

Report Title	Freedom to Speak Up update		
Sponsoring Executive	Kathy French, Interim Director of Nursing		
Report Author	Claire Hubbard, Deputy Director of Governance		
Meeting	Trust Board (Public)	Date	5 th November 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 a follow up to September's Trust Board paper where an overview of the expectations set out by NHS England and Improvement (NHSEI) and the National Guardians Office (NGO) were summarised against the current Trust position.

The paper provides an overview of actions taken and progress made against the priority next steps that were identified.

The Board is asked to support the current and planned work schedule detailed within the paper and the direction of travel towards growing and developing 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	X	Public Health Plan		People Plan & Education Plan	X
Quality Plan	X	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 September 2020.

4. Recommendation(s)

The Trust Board is asked to:

- a. **Support** the proposal for board self-assessment against the NGO expectations
- b. **Support** the attendance of a Freedom to Speak Up Guardian at Trust Board
- 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: 5th November 2020

Freedom to Speak Up progress 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 A FTSU update against the National Guardian Office expectations was presented to September Trust Board. This paper identified what is being done well, and what needs to be aligned to the National Guardians Office (NGO) guidance and core standards.
- 1.3 Since September, further conversations have taken place with NHS England and Improvement (NHSEI) who are supporting the Trust in the form of a 'critical friend'; offering advice and guidance to enable achievement of the core standards of the NGO expectations.
- 1.4 The next steps identified in September's paper identified a number of quick-win actions, and also some that will require consideration for medium and long term investment of time and resource. This paper will provide an update on these actions and discussion points, alongside reflections of our participation in the national speak up month.
 - Policy review in response to outcomes from the planned NHSEI 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

2. Policy Review in response to outcomes from the planned NHSEI consultation

- 2.1 The current Trust policy for Freedom to Speak up is the Whistleblowing policy, which has a review date of 2017. The language and terminology referred to within the policy no longer reflects the direction of travel and national agenda around speaking up.
- 2.2 Currently no update is available from NHSEI in relation to the outcome of a consultation period. We will continue to take advice from NHSEI and at this current time the existing Whistleblowing policy will remain available for staff with a caveat that the policy will be updated to reflect the consultation outcomes when available.
- 2.3 During this transitional phase, flyers and posters have been updated and made available across the Trust to ensure that there is clear and accessible information in relation to who the Guardians are and how to contact them

3. Role and structure of the FTSU Guardian role within the Trust

- 3.1 The current Freedom to Speak Up model incorporates Guardians who undertake the function in addition to their substantive role. The Guardians do not have protected time to support colleagues and cases, and this is further exacerbated by the requirements for national reporting, national and regional meetings and training, and embedding of freedom to speak up processes across the Trust. The Guardian(s) should have protected time to be an ambassador of the behaviours and values that underpin the national expectations.
- 3.2 Continuing from September's Trust Board paper, to achieve the National Guardian Office expectations, and in response to the concerns raised by NHSEI, the current model for the Guardians has been reviewed and benchmarked across other regional organisations. The evident variation is that other Trusts have identified Guardians with dedicated time, either in the form of a full time or job share Guardian(s). These individuals are then supported by a group of part time Guardians or Speak up Champions to ensure spread across the Trust.
- 3.3 Additionally, there is a degree of ambiguity of the role and function of a Speak up Guardian which has been exacerbated by lack of a job description (JD). In response to this, the National Guardian's Office has available to all Trusts a template job description identifying roles and responsibilities. This document has been used jointly with Guardian job descriptions from other NHS Trusts to produce two documents; 1. JD for a Lead Freedom to Speak up Guardian, and 2. JD for a part time Freedom to Speak up Guardian.
- 3.4 The Lead Guardian role will be new to the Trust and as such will require process to be followed in terms of banding of the role, identification of financial resource, and operational detail such as office space and operational requirements i.e. IT. The HR processes have commenced, along with financial considerations.

3.5 An expression of interest for further part-time Guardians will be circulated at the end of Speak up month, with interviews planned during November 2020. The intention will be to ensure greater spread of Guardians across the Trust.

3.6 The part-time Guardian JD indicates protected time of 1 day per month (approx. 2 hours per week). An increased number of part-time Guardians will ensure greater resilience in light of service and operational pressures associated with the Guardians substantive job role.

4. Review of reporting assurance to include self-assessment and qualitative and quantitative metrics

4.1 The monthly Guardian meetings recommenced in October 2020 to ensure that there is protected time to discuss cases, themes, trends and also core actions required to become compliant with the NGO expectations.

4.2 Monthly meetings are now scheduled for FTSU Guardians; alongside which there will be quarterly meetings with other speak up stakeholders, for example: staff networks, chaplaincy, HR, and other groups such as Women in Medicine.

4.3 To align with the NGO expectations, the Lead Guardian should be presenting to Board bi-annually, using a mixed methodology approach so that there is Board oversight not just of the number of speak up concerns being raised, but also a deeper understanding of the themes that are evident or emerging and also the understanding of what it is like to be a speak up guardian.

4.4 A proposal is put forward that a Guardian attends Trust Board in December 2020 to reflect on Speak up month and current activity, and allow an initial Speak up position to be understood ahead of commencing bi-annual attendance.

4.5 Should the approach be supported, following Guardian attendance at Board in December 2020, the Lead Guardian will then attend Trust Board every April and October to allow for regular and timely feedback in terms of cases and culture. October attendance will provide an overview of Q1 and Q2 activity, and April attendance will provide overview of Q3 and Q4 activity.

5. Transparent vision, strategy and work plan for FTSU to be shared with colleagues across the Trust

5.1 The key element to developing a culture which fosters speaking up is one which provides psychological safety and ensures that those who speak up receive feedback. The removal of fear and futility will enable processes to be strengthened and trust to be gained in terms of being able to raise concerns.

- 5.2 Through the collaborative support from NHSEI, advice has been given to adopt a speak up vision and strategy as a two year work plan; **year one** will be about ensuring strong foundations, for example recruitment to the Lead Guardian role, clear reporting process are embedded, increased staff awareness and visibility of Guardians at Trust induction, training and education, and evidence of change as a result of speaking up through communication and engagement such as 'you said, we did'. In comparison, **year two** will be building on this base with a Trust wide engagement approach to develop our Speak up strategy, increased regional and national input, and demonstration of improved engagement scores through weConnect and National Staff Survey, and closer working and review of pathways with other stakeholders such as HR.
- 5.3 A Board self-assessment against the NGO expectations will be required for 2021-22. In light of September's Board Paper acknowledging gaps in our Speak up processes, the Board is asked to consider revisiting our position against the NGO expectations in April 2021 and October 2021, and then annually thereafter. The frequency can be reviewed dependent upon confidence and assurance in the progress that is being made.
- 5.4 Dedicated space on Connect is currently being developed to enable colleagues to identify who the Freedom to Speak up Guardians are and how to make contact with them.
- 5.5 A generic email address to contact the Guardians is now available. This is a direct replacement to reporting concerns via the Safeguard system where we could not provide assurance in terms of maintaining confidentiality. The generic email address is only accessed by the Guardians, plus their individual nhs.net account email addresses are available via Connect, flyers and posters should a colleagues choose to make contact through that route.
- 5.6 The Trust has been connected to two other NHS Trusts who have focused on getting their Speak up processes right; both of whom have gone on to develop innovative ideas to create safety and cultural change. The Executive Lead at both organisations have been contacted and meetings are being established to share learning.

6. Overview of Speak Up Month

- 6.1 This October was the first time the Trust participated in the National Guardian's Office Speak Up month, with a focus on the alphabet of Speak up. Different colleagues from a variety of staff groups and at different bands took part in sharing what speak up words meant to them. These were very personal reflections and comments that focused on why being able to speak up was so important.
- 6.2 Each day within the Trust wide daily communications a snippet on Speak up was included. The purpose of this was to provide a repeated message that we take speaking up seriously, and that we want you (our colleagues) to talk to us.

- 6.3 Two books were promoted throughout the month; 'Speak up' by Megan Reitz and John Higgins, and 'The Fearless Organization' by Amy Edmondson. Both books were supported through our library services and were available via e-book.
- 6.4 Members of the Executive team, namely the Acting CEO, Interim Chief Nurse and Chief Operating Officer, were videoed discussing why speaking up is important and acknowledging that we can do this better and have work to do in getting our processes right.
- 6.5 The Guardians and other speak up routes have seen an increase in month of colleagues reaching out to raise concerns.
- 6.6 These concerns have been wide ranging and have included topics such as:
- Disability discrimination
 - Inequitable recruitment processes
 - Failure to follow management process
 - Failure to follow HR process
 - Concerns around safe staffing
 - Fit and proper persons
- 6.7 The concerns raised have come from a variety of areas, both clinical and non-clinical, and from colleagues and ex-colleagues of differing banding.
- 6.8 Closure of the loop to ensure that colleagues who have spoken up feel that they have been listened too and action taken is essential. This will feed into verbal feedback and thanks, and the first 'you said, we did' since focused attention has been paid to Speak up processes. This is necessary to enable the breakdown of the feelings of futility, whereupon colleagues have cited that it is not worth raising concerns as 'nothing ever happens'.
- 6.9 Further detail is proposed to be presented by a Freedom to Speak up Guardian at Trust Board in December 2020 to provide insight into themes and trends.

7. Next Steps

The Trust will continue 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.

A number of next steps and progress milestones have been identified which pay particular attention to:

- Guardian attendance at Trust Board to share experience, themes and emerging trends
- Learning from other organisations with recognised positive speak up cultures
- Progress to recruit a Lead Freedom to Speak up Guardian, ensuring dedicated time to progress the agenda Trust wide and embed early cultural change

- Regular review and progress update against the NGO expectations through monitoring and oversight of an action plan.

8. Recommendations

8.1 The Trust Board is asked to:

- a. **Support** the proposal for board self-assessment against the NGO expectations.
- b. **Support** the attendance of a Freedom to Speak up Guardian at Trust Board.
- c. **Note** the next steps

Claire Hubbard

Deputy Director of Governance – Knowledge and Learning

27 October 2020

Annex 1: FTSU Guardian Action Plan

Annex 2: FTSU 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