

TRUST BOARD (PUBLIC)

Title:	Freedom to Speak Up Guardian Annual Report 2020/21
Action:	FOR DECISION/DISCUSSION/NOTING
Meeting:	21st July 2021

Purpose:

This paper is an annual review of the Trust's raising concerns processes and the role of the Freedom to Speak Up Guardian and Freedom to Speak Up Champions. It provides the Board assurance that concerns raised are robustly managed in line with current best practice.

It is also to benchmark the Trust against the principle recommendations set out in Sir Robert Francis' report in 2014; data submitted quarterly to the National Guardian's Office, the findings of the Freedom to Speak up Guardians National Survey 2020 and the Freedom to Speak Up Index Report 2020.

The Trust has also undertaken a refreshed self-assessment which is attached in **Appendix 1**. The self-assessment shows the rating in July 2020 against the proposed ratings in July 2021.

During 2020/21, the Trust had 18 Freedom to Speak Up Champions attached in **Appendix 2**.

For the third year running the Trust has scored the **highest** scores in the country in the National Freedom to Speak Up Index report for 2020. A copy of this report is attached as **Appendix 4**.

The Board is asked to assess the proposed rag rating against the evidence and consider the proposed improvement actions where gaps have been identified in **Annex 1**

The Board is also asked to approve the updated FTSU Strategy in **Appendix 3**.

Appendices:

- Appendix 1 - Freedom to Speak Up Self Review Tool
- Appendix 2 - Meet the FTSU Champions
- Appendix 3 – Trust FTSU Strategy
- Appendix 4 – FTSU Index Report

Recommendation:

The Board is asked:

1. To assess the proposed rag rating in the self-assessment (**Appendix 1**) against the evidence and consider improvement actions (**Annex 1**) where gaps have been identified.
2. To note the content of this annual report.
3. To approve the updated FTSU Strategy

	Name	Title
Author:	Mercy Kusotera	Assistant Director of Corporate Governance
Executive sponsor:	Anita Pisani	Deputy Chief Executive

1. Executive Summary

- 1.1 The purpose of this report is to provide the Board with an overview of the Freedom to Speak Up (FTSU) processes during 2020/21 and plans for 2021/22.
- 1.2 The purpose of creating a speaking up culture is to keep our patients safe, improve the working environment of staff and to promote learning and improvement. The staff survey results 2020 and previous years confirm that the Trust has a safe culture; we will keep on building on that positive culture.
- 1.3 2020/21 was dominated by the global Covid-19 pandemic and this brought some changes to speaking up channels. Staff continued to raise concerns; however speaking up arrangements had been adapted in response to the pandemic. Most of the concerns reported during the pandemic mainly related to Personal Protective Equipment (PPE), working from home arrangements, social distancing and staff well-being or coping with the pressures.
- 1.4 The majority of these concerns were raised directly with Executive team members during live question and answer sessions with staff or via a dedicated Incident Management Team (IMT) email address that the Trust had set up to support its Incident Control Centre. These concerns/queries were then discussed in IMT meetings as appropriate or addressed directly during the live sessions. Feedback was regularly shared across the whole Trust via our frequently asked questions document. Staff were also openly encouraged to raise concerns about anything through the Freedom to speak function.
- 1.5 Executive team members have also attended service operational management teams; team meetings; daily sitrep calls within services; huddles and general staff conversations as and when required so that any concerns/issues raised could be discussed and resolved directly and also quickly.
- 1.6 With the Trust appointed 'Lead Provider' for Cambridgeshire & Peterborough and Norfolk & Waveney for the mass vaccination programme for these systems and working alongside; FTSU was one of the key areas covered during mass vaccination staff induction.
- 1.7 During 2020/21, the Trust FTSU Guardian (FTSUG) continued to use various channels to communicate the role of the FTSU function and the importance of raising concerns; these included:
 - Raising Concerns intranet page
 - Speak Up Month in October 2020
 - Promoting the Freedom to Speak Up Champions
 - Attendance at Joint Consultative Negotiative Partnership (JCNP) meetings
 - Freedom to speak up posters
 - Regular updates on FTSU via Comms Cascade
 - Trust staff networks.
- 1.8 The FTSUG continues to be an active contributor to the work from the National Guardian Office (NGO). Part of this work is to submit and support requirements from the NGO. These include quarterly submissions, census information and other surveys.
- 1.9 The Trust FTSU Strategy was previously approved by the Trust Board in 2018. The strategy outlines the Trust vision and should be read alongside the Trust Raising Concerns/Whistleblowing Policy. The strategy has been revised and was slightly amended to incorporate our FTSU communication engagement plans. To create a positive FTSU culture, staff need to know how to speak up and to whom. They need regular messages that reinforce the message that speaking up is welcomed and lessons are learnt from speaking up. A continuous and forward thinking communications campaign is a key

deliverable to ensuring staff remain up-dated and informed of speaking up. This paper requests the approval of the updated FTSU strategy (**Appendix 3**). The updated version was shared with the JCNP on 24th June 2021 and is coming to the Board for approval.

- 1.10 The Board is asked to note the content of this annual report and to take account of the guidance issued for Boards by NHS England and NHS Improvement.

2. Freedom to Speak Up Accountability Arrangements

- 2.1 The Trust is committed to providing outstanding care to service users and staff and to achieving the highest standards of conduct, openness and accountability. The Chief Executive is accountable for ensuring that FTSU arrangements meet the needs of the staff across the Trust. The Deputy Chief Executive is the Executive Lead for FTSU and she provides leadership and oversees the supportive arrangements for speaking up within the Trust. The FTSU independent Non-Executive Director (NED) acts as an independent advisor and is available to the FTSU Guardian and the Deputy Chief Executive to seek second opinions and support as required.
- 2.2 The FTSU Guardian has direct access to the Chief Executive and Lead Executive for FTSU; she seeks support from the Executive Lead when required. There are no concerns about the support that has been provided to the Guardian during the reporting period.

3. Freedom to Speak Up Champions

- 3.1 The Trust created FTSU Champions role in 2018 to work with the Freedom to Speak Up Guardian. FTSU Champions play a key role in supporting staff to raise concerns at the earliest opportunity and ensure that staff who raise concerns are treated fairly.
- 3.2 During 2020/21 the Trust had **18** FTSU champions across the various services; all were appointed through an open invitation for expressions of interest from staff. All staff who expressed an interest in becoming champions were appointed and all received training delivered by the Assistant Director of Corporate Governance and Assistant Director of Workforce.

4. Freedom to Speak Up Reporting

- 4.1 FTSU Guardian reports to the Trust Board on a six monthly basis through the Chief Executives report. These reports update the Board of Freedom to Speak Up activities. Quarterly data returns are made to the National Guardian Office and the information from all trusts making submissions is published on the National Guardian's website: <https://www.nationalguardian.org.uk/>
- 4.2 The data to be reported includes the following:
- Total number of cases reported
 - Number of concerns:
 - raised anonymously
 - with an element of patient safety/quality of care
 - with an element of worker safety
 - elements of behaviour including bullying and harassment
 - Number of incidents where disadvantageous and or demeaning treatment (often referred to as detriment) is identified as a result of speaking up.

5. Update of Raising Concerns Programme in 2020/21

- 5.1 The Trust implemented the 'standard integrated policy' which had been adopted in line with recommendations of the review by Sir Robert Francis into whistleblowing in the NHS. The

Trust's Whistleblowing/Speaking Up Policy was updated in December 2019 to include a Raising Concerns Standard Operating Procedure which would be followed for any raised concerns that involve members of staff. The revised policy was approved by the Board in July 2020.

- 5.2 Internal Audit undertook a review of our speaking up processes for 2020/21 to enable the Trust to take assurance over the arrangements in place for raising concerns through the 'Speaking Up' route and whether the processes to do so had been communicated to staff for raising concerns internally. The review confirmed that controls to manage FTSU were generally well designed and complied with. The Trust had in place guidance for raising concerns and these were communicated to staff across the Trust. This audit received reasonable assurance.

6. Freedom to Speak Up Concerns for 2020/21

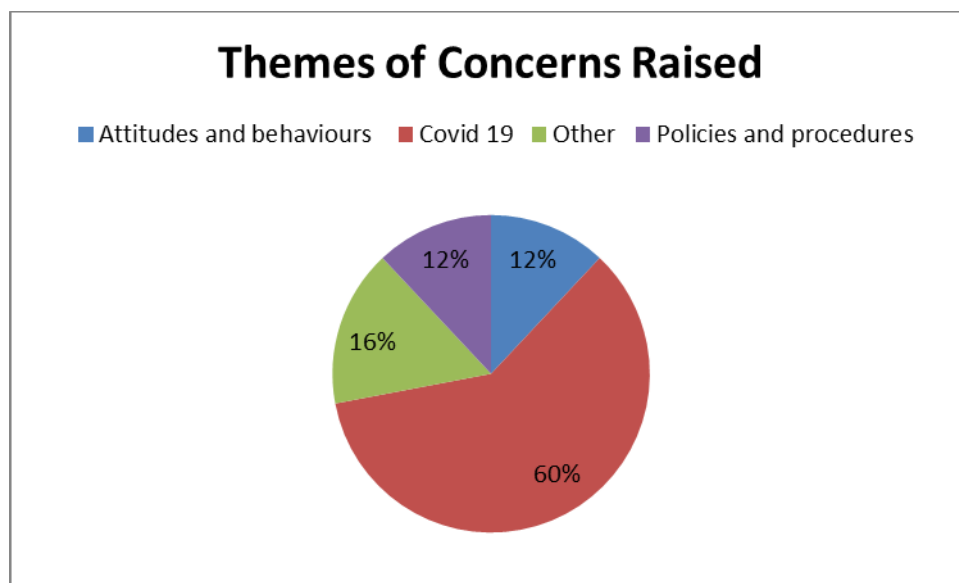
- 6.1 In Line with best practice recommendations from the Trust Board, a FTSU learning event attended by the Executive Lead (Anita Pisani), Non-Executive Lead (Geoff Lambert) for FTSU and the Trust FTSU Champions and Guardian was held on 11th June 2021. The main goal of the session was to provide oversight that the Trust's systems and processes for speaking up were working effectively and to share learning.
- 6.2 During this reporting period Freedom to Speak Up received a total of 25 concerns in 2020/21 compared to 34 reported in 2019/20. No staff reported experiencing a detriment as a result of speaking up.
- 6.3 Reviews for each concern are independent, fair and objective. Recommendations are reasonable and designed to promote staff and patient safety and learning.

7. Who is speaking up?

- 7.1 The FTSU team have received concerns from a broad range of professional groups across the Trust. Nurses accounted for the biggest portion (48%) of speaking up cases raised during 2020/21. This was 1% higher than last year when nurses accounted for 47%. Nurses form 37% of the Trust workforce.
- 7.2 During 2020/21 six concerns were raised anonymously. It is however pleasing to report that all the six concerns reported anonymously were reviewed by an independent reviewer and recommended actions were implemented.
- 7.3 The table below provides a summary of the number of cases raised from 1st April to 31st March 2021, the themes identified and professional background of those who raised the concern.

		Quarter 1 (April-June 2020)	Quarter 2 (July – September 2020)	Quarter 3 (October - December 2020)	Quarter 4 (January – March 2021)
Total Number of cases		12	4	4	5
Theme	<i>Covid 19 related</i>	9	2	2	2
	<i>Bullying and behaviours</i>	1	1	0	1
	<i>Other</i>	0	0	2	2
	<i>Policies and procedures</i>	2	1	0	0
Professional background of those speaking up	<i>Administrative/Clerical staff</i>	4	0	1	0
	<i>Corporate Services</i>	0	0	0	1
	<i>Anonymous</i>	2	3	1	0
	<i>Allied Health Professionals</i>	0	0	0	0
	<i>Dentists</i>	0	0	0	1
	<i>Nurses</i>	6	1	2	3

- 7.4 The chart below summarises themes for concerns raised during 2020/21. The most prevalent theme occurring was 'Covid-19' – fifteen out of twenty-five concerns raised, related to Covid-19; these included PPE, mass vaccination and working from home.



- 7.5 The table below shows the number of concerns (25) raised during 2020/21 when grouped according to directorates and also the number of staff for each directorate during 2020/21. Please note Mass Vaccination Programme has only been in place since 18th January 2021.

Directorate	Number of staff – including bank staff	Number of Concerns raised
Ambulatory	577	11
Cambridgeshire & Norfolk Children's Services	1047	5
Luton Adults	307	4
Bedfordshire & Luton Children's Services	713	2
Corporate Services	194	1
Mass Vaccination	372	2
Total	3210	25

7.6 When comparing the number of concerns raised to the number of staff in each directorate, there seems to be no correlation.

7.7 In 2021/22, we will continue to promote and improve visibility of our FTSU Champions Trustwide. We will continue to work in collaboration with our Service Directors, staff networks and Cultural Ambassadors to ensure all staff feel confident and safe to speak up.

8. Benchmarking

8.1 The National Guardian's Office collected data from Freedom to Speak Up Guardians in all Trusts and Foundation Trusts on cases raised with them in 2019/20. All trusts are required to submit high level, anonymised data to the National Guardian's Office (NGO) each quarter. The NGO then compiles statistics to enable comparison with other trusts. The full report for 2020/21 has not been published as yet; once published, we will compare the data and themes against internal data to identify any learning. The outcome would be provided in the next FTSU report to the Board.

8.2 The FTSU national index report linked to the 2020 annual staff survey results was published on 27th May 2021 and the Trust was **again** ranked the **highest** NHS Trust in the country. A copy of the report is attached as **Appendix 4**. The index compares outcomes from a number of staff survey questions from the 2020 survey (the latest data available at that time) to measure the FTSU culture across all trusts.

8.3 The purpose of the index report is to enable trusts to see at a glance how their FTSU culture compares with others, promote sharing of good practice and enable trusts that are struggling to 'buddy up' with those that have highest scores.

8.4 FTSU Index data is derived from the following four questions in the NHS annual staff survey about staff perception of feeling encouraged, knowledgeable and secure to speak up:

- % of staff "agreeing" or "strongly agreeing" that their organisation treats staff who are involved in an error, near miss or incident fairly (question 16a)
- % of staff "agreeing" or "strongly agreeing" that their organisation encourages them to report errors, near misses or incidents (question 16b)
- % of staff "agreeing" or "strongly agreeing" that if they were concerned about unsafe clinical practice, they would know how to report it (question 17a)
- % of staff "agreeing" or "strongly agreeing" that they would feel secure raising concerns about unsafe clinical practice (question 17b)

8.5 The challenge for 2022/22 will be to maintain the momentum built over the past years but we will continue to explore further areas for improvement.

8.6 In 2020, the National Guardian Office also conducted a FTSUG survey to provide guardians insight on support for and barriers to speaking up. The report was published on 21st March 2021.

8.7 The following table includes some of the key headlines from the survey and how the Trust compares to identified areas in the survey:

Theme	National data	CCS
Guardian recruitment	41% of respondents said they were appointed to their role through open competition, up from 33% in 2019.	Trust FTSUG appointed was through fair and open competition.
Demographics of FTSU guardians	Black and minority ethnic groups were underrepresented compared to NHS workforce. 90% of respondents from NHS Trusts identified as white, compared to 79% of the NHS workforce.	Trust FTSUG is from an ethnic minority group.
Ring-fenced time	There was an increase in the proportion of respondents with ring-fenced time to carry out the role. 70% of respondents said they had ring-fenced time, up from 56% in 2019.	Trust FTSUG has ring-fenced time to carry out the guardian role. Fundamental part of the job role.
Access to senior leaders	94% of respondents had direct access to their chief executive or equivalent and 87% had access to the non-executive director or equivalent in their organisation who had speaking up as part of their portfolio.	The FTSUG has direct access and support from the chief executive, deputy chief executive and the non-executive director responsible for speaking up.
Value and support for FTSU guardians	There continued to be a gap in how valued respondents felt by senior leaders compared to middle managers. 85% of respondents felt valued by senior leaders, whereas only 68% felt valued by middle managers.	The FTSUG receives support from Trust leadership and is invited to attend service team meetings regularly.
Speaking up training for workers	71% of respondents indicated that speaking up training was available to workers in their organisation. This was lower for respondents at organisations rated 'requires improvement' (66%) and organisations not rated by CQC (58%)	FTSU is part of the Trust induction. The Trust has also launched the FTSU e-learning package produced by the NGO for all staff. This training has now been added to all employees competency matrix.
Perceptions of speaking up	There was an increase in the percentage of respondents who believed the FTSU Guardian role was making a difference in their organisation. 86% of respondents agreed the role was making a difference, up from 80% in 2019. In 'outstanding' rated organisations, 94% per cent of respondents said the role was making a difference.	Awareness of the FTSUG and Champions function is improving across services. Service Directors work closely with the FTSU team.
Barriers to speaking up	Respondents identified multiple groups of workers who may face barriers to speaking up. These included black and minority ethnic workers, LGBTQ+ workers and	The Trust has a BAME and Long term conditions & Disability Network in place and is launching a LGBTQ+ network on 14 th July 2021.

	people living with disabilities and long-term health conditions.	These networks provide additional opportunities for groups of staff who may face barriers to speaking up.
Disadvantageous treatment for speaking up	Detriment for speaking up (often referred to as disadvantageous or demeaning treatment) remained a concern. Less than half (48%) of respondents said people in their organisation did not suffer detriment for speaking up.	No detriment has been reported during 2020/21.

9. Learning and Improvement

9.1 The Trust is committed to continuing to learn and improve its systems and processes for raising concerns. This is done through:

- the annual meeting between the FTSU Guardian, Executive Lead and Non-Executive lead
- learning events for FTSU Champions to be held going forward
- working with our local and regional staff side colleagues
- seeking feedback from those that raise concerns and those involved in the FTSU systems and processes
- supporting our staff networks by encouraging staff to share their lived experience with the Trust
- the improvement action plan presented as part of the annual report.

9.2 Key messages and awareness are raised to all staff through the intranet, communications cascade and other internal communications e.g. screensavers.

9.3 Externally, the FTSU Guardian and the Trust have benefited from engaging with East of England Regional Network of Guardians and sharing learning.

9.4 The following learning points were identified from concerns raised during 2020/21:

- Ensuring that national guidance on Covid 19 was being followed across Trust services; processes regularly updated and staff reminded on any changes.
- Reiteration of key messages to staff re- information relating to PPE, social distancing and ensuring Trust offices and work places were compliant with national guidance.
- Ensuring that emotional and wellbeing support is available to all staff who are involved in speaking up processes.
- Supporting managers on handling staff pressure and ensure the Trust continues to provide outstanding care to patients and support to staff.

Annex 1 – FTSU Improvement Action Plan 2020/21

Action	Owner	Status
Further work to be undertaken in relation to sharing of learning across the Trust including learning events for Freedom to Speak-Up Champions.	Mercy Kusotera	Complete
To conduct an annual review of the FTSU strategy, policy and process including introducing a more structured process for testing a sample of cases annually.	Anita Pisani	Complete
To share anonymised case studies and other learning with staff. Case reviews for shared learning.	Mercy Kusotera	Ongoing
Improvement Action Plan 2021/22		
To continue promoting and publicising the role of our Freedom to Speak Up Champions by providing regular communications to all staff (including volunteers, temporary/ contracted workers and trainees).	Mercy Kusotera	
Further work to capture and share good practice and learning from concerns raised, with the key aim of fostering openness and transparency, such as staff briefings, team meetings and the intranet.	Mercy Kusotera	
To support leaders and managers on improving staff experience and ensure a positive culture of speaking up is embedded in all services.	Anita Pisani	
To continue to work with the National Guardians Office to ensure that the Trust learns from national best practice.	Mercy Kusotera	
To use local intelligence from exit interviews as way of example to understand and support staff and provide additional information on how culture can continue to be improved	Anita Pisani Mercy Kusotera	