

<b>Report Title</b>	Freedom to Speak Up progress and update: Q1 and Q2 2020-21		
<b>Sponsoring Executive</b>	Kathy French, Interim Chief Nurse		
<b>Report Author</b>	Claire Hubbard		
<b>Meeting</b>	Trust Board (Public)	<b>Date</b>	3 <sup>rd</sup> December 2020

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

This paper provides an update on the progress made by the Trust to align itself to the National Guardians Office expectations which support Speak up culture. There is acknowledgement of the progress made and the work that is ongoing, covering the two-year improvement plan as discussed with NHSEI.

The proposed reporting cycle for Speak up demonstrates the commitment to improving psychological safety and ensuring that as a Trust, we continue to learn and improve as a result of our colleagues speaking up.

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

Safety Plan	X	Public Health Plan		People Plan & Education Plan	X
Quality Plan	X	Research & 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?]*

Trust Board; September 2020, November 2020,  
Executive Quality Committee; October 2020, November 2020,

### 4. Recommendation(s)

The Trust Board is asked to:

- a. **Support** the governance reporting structure
- b. **Discuss** the themes and trends
- c. **Note** the progress

### 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: 3<sup>rd</sup> December 2020**

### **Freedom to Speak up progress and update: Q1 and Q2 2020-21**

#### **1. Introduction or background**

- 1.1 Freedom to Speak up progress updates have been presented to Trust Board September 2020 and November 2020. This followed discussions which identified gaps in the compliance against the National Guardians Office expectations.
- 1.2 A two-year improvement plan has been identified which includes growing the building blocks in year one to enable a strong foundation to grow and develop the Speak up culture and strategy in year 2.
- 1.3 Captured within this paper is detail of the total number of concerns raised for Q1 and Q2, along with the themes and trends.
- 1.4 A reporting cycle is included which enables timely sharing from Group to Board, which will support learning and improvement through conversation and debate; promoting openness and transparency.
- 1.5 Updates of the priority actions are included, acknowledging the volume of work that has taken place over the past three months.

#### **2. Governance structure**

- 2.1 There is a requirement to ensure that a governance structure is in place to support the reporting of and learning from Speak up cases across the Trust. The existing Board level reporting has previously provided an overview of cases reported alongside other data metrics from measures such as, for example, staff engagement scores.
- 2.2 External reporting is required to the National Guardian's office on a monthly basis; this incorporates data which includes number of cases, and a breakdown of those raised anonymously and per staff group, although this information is currently under review.
- 2.3 There is an identified gap in terms of the total number of cases and themes being shared with Groups. This gap can act as a barrier to learning and restricts the ability for local improvements to be made.
- 2.4 As a result of conversations and feedback at committee level, the Groups requested Speak up information to support learning. The proposal put forward is to ensure

monthly oversight of Speak up activity is available to Groups, with quarterly information reporting into Executive Quality Committee, and reporting to Board bi-annually, which is a requirement of the National Guardian Office. This reporting cycle can be seen in **Annex 1**.

- 2.5 The challenge to embedding this reporting structure remains the lack of full-time Guardian to coordinate and validate the data or administration support. This is being worked through to find a solution to support this appointment and support function.

### 3. Speak up data: Concerns raised Q1 and Q2

- 3.1 An overview of the Q1 and Q2 data has been provided below, supporting this will be some key themes that are evident throughout the Speak up concerns raised. This data has been broken down by the total number of cases, per professional group and level. Outcomes and improvements from learning will develop as more data becomes available, and as the governance reporting structure becomes embedded across the Trust.

- 3.2 Total No of concerns raised:

Date	Total No of concerns	Concerns: anonymous	Concerns: patient safety and/or quality	Concerns: bullying or harassment	Concerns: detriment	Concerns: other	
2020-21	Q1	5	2	3	2	2	0
	Q2	9	Data currently being validated				
	Q3						
	Q4						
	Total	14	2	3	2	2	0

- 3.3 Breakdown of concerns by professional group:

Date	Total No of concerns	Medical	Nursing and Midwifery	AHP	Clinical scientist	Admin Clerical	Other staff group	
2020-21	Q1	5	1	0	1	0	3	0
	Q2	9	0	5	0	0	1	3
	Q3							
	Q4							
	Total	14	1	5	1	0	4	3

3.4 Breakdown by professional level:

Date		Total No of concerns	Worker	Manager	Senior Leader	Not Disclosed
2020-21	Q1	5	0	0	0	5
	Q2	9	2	0	1	6
	Q3					
	Q4					
	Total	14	2	0	1	11

3.5 **Linking with alternative Speak up Routes:** Quarterly meetings commenced November 2020 which pull together data from staff Networks and from the Non-Executive Lead for Speak up. The cases below are in addition to the cases raised directly with the Guardians.

Date		Total No of concerns	Non-Exec Lead for Speak Up	Network: BAME	Network: Disability and LTC	Network: LGBTQ+	Chaplaincy
2020-21	Q1	1	1	0	0	0	0
	Q2	12	12	0	0	0	0
	Q3						
	Q4						
	Total	13	13	0	0	0	0

4. Themes and Trends

4.1 **Recruitment:** Speak up concerns raised cited examples where there has been a lack of openness and transparency around recruitment processes, feedback has included comments such as individuals being ‘handpicked’ for posts; Direct exclusion from applying for posts; Person specifications and selection processes limiting opportunity for others to apply, including excluding BAME colleagues from recruitment opportunities.

4.2 **Leadership behaviours:** Behaviours of some Executives and Senior Leaders; Concerns of the organisational culture; Conflict between the spoken word and behaviours exhibited by some Executive and Senior Leaders, for example well-being and kindness messages not matched by behaviours and expectations, for example unreasonable demands; Defensive feedback; Behaviours which make it difficult to raise Speak up concerns; Pressures to meet deadlines influencing leaders’ behaviours; Unreasonable demands, for example late notice rapid requests for information i.e. needing by ‘close of play’.

4.3 **HR processes:** Lack of openness and transparency; Investigations taking too long and increasing the stress and anxiety of those involved; COVID-19 being used as a reason in relation to delays to HR processes; Pressure from HR to complete PDRs and smart objectives despite operational pressure COVID-19, generating of feeling of data

compliance rather than to support the wellbeing of staff; Exclusion of BAME colleagues from opportunities for career progression, including recruitment and development.

- 4.4 **Maternity Services:** Dignity at work concerns have been raised alongside concerns that the culture does not support openness, learning and improvement.
- 4.5 **Other concerns:** Lack of learning from incidents, medical workforce relationships, turnover of senior staff, financial transparency, lack of freedom to act, i.e. to 'do the job'.

## 5. **Actions, outcomes and feedback from concerns**

- 5.1 **Recruitment and HR Processes:** The Freedom to Speak up process is being supported by the Interim Director of HR and OD, who is part of the group that meets quarterly to triangulate Guardian data and feedback through other routes to enable growth of the Speak up culture. Initial discussions have taken place identifying the themes coming through the Speak up routes and further work is required to take this forward.
- 5.2 **Maternity Concerns:** Conversations have taken place between the Interim Chief Nurse, Medical Director and the Group triumvirate, supported by Governance. An approach that will include an improvement action plan are currently being worked up.

## 6. **Complex cases**

- 6.1 Recent months have presented some complex Speak up cases. The Guardians have provided feedback to express their thanks for the support provided by the Non-Executive Director for Speak up who has been able to provide a senior level of advice and signposting.
- 6.2 There is ambiguity around when a Speak up concern should be managed as a formal investigation. There has been a lack of clarity over when these should be handed over to HR opposed to sitting with the Guardian. With closer HR links developing, the aim is to be able smooth out these pathways over the next quarter.
- 6.3 Reflection from the Guardians has indicated that there may be an opportunity to resolve Speak up concerns from escalating into a prolonged, complex case through the introduction of early mediated meetings. This approach will be discussed further with review of processes that have been embedded effectively in other Trusts with more mature Speak up cultures.

## 7. **Learning from experience**

- 7.1 As the Speak up culture develops along with the psychological safety to allow colleagues to speak up, so the opportunity to ensure shared learning from themes and trends will emerge.

- 7.2 This learning will be shared initially in four ways:
- 7.3 Regular 'you said, we did' communications displayed across the Trust both in the form of posters and also through our internal daily comms and Heartbeat.
- 7.4 Development of a Speak up connect page that is already under way and in development following Speak up month. This will not only provide contact details, but information on the changes and learning that have taken place as a result of people raising concerns.
- 7.5 Information provided to Groups on a monthly basis; this information will be anonymised and will focus on the key themes they the Group can consider and agree how they can improve.
- 7.6 Information provided to Executive Quality Committee on a quarterly basis; this information will be anonymised and will focus on the key themes and opportunities for learning and improvement. Due to representation from all Groups within the Trust, this will support cross speciality learning and a wider level of organisational learning and awareness.

## **8. Speak up improvement actions**

- 8.1 September's paper identified a number of key NHSEI Recommendations that would align us to the core expectations required by the National Guardians Office. This paper enables us to review progress and update against these priorities, and align them to a two-year improvement plan discussed as part of our 'critical friend' support with NHSEI.
- 8.2 **Year One priorities:**
- 8.3 **Speak up Guardian reports to Trust Board:** The business planning cycle will ensure that the case numbers and learning will be presented to Trust Board bi-annually, which will align us to the core standard expected. Q3 and Q4 will be presented in line with the timeframes within Annex 1.
- 8.4 **Executive Lead reports to Trust Board:** In response to the improvement required, Freedom to Speak up progress has been reported through to Trust Board regularly, with papers provided September and November 2020.
- 8.5 **Freedom to Speak up Guardian job description:** Job descriptions have been completed and have been circulated with the internal advert for further part time Guardians. The Lead Guardian job description is awaiting HR panel to confirm banding.
- 8.6 **Board assessment (2020 standards):** The 2020 standards were due to be published in the Autumn, and this piece of work will be undertaken across the next two months.

- 8.7 **Speak up policy and policy audits:** The current Whistleblowing (Speak up) policy for the Trust has exceeded its review date. The Trust will take advice from NHSEI in terms of the language and terms being used to describe Speak up; this will then be used to update the policy in partnership with the Guardians, and will be presented to Executive Quality Committee for ratification and sign off. The annual policy audit will be factored into the business cycle for Speak up as we move forward.
- 8.8 **Guardian gap analysis against the eight NGO case studies:** The expectation is that a Lead Guardian will take forward the NGO case studies, which will support improvement within the Trust and learning from others. Initial work to review these case studies will be scoped out during Q4 in the absence of a Lead being in post at that time.
- 8.9 **Year Two priorities:**
- 8.10 **Speak up strategy and improvement plan:** Full stakeholder engagement activities to be planned for widening participation; providing the opportunity for all colleagues to be involved in what the Trusts Speak up strategy should be. This will be coordinated through the Lead Guardian role and will bring in the learning and foundations built through the year one priorities.
- 8.11 **Freedom to Speak up communication and engagement strategy:** Developed from the Speak up strategy, the communication and engagement plan will ensure regular training, sharing of learning and experience, visibility, communication approaches, and participation in regional and national events is supported within the Trust. This will be coordinated by the Lead Guardian role.

## 9. Planned activities and reflection of Speak up month

- 9.1 **National Guardians Office Speak up Month – reflections:** The Trust participated in the national activity this year in addition to the identified Speak up days which form part of the corporate calendar.

The theme was the Speak up alphabet and a number of colleagues from across the Trust participated in this by talking about what the Speak up words meant to them in an honest, open and transparent manner. This was additionally supported by videos from the Acting Chief Executive, Interim Chief Nurse and Chief Operating Officer, where we acknowledged that we have work to do to enable colleagues to feel safe to speak up. This coincided with the expression of interest in the internal part-time Guardian post, for which a number of colleagues have made contact.

Two books that had been identified as recommended reads by NHSEI were also made available within the library as an e-book and also in hard copy, these were 'Speak up: say what needs to be said and hear what needs to be heard' by Megan Reitz and John Higgins and 'The Fearless Organization' by Amy Edmondson.

The Shared Learning Topic for the Quality Improvement Half Day was used to facilitate discussions about Speak up, with a presentation provided by the academic and author

of the book 'Speak up', Megan Reitz. The presentation was on speaking truth to power and generated engagement and positive feedback through the outcome reports.

- 9.2 **Engagement and collaboration with other NHS Trusts:** Through the support received from NHSEI, the Trust has been put in touch with two other organisation that are prepared to share learning from their journeys to improve Speak up culture. Initial contact has been made and dates are being agreed.

## 10. The role of the Guardian

- 10.1 **What it is like to be a Guardian:** Sandra Kennelly, Team Leader within iCares, has shared some of her experience of being a Speak up Guardian within the Trust.

"I have been a guardian now for 4 years. I have found it a challenging yet essential role. It is often very hard for staff to raise a concern and sometimes they have sat with the worry for a while. Some concerns are straightforward to support and signpost. Others are "wicked problems" that require more thought and consideration.

The fellow guardian support in the trust has been amazing; we really are a lovely bunch of sensible, professional and kind folk! Regional networks are also extremely supportive and knowledgeable.

Speaking up as a guardian is not always easy particularly when you also have a leadership role. This internal conflict gets easier as you become more confident in the leadership and support around you. I once raised a recruitment example that was not open, fair or transparent. I raised the concern as a Guardian on behalf of a group of staff who requested to remain anonymous. It was listened to and received, and the senior manager acknowledged the concern, however in my opinion took my 'speaking up' personally. I was met with very defensive communication and the sentence "who do you think you are?" This senior leader is no longer in this organisation but for the remainder of the time did not speak to me. The behaviours were subtle but in hindsight they were examples of detriment at having spoken up. This was not a nice experience; however, the recruitment concern then went through the correct channels therefore raising the concern was the right thing to do, even though it felt a bit painful. Being a Guardian is a privilege. Working to find a positive resolution for all involved is the ultimate goal. And a constant reminder to be kind along the journey."

- 10.2 **Team growth and expansion:** The expression of interest has been advertised internally within the Trust in partnership with Speak up month. There has been a significant amount of interest from colleagues from a variety of professional groups and dispersed across the organisation which will benefit the spread and visibility of the Guardians. Interviews will be taking place week commencing 30<sup>th</sup> November. All new Guardians will access the on-line National Guardians Office training which will enable them to be part of the Guardian register. Training dates are available in December, which will help to expedite the number of Guardians to support future speak up work.



10.3 **Recruitment of a Lead Guardian:** The Lead Guardian role will require recurrent funding to ensure that progress made continues, and that the approach to Speak up meets the expectations of the National Guardians office. The finance to support this role is still being agreed.

## 11. Recommendations

The Trust Board is asked to:

- a. **Support** the governance reporting structure
- b. **Discuss** the themes and trends
- c. **Note** the progress

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Contributors:  
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26 November 2020

**Annex 1:** Governance reporting cycle: Speak up oversight

**Governance reporting cycle: Speak up oversight**

