



REPORT TITLE:	Freedom to Speak Up Report		
SPONSORING EXECUTIVE:	Dinah McLannahan, Chief Finance Officer		
REPORT AUTHOR:	Jamil Johnson, Interim Freedom to speak up lead		
MEETING:	Public Trust Board	DATE:	13 th September 2023

1. Suggested discussion points <i>[two or three issues you consider the Trust Board should focus on in discussion]</i>
<p>The Trust Board last received a report in relation to Freedom to Speak Up (FTSU) in July 2023. This paper is to provide the board with assurances the FTSU team continue to make progress in relation to the actions to ensure SWB has a working environment wholly conducive to raising concerns, hearing them, and then acting upon them appropriately.</p> <p>We are also reviewing our plans and progress against the recent letter from Amanda Pritchard which stressed the importance of the effectiveness of FTSU arrangements following the Lucy Letby verdict.</p>

2. Alignment to our Vision <i>[indicate with an 'X' which Strategic Objective[s] this paper supports]</i>										
<table border="1"> <thead> <tr> <th>OUR PATIENTS</th> <th></th> <th>OUR PEOPLE</th> <th></th> <th>OUR POPULATION</th> </tr> </thead> <tbody> <tr> <td>To be good or outstanding in everything that we do</td> <td>X</td> <td>To cultivate and sustain happy, productive and engaged staff</td> <td>X</td> <td>To work seamlessly with our partners to improve lives</td> </tr> </tbody> </table>	OUR PATIENTS		OUR PEOPLE		OUR POPULATION	To be good or outstanding in everything that we do	X	To cultivate and sustain happy, productive and engaged staff	X	To work seamlessly with our partners to improve lives
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3. Previous consideration <i>[at which meeting[s] has this paper/matter been previously discussed?]</i>
NA

4. Recommendation(s)
The Public Trust Board is asked to:
a. DISCUSS the contents of the report and receive assurances on the effectiveness of our developing FTSU movement.

5. Impact <i>[indicate with an 'X' which governance initiatives this matter relates to and, where shown, elaborate in the paper]</i>					
Board Assurance Framework Risk 01	X	Deliver safe, high-quality care.			
Board Assurance Framework Risk 02		Make best strategic use of its resources			
Board Assurance Framework Risk 03		Deliver the MMUH benefits case			
Board Assurance Framework Risk 04	X	Recruit, retain, train, and develop an engaged and effective workforce			
Board Assurance Framework Risk 05		Deliver on its ambitions as an integrated care organisation			
Corporate Risk Register <small>[Safeguard Risk Nos]</small>		NA			
Equality Impact Assessment	Is this required?	Y	N	X	If 'Y' date completed
Quality Impact Assessment	Is this required?	Y	N	X	If 'Y' date completed

SANDWELL AND WEST BIRMINGHAM NHS TRUST

Report to the Public Trust Board on 13th September 2023

Update, Freedom to Speak up

1. Introduction or background

- 1.1 The findings of the freedom to speak review undertaken by Sir Robert Francis in 2015 noted that although there were some examples of good handling of concerns, many organisations required improvement and a recurring theme of deeply embedded negative culture towards responding to concerns was noted, which in turn was not conducive to speaking up regarding concerns relating to staff health and wellbeing, and patient safety. Sandwell and West Birmingham NHS Trust (SWB) remains absolutely committed to enhancing the profile of Freedom to Speak Up (FTSU) within the organisation, expanding the number and profile of our FTSUGs and ensuring a safe and effective environment for speaking up.
- 1.2 Amanda Pritchard (NHS Chief Executive), Sir David Sloman (Chief Operating Officer, NHSE), Dame Ruth May (Chief Nursing Officer, NHSE) and Professor Sir Stephen Powis (National Medical Director, NHSE) have written to the NHS on 18th August 2023, following the outcome of the trial of Lucy Letby (Annex 1). The letter outlines actions required by NHS Trusts to ensure colleagues have access to the appropriate mechanisms to raise concerns which provide appropriate assurances to colleagues they are being listened to and action taken as necessary. The report will aim to provide the board with assurances the FTSU team continue to engage with colleagues and wider teams to promote an environment conducive to speak up.
- 1.3 The report will provide an overview of SWB's progress in relation to activities over the past 18 months of "phase 1" of the FTSU strategy and the plans for phase 2 of the strategy for discussion, taking the requirements of the letter in to account.
- 1.4 The report will provide an overview of the concerns raised through FTSU since the last board report and the work streams in place or to be implemented to address these concerns.

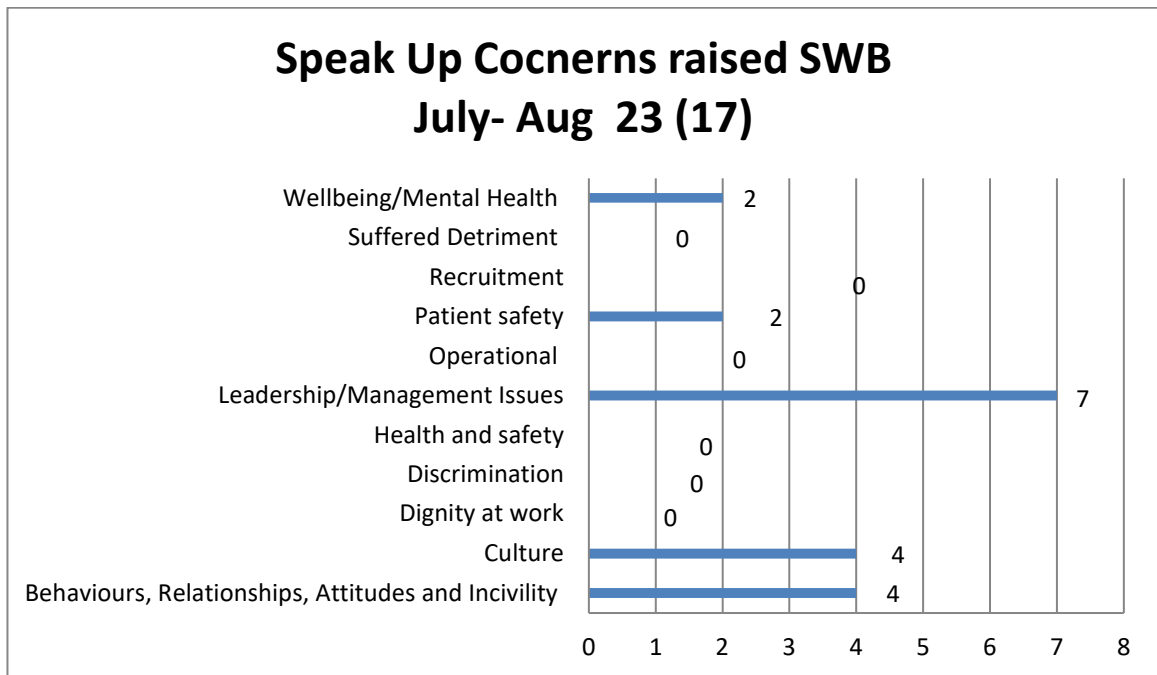
2. FTSU assurances in response to NHS England's letter regarding the conviction of Lucy Letby.

- 2.1 The letter outlines the response required by NHS organisations to ensure mechanisms are in place to ensure colleagues are able to effectively speak up and with appropriate follow up of the concerns.

- 2.2 The FTSU team have recently updated the intranet page with updated information on how to speak up. In addition to this posters have been redesigned with reference to the FTSU team and contact detail and with reference to the intranet page to enable colleagues to have a choice to who supports them.
- 2.3 The national speaking up support scheme was offered out to the established guardians in June 2023 however applications closed at the end of June 2023. To ensure we are providing the appropriate support to your guardians the FTSU team will be liaising with the well-being lead to develop a bespoke wellbeing package which the FTSUGs can utilise.
- 2.4 The FTSU team has acknowledged the importance of ensuring the team is representative of the whole workforce to mitigate the risk of barrier for colleagues from varied backgrounds and jobs to speak up; we have currently 14 FTSUGs at the time writing this report who have completed the training set by the national guardians' office.
- 4 who have fully completed the training.
 - 10 who have completed part 2 of their training and have 3 months to complete part 2 (On Track).
- 2.5 The team have commenced the monthly walk around for clinical and non-clinical areas to engage with colleagues to promote an environment conducive for speaking up and normalising it.
- 2.6 In January 2024 the FTSU team will complete the Reflection and Planning Tool linked in the letter and use the results to sense check that we remain on track with national FTSU requirements.
- 3. Freedom to speak up progress with the 30, 60 and 100 day action plan**
- 3.1 The FTSU team have continued to make progress with the action plan as detailed in Annex 2. There have been some delays in progress due to communications issues with IT in relation to creation of a new portal to record concerns anonymously and amendments to the Policy and Standard Operating Procedure.
- 3.2 The action for hosting a regional event will be completed in 2024 once the team is fully established to allow sufficient time to plan and organise.

4. FTSU team activity

- 4.1 The FTSU team continue to be fully committed to partnership working and have established good working relationship with key stakeholders to establish mechanisms of wider learning and routes of escalations of concerns to enable these to be captured.
- 4.2 The policy and accompanying Standard operating procedure (SOP) has been accepted and approved by the majority of our trade union colleagues and is awaiting ratification at Joint Consultative and Negotiation Committee in September.
- 4.3 The FTSU leadership team have commenced the monthly walk arounds, which have been well received. The interim lead continues to walk around hot spot areas to provide colleagues with assurances their concerns are being looked into addressed accordingly.
- 4.4 The FTSU team will work with an external facilitator (who has been engaged to look at the culture within the emergency departments) to expand the scope of work to ensure we capture and address the concerns raised in an anonymous email, to provide appropriate assurances to those who have raised concerns.
- 4.5 The FTSU lead will be part of a task and finish group to address issues regarding recruitment to help ensure we embed equitable mechanisms within our recruitment processes.
- 4.6 The FTSU team continue their work in increasing our visibility and presence and continue to attend Trust events.
- 4.7 The FTSU team are planning a team building day which will aim to build on learning from recent concerns and how to mitigate such occurrences within the FTSU team.



4.8 The FTSU team have seen an increase in the concerns raised via the FTSU route, likely secondary to the increase visibility and rebranding of FTSU at SWB. This is really encouraging and evidence that our approach is beginning to have an impact.

4.9 **Breakdown of top three themes**

4.9.1 Leadership and management issues

Management and leadership within Emergency Medicine continue to be challenging for some colleagues. Behaviours described would appear to have no clear alignment to the organisation's values.

There have been executive level assurances provided to the FTSU team this is being managed through appropriate mechanisms.

"Cliques" supported by leadership teams within Medicine and Emergency Care predominately within Emergency Medicine, staff don't feel staff speaking up and they feel little action will be taken and they will be victimised in doing so.

On-going concerns raised regarding the current management style within a department at the Birmingham and Midland Eye Centre. Working environment not conducive to speaking up, again management styles do not align with the trust values. The data on leavers has shown an increase in leavers during the period of change in leadership, furthermore the exit interviews undertaken indicate the leadership style being the cause of some colleagues leaving.

The hot spot clinical groups are Surgical Services (BMEC) and Medicine and Emergency Care (Emergency Departments). These are not viewed as endemic issues within these groups, more chronic problems in hot spot areas.

Hot spot professional groups are Allied Healthcare Professionals and Nursing.

4.9.2 Culture And 4.8.3 Behaviours, Relationships, Attitudes and Incivility

The cultural concerns and behaviours are interlinked to the concerns raised regarding leadership.

The behaviours demonstrated by leaders in some areas of the organisations have appeared to have not been managed. This has resulted in a chain like reaction, as junior manager a promoted as natural progression who have learnt a leadership style which encompasses behaviours of intimidation and bullying.

Attitudes of leaders towards colleagues raising concerns appears to be dismissive and defensive, colleagues consequently feel they are unable to speak up regarding concerns as they feel the concerns won't be addressed.

Hot spot directorates of concern are Medicine and Emergency Care, BMEC and Maternity/Neonates.

Hot spot professional groups are Allied Healthcare Professionals, Nursing and Midwifery.

4.9 Recurring Themes

Leadership/Management
Behaviours, relationships, attitudes and incivility

5. Strategy

- 5.1 Phase one of the strategy was to work through our actions, raise awareness of ways in which colleagues can speak up in the Trust and increase FTSU visibility by onboarding more guardians and partaking in events.
- 5.2 The current progress with the 30, 60, 100 day action plan is contained in Annex 2. Overall we continue to make tangible progress.

Phase two of the Strategy

- 5.3 This will include approval and implementation of the new FTSU policy. There will also be a new self assessment against the reflection and planning tool early in 2024.
- 5.4 The action plan will continue to be developed in line with themes raised through the guardians and the learning from cases team building day, and the new self assessment.
- 5.5 There will be a focus on embedding FTSU into wider work streams to ensure learning from concerns raised.
- 5.6 There will be continuing visibility of FTSU throughout the year with walk arounds and attending events.

6. Recommendations

- 6.1 The Public Trust Board is asked to:
 - a) **NOTE** the contents of the report
 - b) **DISCUSS** phase two of the strategy.

Jamil Johnson
Interim lead Freedom to Speak Up Guardian
30th August 2023

Annex 1 – Progress on the action plan
Annex 2 – NHS CEO letter to the NHS

Annex 2 – Progress on the action plan

Establish Lead Speak Up role and align vision	Interim lead commenced June 23 and is aligned to the vision of improving accessibility of the guardians and promoting a psychological safe place to speak up.
Establish regular meeting timetable with CEO and Chair, CFO and Lead NED	Monthly meetings with CEO and Deputy chair. CFO and Lead NED (Done before or after monthly walk arounds)
Begin recruitment to FTSUGs– representative of our workforce and from a range of roles	Recruitment started and is due to be completed Sep, we will have a total of over 20 guardians.
Update FTSUG job descriptions and ensure aligned with best practice	The on boarded guardians have been provided with the job description provided by the national guardians’ office.
Visit Trusts viewed as outstanding for Speak Up culture	This will be undertaken once the re-launch speak up has been completed. Likely to be Merseyside care.
Review resourcing – consider admin / BI support requirements	Admin support provided by Executive assistant. Current non pay budget sits finance underspent funds.
Review model for speaking up to ensure that there is scope to effectively coordinate all speak up activities within the Trust. Establish a stakeholder group including network chairs, staff side, EDI, HR, cultural ambassadors, faith groups and chaplaincy	Monthly meetings set up with EDI, Staff Side, chaplaincy lead, network chairs, who are able to escalate concerns via the speak up route as required.
Establish Board reporting cycle and attendance	To be formally establish through wider conversations potentially 6 monthly.
Begin development of strategy	Strategy as previously discussed at trust board is to work through action plans and internal audit plans, on board guardians, establish communication channels with wider staff network groups.
Ensure appropriate coverage at corporate induction	Corporate induction has key contact details with speak up section. New induction video developed which outlines the role of FTSU.
Produce templates for FTSUGs to use to record concerns raised but not take further for fear of detriment	Electronic form completed to capture concerns as an interim measure until we have completed the development of the FTSU portal system.
Develop communications and engagement plan including with staff network groups, inclusion leads, chaplaincy, Women in medicine/leadership groups	Have attended EDI events and met with staff network leads to improve FTSU engagement. Plans to attend the senior nurses forum and triumvirate group meetings.

60 days

Finish recruitment to FTSUG roles	To be completed September 2023
Board development session	This is currently being developed (plan December 23), this will also be used for directorate leadership teams to enable

Continue development of the strategy	The FTSU team will start developing phase 2 of the strategy during the away day in conjunction with stakeholders.
Confirm qualitative reporting supporting and quantitative metrics and triangulation approach	Recording of concerns currently provide quantitative data, moving forward the annual report will encompass a colleague being invited to provide the qualitative data, triangulation with PSIRF and incident reporting
Confirm relationships of policies and pathways – Just and learning culture, Whistleblowing, Grievance and Disciplinary	The new policy awaiting ratification at JCNC in September will replace the whistleblowing policy. The FTSU lead has arrangements with the HR leads to encompass the just learning work to advocate for learning from with the concerns raised.
Confirm training plans for all – including consideration of the NHSE FTSU training for all managers	The FTSU team are currently undertaking ad-hoc training with areas which allows colleagues to undertaken the FTSU e-learning. Consideration will be given during phase 2 of mandating this for all staff.
Guardians to develop plan to host regional events and meetings	This will likely be done late 2024 once FTSU is fully embedded at SWB.

100 Days

Review and update whistleblowing policy and ensure it reflects learning	The Policy is currently awaiting ratification at JCNC due September 23.
FTSUGs and Lead to attend Board meeting	Lead continues to attend board meetings, to update the board on the progress of the FTSU agenda and give an overview of themes of concerns and work streams in place.
Completion of strategy and a plan to evaluate and measure progress and results	Progressing will with phase 1 of the strategy (Completion of actions, on boarding of new guardians, embedding the new FTSU policy and increasing visibility and engagement). Phase 2 to be look at embedding FTSU into wider work streams to advocate for wider learning of concerns.
Review of HR processes in line with strategy	FTSU lead to be part of the working group embedding the just learning culture.
Development of an intranet page for speaking up	This has been completed and will be continually updated as required.