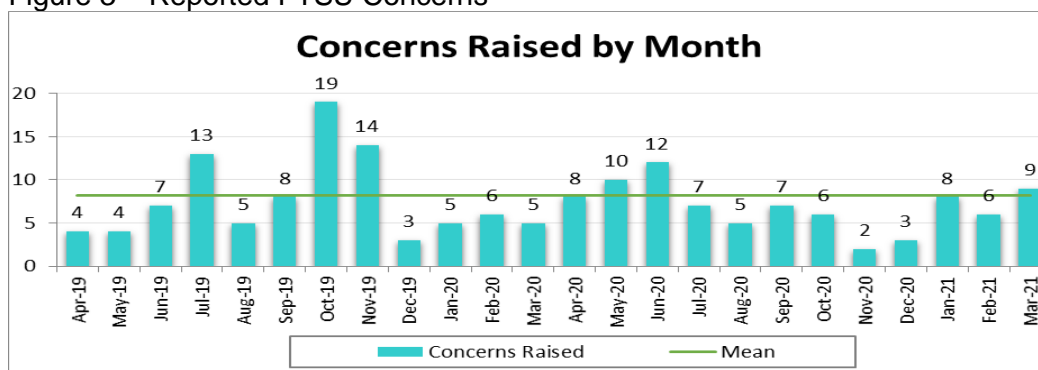
1.19 Figure 4 shows all the concerns raised through the FTSU Guardian by their category. All concerns received are labelled by their primary and secondary category. The three most reported categories in (Q3 & Q4) 2020/2021 were system and processes, patient safety and cultural issues which is consistent with the previous two quarters. Concerns raised which are specifically COVID-19 related are also shown and these are down from 10 last two quarters to only 3 for Q 3&4 202/21.

Figure 4 - Concerns raised by the

Concern by category	Primary Category	Secondary Category	COVID Related
Systems and Process	7	6	
Patient Safety/Quality	6	4	
Cultural	7	1	
Bullying and Harassment	0		
Behavioural/Relationship	5		
Staff Safety	1		
Infrastructure and Environmental	4		
Leadership and Management	2		
Other	4	1	
FTSU COVID			3

1.20 When a concern was raised the Guardian contacted the person within two working days by phone or e-mail with the exception of one person where the e-mail was initially missed. The person had already raised the concern through a different route and there was no impact on service user safety.

1.21   Themes:

- **Exit Interviews-** Some staff do not have confidence that their concerns will be taken seriously in exit interviews or needing to do their exit interviews with another person.
- **Values-** Several staff felt that they have not been treated fairly, respectfully or their concerns were not heard by managers. This included feeling managers were not listening to them, unrealistic/unfair expectations, being spoken to disrespectfully in meetings.
- **Service User Care-** There were several concerns about service user care which were either raised at team level or escalated as needed.
- **HR process-** One concern was raised about the length of time a staff member had been in an HR policy for and the impact this has on them. This is consistent with soft information raised about the negative impact on staff who have been under HR polices and the need for a timely conclusion, clear and regular communication.

1.22   All concerns raised were responded to and learning happened on a local and organizational level. Examples of learning and recent changes that should help address some of the concerns raised include:

- **Exit interviews**
  A new electronic exit interview form will be launched shortly and the themes and results will be reported to the peoples Committee.

- **Values**
  The values are being refreshed in the organisation and will be promoted once this has been done. Work is being done by the FTSU Guardian to promote and support a stronger "speak up culture" and the guardian has supported staff to have more open conversations when they see or feel that their concerns have not been taken seriously or trust values have not been followed. More work needs to be done to ensure all staff are following trust values.

  Mediators have been trained up and staff will be able to request mediation with colleagues should they find it difficult to resolve issues. It is hoped that this will improve working relationships and with early resolution of problems it should decrease grievances.

- **Service User care**
  Concerns raised about service users care was acted on promptly and there is ongoing work done to ensure better collaborative working between teams.

- **HR process**
  A new tracker has been introduced to monitor the length of time grievances take with the intention of ensuring all grievances are dealt with in a timely manner. Independent investigators have also been identified who will be able to take on investigations which should help to reduce the length of time for investigations.

1.23   Learning from concerns plays a pivotal role in the speaking up process:

- There has been some local learning in teams and in relation to their processes.
- Some staff find the FTSU role valuable for them to access independent and confidential advice, and support.
- Passing on soft intelligence, with permission, is important and can be effective in getting issues addressed

- That FTSU process often gives people a voice that they did not feel that they had.

Actions taken 2020/21 for (Q 3&4)

1.24
- Awareness raising of FTSU- please see above.
- Training Culture Champions and developing FTSU links in teams
- The development of the FTSU working group which is a supportive and advisory group to the FTSU Guardian. Membership comprises of the Director of Governance, Executive director of People, Non-medical Support- Human resources and the freedom to Speak up Guardian
- Participation in the Staff Engagement 360 Audit

Section 2: Risks

2.1   None directly arising from this report.

Section 3: Assurance

3.1   The information provided within this report seeks to demonstrate the active presence of FTSU within the organisation, its ongoing development, and efforts to respond to matters raised.

Section 4: Implications

Strategic Aims and Board Assurance Framework

4.1   Strategic Aim 1: Covid – Getting through safely and Strategic Aim 2: CQC – Getting Back to Good and Strategic Aim 3: Transformation – Changing things that will make a difference; are all relevant to FTSU.

Equalities, diversity and inclusion

4.2   None directly arising from this report. All FTSU concerns received are assessed for EDI matters and impact.

Culture and People

4.3   None directly arising from this report. Fostering a culture where feedback and learning is encouraged is desirable.

Integration and system thinking

4.4   None directly arising from this report.

Financial

4.5   None directly arising from this report.

Compliance - Legal/Regulatory

4.6 None directly arising from this report, save for the good practice necessity to receive updates from the FTSU Guardian.

Section 5: List of Appendices

None.