

Report Title	Freedom to Speak Up update		
Sponsoring Executive	Kathy French, Interim Chief Nurse		
Report Author	Claire Hubbard, Deputy Director of Governance		
Meeting	Trust Board (Public)	Date	3 rd September 2020

1. Suggested discussion points *[two or three issues you consider the Trust Board should focus on]*

Freedom to Speak Up (FTSU) has been discussed at Trust Board since 2018; this paper provides an overview of the Board expectations set out by NHS Improvement (NHSI) and the National Guardians Office (NGO), and summarises the Trust position against these.

The Board needs to be aware of current National guidance and our compliance against these standards.

In a future Board meeting consideration will need to be given for our model for FTSU.

The Board will need to support recommended priority actions and note the importance of next steps in ensuring that we continue to grow and develop a culture in which freedom to speak up is supported and colleagues have the psychological safety to do so without fear of reprisal or detriment.

2. Alignment to 2020 Vision *[indicate with an 'X' which Plan this paper supports]*

Safety Plan		Public Health Plan		People Plan & Education Plan	
Quality Plan		Research and Development		Estates Plan	
Financial Plan		Digital Plan		Other <i>[specify in the paper]</i>	X

3. Previous consideration *[where has this paper been previously discussed?]*

Previous Trust Board Discussions, last presented June 2020.

4. Recommendation(s)

The Trust Board is asked to:

- a. **Note** the current position against core expectations
- b. **Agree** the importance of mixed methodology FTSU reporting to include qualitative and quantitative data
- c. **Note** the next steps

5. Impact *[indicate with an 'X' which governance initiatives this matter relates to and where shown elaborate]*

Trust Risk Register					
Board Assurance Framework					
Equality Impact Assessment	Is this required?	Y		N	If 'Y' date completed
Quality Impact Assessment	Is this required?	Y		N	If 'Y' date completed

SANDWELL AND WEST BIRMINGHAM HOSPITALS NHS TRUST

Report to the Public Trust Board: 3rd September 2020

Freedom to Speak Up update

1. Introduction

- 1.1 Freedom to Speak Up (FTSU) was first introduced to Trust Board in November 2018; this provided oversight of the Trust position in terms of the FTSU Guardians and a confidential narrative summary of the cases that they had been involved with. Between 2018 and 2020, the FTSU Board papers migrated from a qualitative report to providing a quantitative overview of the FTSU cases, along with other staff engagement scores, for example: total number of reported incidents, weConnect engagement scores, sickness absence, and 'star award' nominations.
- 1.2 Recent Trust Board discussions have prompted a review of the FTSU processes and Trust wide approach in order to provide a position statement, identify what is being done well, and what needs to be aligned to the National Guardians Office (NGO) guidance and core standards.
- 1.3 Annually the NGO produce a number of documents which Trusts should use as 'best practice' and are aligned to the People Plan; these include guidance for Boards, supplementary information, a review tool for Board self-assessment, annual index report and survey outcomes.
- 1.4 NHS Improvement (NHSEI) is working with the Trust and the current Guardians to self-assess our current speaking up processes and help develop a strategy to provide future compliance to the NGO standards.
- 1.5 The Trust currently has six FTSU guardians, reduced down from the initial ten. All of the guardians undertake the role in addition to their substantive posts with no ring-fenced time or resource.
- 1.6 The FTSU guardians meet monthly and this sometimes includes the Chief Executive and Director of Governance. Some meeting invites would be extended to the Director of People and OD or the Director of Communications.

2. Board Expectations

- 2.1 The 'Guidance for Boards on Freedom to Speak Up in NHS Trusts and NHS foundation Trusts' details core expectations that all Boards will deliver against annually.

- 2.2 The conjecture is that the tool will be used to help the Board reflect on its current position and improvement needed to meet the expectations, and that it should be delivered collaboratively with wider work to improve culture.
- 2.3 The responsibility of the Board is to feel assured that the following NGO expectations, detailed below, are met consistently:
- 2.3.1 **Behave in a way that encourages workers to speak up;** this includes articulation of Trust vision, constructive challenge during Board meetings, visible, approachable and welcome approaches for workers, insight into how power could silence truth, thank workers who speak up, demonstrate that they have heard workers who speak up, provide feedback, accept challenging feedback, ensuring no detriment as a result of speaking up and demonstration of the Trust's values and behaviours.
- 2.3.2 **Demonstrate commitment;** clear role and responsibility of the executive and non-executive lead, can evidence the contribution they have made to leading improvement of the Trust's speaking up culture, Board development, sustained focus on the reduction of bullying, harassment and incivility, continuous leadership development, well-resourced FTSU Guardian capability and capacity, having an effective communication and engagement strategy, inviting workers who speak up to present their experiences to Board.
- 2.3.3 **Have a strategy to improve FTSU culture;** clear articulation of a vision for the speaking up culture, supported by a strategy that has been agreed by Board. The strategy uses a number of qualitative and quantitative measures to assess what has been agreed and what hasn't and the Board challenges the whether the correct indicators are being used to measure success.
- 2.3.4 **Support your FTSU Guardian;** support a positive speaking up culture by having a well-resourced FTSU guardian with a local network of 'champions' if needed, ensuring ring fenced time and other resources to enable them to meet the needs of workers within the organisation. This includes a pastoral support element for the FTSU guardians.
- 2.3.5 **Be assured your FTSU culture is healthy and effective;** the Board needs to be assured that workers will speak up about things that get in the way of safe, effective care and that will improve the experience of workers. The Board will receive a range of assurance and regular updates in relation to the FTSU strategy, with the FTSU guardian presenting to Board every six months. Ensure the organisation has an up to date 'speaking up' policy which reflects the minimum standards identified by NHSI, with additional assurance of the policy and speaking up channels provided from audit feedback.
- 2.3.6 **Be open and transparent with external stakeholders;** Executives routinely discuss opportunities and challenges presented by matters raised through speaking with commissioners, CQC, NHSEI, local quality surveillance groups, and welcomes engagement with the National Guardian. The Board regularly discusses themes and issues arising from speaking up, and the annual report contains high level of anonymised data relating to speaking up alongside actions being taken to support a positive culture. Speaking up is used to support organisational learning, and is also

discussed across peer networks. Learning is shared on the Trust website, and external improvement support is requested when required.

3. Current position against elements of core standards

- 3.1 NHSEI have identified elements of the NGO core standards which require assurance and early resolution against any gaps; these have been detailed below.
- 3.2 **FTSU Board assessment against NGO guidance (2018 and 2019)**; there is evidence that the self-assessment document against 2018 standards has been completed, coming to Trust Board as a draft document for discussion in November 2018, and completed in February 2019. Against the 2018 standards, this document has action completion dates ranging 2019 to 2020. Review against 2019 standards has not been obtained.
- 3.3 **FTSU strategy and improvement plan**; FTSU strategy has not had final sign off in the organisation. The Board self-assessment tool (2018 standards) has been used as the overarching FTSU improvement plan. It now makes sense to reassess against current standards and launch a new plan in the Autumn of 2020.
- 3.4 **FTSU policy**; the Trust ensures that all policies available to colleagues on the Connect site. The policy currently available to the workforce is the Whistleblowing Policy, which has a policy review date of September 2017, and a caveat statement stating that the policy is currently under review. A pre-consultation draft version of a Freedom to Speak Up policy went to Trust Board October 2018, with a comment that it would be approved December 2018 and July 2019.
- 3.5 **FTSU Guardian reports to Board, plus the Board meeting discussions**; feedback from FTSU has progressed from a qualitative report in November 2018, to a quantitative scorecard which captures other data metrics such as sickness absence, star of the week nominations and weConnect data. The NGO expectation is that the FTSU data is shared with Board using a mixed methodology of qualitative and quantitative data, with the FTSU Guardian presenting themes and an overview from cases that have been raised. The draft Freedom to Speak Up policy also details a number of KPI's, which as the policy becomes available would need to be transferred into future reporting.
- 3.6 **Executive Lead reports to Board**; the score card has been presented since 2019 with the intention of providing a heat map of areas where there may be concerns around culture. The public Trust Board need to evidence that a qualitative discussion takes place to identify themes, emerging trends or concerns.
- 3.7 **Guardian gap analysis against the eight NGO case studies**; this is a National best practice document that Boards are expected to review and discuss. We still need to undertake this piece of work.

- 3.8 **FTSU Guardian job description**; the FTSU guardians require a job description for the role. The NGO provide a national example of a job description that can be adapted for Trusts.
- 3.9 **Freedom to Speak Up policy audits**; internal audit completed a review of the Whistleblowing policy and FTSU processes in 2017. This work needs to be incorporated into our future work plan.
- 3.10 **Freedom to Speak Up communication and engagement strategy**; the Trust identifies dates throughout the year to run freedom to speak up days, of which these are clearly marked on the corporate calendar. The dates identified do not run concurrently with the National freedom to speak up campaign which is held annually in October.
- 3.11 It is worth noting that the FTSU guardians demonstrate a real commitment to making themselves available to colleagues and a passion for the FTSU principles, linking into the national and local FTSU networks to share and learn. An overview of activity and themes is provided in the FTSU Guardians report (Sept 2020) that can be found in **Annex 1**.

4. **Next Steps**

The Trust has an opportunity to work with NHSEI to ensure that we can put in place and ensure the consistent delivery of the core expectations. This will have direct benefit to colleagues across the Trust, the promotion of psychological safety, and increase assurance around the delivery of safe, effective care.

The next steps will include a number of quick-win actions, and also some that will require consideration for medium and long term investment of time and resource.

- Policy review in response to outcomes from the planned NHSI consultation
- Role and structure of the FTSU Guardian role within the Trust
- Review of reporting assurance to include self-assessment and quantitative and qualitative metrics
- Transparent vision, strategy and work plan for FTSU to be shared with colleagues across the Trust
- Confirm assurance around confidential FTSU reporting systems

5. **Recommendations**

- 5.1 The Trust Board is asked to:
- a. **Note** the current position against core expectations

- b. **Agree** the importance of mixed methodology reporting to include qualitative and quantitative data
- c. **Note** the next steps

Claire Hubbard
Deputy Director of Governance – Knowledge and Learning

25 August 2020

Annex 1: FTSU Guardian Report

SANDWELL AND WEST BIRMINGHAM HOSPITAL NHS TRUST**Report to the Trust Board:****Freedom to Speak Up Guardians' Report – September 2020****1. Introduction and purpose**

- The trust now has six Freedom to Speak up Guardians (FTSUG's) who currently work across both acute and community settings supporting staff to find ways to raise concerns. The two guardians no longer in post had substantive roles in the acute part of the organisation so this has left a gap which requires exploring longer term.
- Concerns are becoming more complex in nature from the original concerns raised since commencing in post. The ultimate role of the FTSUG continues to find the best way for staff to raise concerns in a safe and supportive way.
- The majority of staff raising concerns to the FTSUG's have already attempted alternative methods and often ask to remain anonymous.
- Colleagues continue to request anonymity for a variety of different reasons with each example being very individual.
- It is important to respect the wishes of the staff member whilst also aiming to find ways to resolve the concern. This sometimes results in the concern not being raised more formally. Because some concerns are so specific and identifiable it is also challenging to progress.
- FTSUG's are aware that the role is not to replace formal methods of raising concerns and the remit is not ultimately to "investigate" the concern, however it continues to be the experience of the FTSUG's that help to achieve the best outcome is often required.
- SWBH's FTSUG's acknowledge the key development going forward is to find a robust mechanism to record cases. Current information is provided to the National Guardian Office (NGO) each quarter. This information was unavailable at the time of reporting but retrieving historical data is being explored with the NGO. Going forward there is a need to have dedicated trust admin support to support this process.
- SWBH's FTSUG's continue to feel hugely loyal to the promises of the trust and have a wealth of experience in dealing with difficult situations. There is a genuine passion to improve both the staff and patient experience.

2. Improvements and Learning Opportunities

- Ability to help resolve concerns / advice / signposting / support each other.
- Acknowledgment that some cases are very complex and sensitive with staff requesting to remain anonymous.
- Lessons learnt from the more complex cases over the last two years.
- Extremely challenging when the concern is related to seniors managers in the organisation.
- The Managers Code of Conduct was developed as part of FTSUG feedback.
- Would involve the NED sooner for advice and support.
- Continues to be a cohesive supportive group.
- Increased links with Regional Networks – particularly during COVID-19.

Changes

- FTSUG's would still welcome earlier involvement in planning Speak Up days.
- The FTSUG's suggested last year to link with the National Guardian Speak Up Month.
- Consider utilising other information to compliment FTSU data.
- Trialled the use of incident reporting system but would need reassurance that this is more robust/confidential prior to launching.
- Support to explore Champions / more FTSUG's

Improve links with

- National Guardian Office
- Executive team
- Trust Board
- Internal & External networks

3. CQC Well-led review

The opportunity to discuss the findings of CQC review on FTSU role has been requested – this would still be beneficial.

4. Events attended / networking / Trust events

- Attendance at Regional FTSUG meetings
- Conference attendance 2019 – with the emphasis on Psychological Well-being of FTSUG's
- NGO Conference provided clarity on national vision for role

5. Training and support

- Two FTSUG attended bespoke training in May 2019 – Leadership & effective Communication for FTSUG's.
- Main source of support is within the group.
- CEO has been available for support and meetings when specific cases have been sensitive to progress.

6. Future areas of focus

- Review of Self-Assessment tool to help shape future focus.
- Set up regular meetings with executive team for 2020 – 2021.
- Link some of themes / cases to HR / OD data (sickness / stress at work / exit interviews).
- Further discussion of the 'Scorecard'.
- 1:1 and group psychological training and support (see recommendations / presentation attached from NGO).
- Agree trust Job description for the role.
- Agree protected time for role.
- Support to explore the use of Champions.
- Involvement in Trust Induction Process.

7. Recommendations

The Board is asked to:

- Provide feedback to Guardians
- Commitment to develop an integrated vision (aligning NGO and trust vision of the FTSUG role)

Written by Freedom to Speak Up Guardians

- Rosie Auld
- Rachel Clarke
- Ian Galligan
- Sandra Kennelly
- Harpal Tiwana
- Susan Whalen

23 August 2020