

Board of Directors - Public

SUMMARY REPORT

Meeting Date: 28 September 2022
Agenda Item: 21

Report Title:	Freedom to Speak Up Guardian Annual Report 2021-22		
Author(s):	Wendy Fowler, Freedom to Speak Up Guardian		
Accountable Director:	Deborah Lawrenson, Director of Corporate Governance		
Other meetings this paper has been presented to or previously agreed at:	Committee:	People Committee	
		Audit and Risk Committee	
	Date:	April 2022; July 2022	
Key points/ recommendations from those meetings	<p>Analysis and themes were welcomed. Assurances were provided regarding FTSU accessibility and reporting support for staff raising concerns as well as appropriate escalation arrangements for the FTSU Guardian. Regular meetings take place by the Guardian with the NED and Executive Lead and with the Chair and Chief Executive.</p> <p>A review of the strategy and policy are underway and the Board will be undertaking its annual self -assessment in December 2022.</p>		

Summary of key points in report

The purpose of the report is to provide the board with the opportunity to hear directly from the Freedom to Speak Up Guardian about the position relating to FTSU within the Trust during April 2021- March 2022, including:

- continued focus on local resolution, responsiveness and organisational learning from FTSU concerns
- continued commitment to raise the profile of the FTSU Guardian and promote a culture that actively encourages raising concerns
- thematic analysis and learning from 2021/22 from FTSU concerns raised

Recommendation for the Board/Committee to consider:

Consider for Action	Approval	Assurance	X	Information	x
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The Board is asked to receive and note the annual Freedom to Speak Up Guardian report and planned activity for 2022/23

Please identify which strategic priorities will be impacted by this report:					
Covid-19 Recovering effectively			Yes	x	No
CQC Getting Back to Good – Continuing to improve			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 Fundamental Standards	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.
Data Security and Protection Toolkit	Yes		No	x	
Any other specific standard?					<i>(pls specify)</i>
Have these areas been considered? YES/NO				If Yes, what are the implications or the impact? If no, please explain why	
Service User and Carer 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; and the arrangements in place support the workforce in raising concerns.
Financial (revenue & capital)	Yes		No	x	
Organisational Development /Workforce	Yes	x	No		
Equality, Diversity & Inclusion	Yes	x	No		
Legal	Yes		No	x	
Sustainability	Yes		No	x	

Section 1: Analysis and supporting detail

Background information and recent updates from the National Guardians Office

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 1st 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 England to support, strengthen, and develop Freedom to Speak Up. Please see Appendix 1 for an overview of the work and guidance they have promoted in 2021-22.

Reporting and Information Sharing by the FTSU Guardian

1.3 The FTSU Guardian meets regularly with the Chief Executive, Chair, Non-Executive Director lead for Freedom to Speak Up and Director of Corporate Governance to discuss any issues and to share themes coming through FTSU.

1.4 Presently FTSU Reports are submitted to the People Committee, Audit and Risk Committee and the Board. The reporting structure will be reviewed in 2022/2023 to ensure that it is effective. Reports will be provided every six months.

Raising awareness of Freedom to Speak Up in SHSC FT

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

- Attendance at team meetings by the Guardian
- Informal and formal meetings with staff and managers in clinical areas
- Information published in connect, the trust electronic newsletter
- Attendance at senior managers meetings, Staff Network meetings and clinical team meetings
- Advertising and increasing awareness through "speak up" month
- Information on Jarvis, on how to contact the Guardian

- Information given/attendance by the Guardian at Trust inductions to Freedom to Speak Up
 - Training of culture champions
- Raising awareness of FTSU with contractors who are working on behalf of the NHS

Staff Experience of Speaking Up and barriers to speaking up

1.4 Feedback from staff who contact the FTSU is collected verbally and those raising concerns are also invited to leave anonymous feedback through a survey provided by the Guardian. Since May 2021 Twenty four staff left feedback on an anonymous survey of these:

- 24 responses indicated that given their experience of speaking up they would feel safe to raise a concern again through the FTSU Guardian.
- Out of 24 responses, 16 responded that they felt their concerns were 'taken seriously' while 8 responded 'partly'. Nobody responded that they felt the trust had 'not taken their concern seriously'.
- Out of the 24 responses, 6 responded that their concern had been resolved, 7 responded it had not been resolved, (as the response to the survey is anonymous it is not possible to know which cases these refer to however all those raising concerns are invited to contact the Guardian directly to resolve any issues), and 11 responded their concern had been resolved in part.
- The three top reasons for staff using the FTSU Guardian were that:
 - the issues had been raised before with a perception that nothing had happened,
 - the concerns effected more than just their team or
 - staff believed that in speaking out in their own name they would suffer detriment.

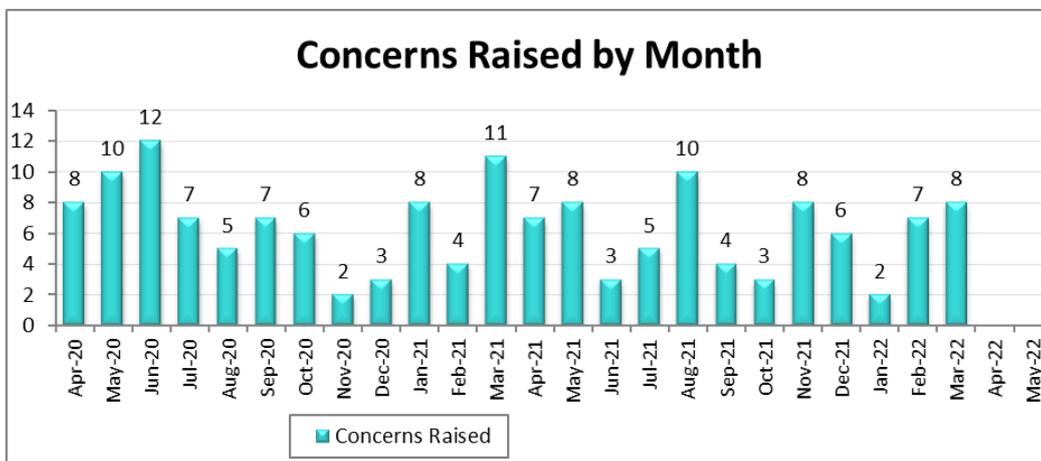
Detriment

- 2 people responded that they had suffered detriment as a result of raising a concern. People who commented included one person who had perceived they had suffered financially, and another person indicated that their hours were changed. Two other staff have discussed suffering detriment from speaking out with the FTSU Guardian and one of these cases has been escalated to senior staff to consider. When staff are invited to fill in the anonymous survey they are asked to contact the Guardian directly should there be unresolved issues.

Concerns Raised and Concern category

1.5 Figure 1 shows how many concerns were opened by month dating back to April 2020. There were 72 concerns raised in the financial year of 2021/22 compared to 74 concerns raised in the financial year of 2020/21. A concern is recorded as a concern regardless of whether any formal action is required. Therefore, some concerns recorded are where the Guardian has been contacted by a staff member for advice, signposting or the person who contacts doesn't want to pursue the matter further. Consideration is being given on how best to capture how many of these become FTSU issues which were followed up.

Figure 1- Concerns raised to the FTSU Guardian by month



1.6 Figure 2 shows all the concerns raised through the FTSU Guardian by their category. All concerns received are labelled by their primary and secondary category if they fit into two categories. The three most reported categories in 2021/22 were:

- cultural,
- systems and processes
- patient safety/quality

These themes are consistent with previous years. Concerns raised which are specifically COVID-19 related are also shown and there were two of these raised which is a significant reduction from 2020/21 when 11 were raised through this route.

Initial contact was made via an e-mail, telephone call or meeting, within two working days of a staff member contacting the guardian which is in line with the standard operating procedure.

Figure 2 - Concerns raised by category.

Concern by category	Primary Category 2021/22	Secondary Category 2021/22
Cultural	20	7
Systems and Process	25	
Patient Safety/Quality	16	
Behavioural/Relationship	5	3
Leadership/Management	5	
Staff Safety	5	
Infrastructure and environmental-	2	
Bullying and Harassment	2	
COVID 19		2

Themes, learning and actions arising from FTSU concerns raised in 2021/22

1.7

Themes: Q1-4 2020/21

General Issues

Concerns raised or discussed with the FTSU Guardian are wide ranging from safety/quality, systemic, relational, cultural and environmental. There is nearly

an even split of responses to concerns which are; offered advice, action facilitated, investigated (formally or informally). Only 6 staff required signposting as the primary response. The majority of concerns raised were already known about by the trust. However, information from one concern raised was not known and this led to a formal investigation.

Covid related

COVID 19 related concerns were significantly reduced with only two which were raised due to perceived COVID 19 rule breaking. This is a significant reduction as over 11 concerns were raised in 2020/21. Both concerns were addressed, and action was taken where needed.

Bank workers

Concerns included bank workers finding it hard to get through to the bank office by phone, not getting a reply from e-mails, not feeling valued while at work, pay and tax issues, sick pay and supervision provision. A communication went to all bank staff to reiterate the systems and the feedback helped to inform senior staff understanding of the issues faced by bank staff which will hopefully help with decision making about future systems.

Fairness

Although concerns were not raised directly about fairness this was an issue in several concerns raised with the staff member either feeling they had not been listened to that they were unable to influence the situation affecting them. Examples include:

- Perceived favouritism of secondments or slow decision-making effecting secondments
- Believing discrimination has occurred due to a protected characteristic
- Believing the process of reimbursement to staff members when property is damaged is unfair and too slow
- Feeling blamed for things out of their control
- Having their competency challenged when there has been a perceived lack of systemic support, working in difficult circumstances and/or not having any issues raised beforehand
- Not feeling that there is transparency about decision making process when managers are deciding if to go down a grievance route

Racism

The FTSU Guardian has had several conversations about racism and the experience of ethnically diverse staff.

Some ethnically diverse staff continue to experience perceived racism and/or micro aggressions. When incidents happen there can be an inconsistent approach to how they are handled. Some ethnically diverse staff feel that they are treated differently and feel very vulnerable in raising concerns in their own name. After raising one concern about perceived racism there was a commitment from the service director to implement training for a team. There are also new initiatives currently happening in the trust to help SHSC FT to become an anti-racist organisation and to better support staff when hate

incidents occur.

Clinical Concerns

Some concerns were raised directly about service user care or systems of care. These were escalated to senior staff and investigated and some improvements to systems were made.

Staff Retention

Two staff reported to the Guardian that they had left the trust without a job to go to and their decision to leave was heavily influenced by perceived unfair treatment at work. Other staff reported leaving due a number of reasons which included excess demands put on their job role, not feeling that change is either happening or is happening fast enough and poor behaviour from senior staff.

Trust processes

There were concerns about the impact of staff who were in formal trust processes. There can be a huge negative impact on staff who do not feel that processes are being adhered to in a timely manner as sometimes delayed decisions can have an impact on service delivery or individual staff. It is also very stressful when staff are in processes and for most staff delays add additional stress. In addition to this, when changes are implemented then “point of care” staff often seem disproportionately affected as they often have less control over their time and work activities, lack knowledge of wider trust support and sometimes lack time to access computers.

Communication & learning

Nearly all of the issues raised to the FTSU Guardian are known about. Often there is a lot of work that has already happened in relation to the concern raised but this work is not always communicated. Sometimes when concerns are raised the response to the concern can appear defensive which may restrict the extent that learning can be identified and shared.

1.8 Action and Learning

Below are examples of learning and actions arising directly/indirectly from FTSU at SHSC

- The Guardian was invited by a manager to provide an alternative route for staff to speak up to ensure that all staff felt safe to raise any issues as there were alleged serious concerns in the workplace
- The Guardian facilitated meetings with staff who had concerns with the hope of an early resolution of the issues
- The Guardian was able to obtain more information about concerns/issues raised in order to reassure staff members that concerns were being addressed and already known about.
- A change in the how ECG's are analysed and reported in a clinical area

- A change in reporting of service users who have had a prolonged hospital admission
- The Guardian supported staff to raise clinical concerns in their workplace
- A formal Investigation was instigated into staff conduct after concerns were raised through the FTSU guardian
- The Guardian encouraged better communication about initiatives and this included communication through connect.
- Local learning in teams and in relation to their processes
- There are still barriers to speaking up at all levels and with two managers reporting that systems, due to competing demands, can be too slow.

Actions taken by the Guardian to develop and embed speaking up at SHSC in 2021/22

- 1.9
- Raising awareness of Freedom to Speak Up- Please refer to paragraph 1.3
 - Training Culture Champions and developing “speak up links” in teams
 - The development of the FTSU working group which is a supportive and advisory group to the FTSU Guardian which is currently under review due to staff leaving.
 - FTSU training is now mandatory in the form of an e-learning “speak up” module
 - The FTSU Guardian will facilitate the new self-reflection tool with the board
 - Promotion of October speak up month
 - Delivered training to the chairs of the Staff Network Groups
 - The Guardian collaborated with the head of procurement, Nichola Woodhead to raise awareness with contractors working on behalf of SHSC of how to raise a concern through the FTSU Guardian

Next Steps and Summary

1.91 Next steps

- FTSU champions will be launched in August 2022 to ensure there are alternative people to speak up to should they need to raise a concern through FTSU
- Development of a new Vision and Strategy for FTSU
- FTSU policy will be refreshed once new guidance has been released by NHS England
- The Board will be supported by the executive responsible for FTSU to undertake a self-effectiveness review to ensure the Board are fulfilling

requirements placed upon it in relation to Freedom to Speak Up.

- From June 2022 clinical concerns, where appropriate, will be tracked and signed off through the Integrated Performance Quarterly Report.
- The Guardian will continue to promote FTSU and attend meetings and teams
- Where appropriate the Guardian will be involved in the Culture and quality reviews
- A statement will be added to tender documents to ensure that staff working on behalf of the NHS are aware of how to raise a concern.
- SHSC FT will advocate that the inclusion of all contractors being aware are of FTSU will be included in the standardised document being developed by the Yorkshire and Basset Law Integrated Care System.
- To promote leaders to complete the “listening up” and “following up” e-learning training
- Continue to work with the chairs of the staff network groups to help promote and increase confidence of staff to speak up.
- The Guardian to continue attending the National Guardian’s Annual FTSU Conference

In summary

FTSU continues to be embedded in the organisation and huge strides have been made in ensuring that staff are aware the importance of speaking up with the introduction of the FTSU “speaking up” mandatory e-learning module. Staff who do contact the Guardian do so for a variety of issues and feedback suggests the support they receive from the Guardian is helpful. There is still a lot of work to do to remove barriers for all staff to feel safe in speaking up and the introduction of FTSU champions is one initiative that will hopefully help to do this by ensuring staff have alternative people to speak up to in addition to the FTSU Guardian. FTSU processes continue to be strengthened to ensure that responses to concerns raised are robust and that learning is maximised.

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

4.1 FTSU applies to all strategic areas

1. Covid-19 - Recovering effectively.
2. CQC – Continuing to improve
3. Transformation - Changing things that will make a difference
4. Partnerships – Working together to have a bigger impact

4.2 Strengthening speaking up culture positively affects all aspects of safety and ensuring that all staff “ have a voice that counts”.

Equalities, diversity and inclusion

4.3 None directly arising from this report. Relevant FTSU concerns received are shared with the director of EDI.

Culture and People

4.4 None directly arising from this report.

Integration and system thinking

4.5 None directly arising from this report.



Financial

4.6 None directly arising from this report.

Sustainable development and climate change adaptation

4.7 The following areas have been and continue to be considered by the FTSU Guardian

- Waste reduction
- Increased productivity
- Continuous improvement to mitigate and/or adapt to climate change
- Collaboration and working together (Both within SHSC, with our partners or within our communities)
- Providing early support to improve physical, mental and social wellbeing

Compliance - Legal/Regulatory

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

Section 5: List of Appendices

Appendix 1

Overview of some of the work the National Guardians Office has been in involved with and the publications. The NGO have

- Appointed Dr Jayne Chidgey-Clark as the new National Guardian Publishing a gap analysis tool which was developed from the learning of the previous case reviews conducted by the Guardian’s Office. The tool aims to help organisations to review FTSU arrangements to make improvements. <https://nationalguardian.org.uk/learning-resources/speaking-up-resources/>

- A new self reflection tool has replaced the FTSU self- assessment for boards
[https://www.england.nhs.uk/ourwork/freedom-to-speak-up/developing-freedom-to-speak-up-arrangements-in-the-nhs/Released guidance on Freedom to Speak Up Champions and Ambassadors](https://www.england.nhs.uk/ourwork/freedom-to-speak-up/developing-freedom-to-speak-up-arrangements-in-the-nhs/Released%20guidance%20on%20Freedom%20to%20Speak%20Up%20Champions%20and%20Ambassadors)
<https://nationalguardian.org.uk/wp-content/uploads/2021/04/oct2020guidanceonprofgroups.pdf>
- The National Guardian’s office will no longer be publishing the FTSU index report but will encourage organisations to look at incorporating other questions to help reflect on their speaking up culture.
- NHS England will review and publish a new national FTSU policy in 2022
<https://www.england.nhs.uk/publication/the-national-speak-up-policy/>
- Promoted October Speak up Month including encouraging staff to make a positive pledge related to speaking up.
- Released training modules on “Speak up”, “Listen up” and “Follow up”.
- Written directly to all NHS Trust Chief Executives to promote the importance of Freedom to Speak up.
- Regularly publish a “100 voices Story” to help promote the power of speaking up
<https://nationalguardian.org.uk/tag/100-voices/>