

## Report of the Freedom to Speak Up Guardian

### Public Board

30<sup>th</sup> May 2024

<b>Presented for:</b>	Information
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<b>Previous Committees:</b>	Six monthly updates to Workforce Committee Annual Assurance Report to Audit Committee

Our Annual Commitments for 2024/25 are:	
Reduce HCAI by 15%	
Strengthen participation and growth in research and innovation	
Deliver the financial plan	
Use our existing digital systems to their full potential	
Reduce waits for patients	
Reduce our carbon footprint through greener care	
Be in the top 25% performing Trusts for staff retention	√

Risk Appetite Framework				
Level 1 Risk	(✓)	Level 2 Risks	(Risk Appetite Scale)	Impact
Workforce Risk		Workforce Retention Risk - We will deliver safe and effective patient care, through supporting the training, development and H&WB of our staff to retain the appropriate	Cautious	Moving Towards

		level of resource to continue to meet the patient demand for our clinical services		
Operational Risk		Health& Safety Risk - We will protect the health and wellbeing of our patients and workforce by delivering services in line with or in excess of minimum health & safety laws and guidelines.	Minimal	Moving Towards
Clinical Risk		Patient Safety & Outcomes Risk - We will provide high quality services to patients and manage risks that could limit the ability to achieve safe and effective care for our patients.	Minimal	Moving Towards
Financial Risk		Counter-Fraud Risk - We will adopt a zero-tolerance approach to workforce fraud through the maintenance of an anti-fraud culture, investigating all reported instances of fraud and following disciplinary and criminal proceedings.	Averse	Moving Towards
External Risk		Legal & Governance Risk - We will operate the Trust in compliance with the Law and UK Corporate Governance Code, where applicable.	Averse	Moving Towards

<b>Key points</b>	
<p>1. This report provides a bi-annual update regarding Freedom to Speak Up processes and activity.</p> <p>2. Key points to note are,</p> <ul style="list-style-type: none"> <li>I. The increase in the number of FTSU cases</li> <li>II. The ongoing activity to reduce barriers to speaking up</li> <li>III. The staff survey results and the work to use these to target effort and resources</li> <li>IV. A theme of incivility and the work to try to address this.</li> </ul>	For information and assurance

## 1. Summary

This paper provides an update and assurance on the progress for the period quarter 3 and 4 (1 October 2023 – 31 March 2024).

This paper is affiliated to the Executive assurance report which will come to July 2024 Board.

## 2. Background

In line with the requirements of NHS England and the National Guardians Office (NGO), the concerns raised with the Freedom to Speak up Guardian (FTSUG) are included in this report for the last six months of the financial year 2023/2024.

The NGO stipulates that the FTSUG presents a report, in person, to the Board which,

- includes information on the number and types of cases they deal with
- barriers to speaking up
- details of opportunities for learning and improving

## 3. Bi-Annual Activity Numbers and Types of Cases

The table below displays the themes and number of concerns via the FTSU Guardian for the period 1 October 2023 – 31 March 2024. The Board will note the increase of cases that are reported to the FTSUG, a proportion of whom are recommended by colleagues. Whilst this is a positive increase, consideration of capacity of the service may need to be given if the upward trend is maintained or increased. This has been added to the HR risk register and will be managed via this route.

Quarter 3 23/24	
Number	Theme
10	Bullying
7	Failure/Incorrect use of Trust policy
6	Staff safety
3	Unsafe patient care
2	Other*
2	Discrimination – Disability
1	Discrimination/Race
1	Guidance
1	Abuse (Verbal)
1	Failure to follow fair recruitment process
1	Reported Negative Impact
1	Poor support for training
<b>Total</b>	<b>36</b>

\* of the cases identified as *other* the reasons are

Concern regarding	Number
Not feeling valued	1
Implementing Improvements	1

Quarter 4 23/24	
Number	Theme
13	Bullying
11	Failure/Incorrect use of Trust policy
3	Attendance management Letter
3	Risk Management Process
2	Unsafe Patient Care
2	Unsafe working Conditions

2	Abuse (Verbal)
2	Poor Training Support
2	Guidance
1	Discrimination – Disability
1	Discrimination/Race
1	Substance Misuse
1	Breach of Trust Policy
1	Breach of Professional Standards
1	Discrimination sex/gender
1	Other*
<b>Total</b>	<b>47</b>

\* of the cases identified as *other* the reasons are

Concern regarding	Number
Management Behaviour	1

**Please note** - the activity reflects cases reported directly to the FTSUG. There are many routes that we encourage staff to use to raise concerns. Concerns that have been raised directly with local managers and FTSU Champions and others are not included in this report.

### Progress for concerns raised in Q3

Status	Number
Open - investigation on-going	9
Closed - referred to another process	4
Closed - resolved to the satisfaction of the individual (s)	23
<b>Total</b>	<b>36</b>

### Progress for concerns raised in Q4

Status	Number
Open - investigation on-going	21
Closed - referred to another process	3
Closed - resolved to the satisfaction of the individual (s)	23
<b>Total</b>	<b>47</b>

## 4. Barriers to Speaking Up

The following are the activities undertaken in the last six months to overcome the barriers to speaking up.

4.1 The FTSUG has delivered a session with the FTSUGs at Leeds University Faculty of Medicine and Health to understand the roles of FTSUG and to discuss the reasons why

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students in health care are less likely to raise concerns and, in addition, how the faculty can support a change in culture at undergraduate level.

4.2 The FTSUG has been approached by NHS England to speak to a group of internationally recruited midwives to explore the cultural differences in speaking up and the impact of having English as a second language can inhibit these conversations.

4.3 The FTSUG has spoken to members of our staff bank to emphasise the importance of feedback from an itinerant workforce, hearing their concerns and providing assurance about Trust processes to provide safeguards for those who speak up.

4.4 In addition, the range of champions, (Freedom to Speak Up, Black and Minority Ethnic, Equality Diversity and Inclusion and Dignity at Work) have been brought together to capture a wider data set of themes, increase the diversity of champions and minimise inappropriate signposting that had occurred when staff approached champions.

## 5. Themes

The data provided at section three of this report highlights the broad range of concerns that come to the FTSUG.

In both Q3 and Q4 the highest numbers of concerns relate to bullying of teams and individuals and failure/incorrect use of policy. There is an underlying current of incivility in these cases and a failure to display the Trusts values and behaviours in interactions with staff. This is not just a managerial issue; cases also relate to co-workers at the same or similar grades.

There is a hypothesis that the prolonged pressures of work are impacting on these behaviours. This has been shared with the Director of HR & OD, who has responded by,

- I. Deploying the Trusts OD capability to help specific managers and teams create a culture to develop team cohesion and allow for transformative conversations to take place.
- II. Increasing the capacity and capability of our leaders has been identified as a key factor in embedding and delivering the People Priorities at all levels across the Trust and a new priority has been created, focussed on compassionate and effective leadership.
- III. As part of the Trusts response to the NHSE EDI Improvement plan and High Impact actions, a priority is to deliver opportunities for staff to navigate good people management fundamentals, where behaviours are addressed and challenged in line with the Leeds Way Values. This has been supported by the development of a Management Fundamentals Toolkit and a Kindness and Civility Toolkit along with resources via 'Report for Support' action group. This is to enable staff to have access to multiple routes for concerns being raised (Freedom To Speak Up, Dignity at Work, EDI Champions etc) and provide assurance that information is captured, irrespective of route.
- IV. The work of the FTSU steering group will set expectations of CSU Leadership Teams to meet with FTSU Champions to hear about and act on local issues.

## 6. Staff Survey

The 2023 Staff Survey results contain four questions that relate to speaking up, these results are shown in the table below with the Picker average and trends since 2020. In conjunction with the Senior HR Business Partners and the Staff Engagement Manager it is proposed that a focused piece of work is undertaken to identify themes and trends from speaking up data and ensure that the actions for those areas that score the lowest in these questions are robust.

q20a	Feel secure raising concerns about unsafe clinical practice	Picker Av	2023	2022	2021	2020
		(70.24%)	75.01%	75.07%	76.78%	74.66%
q20b	Feel confident that my organisation would address my concern	Picker Av	2023	2022	2021	2020
		(55.9%)	61.21%	60.0%	63.21%	64.05%
q25e	Feel safe to speak up about anything that concerns me in this organisation	Picker Av	2023	2022	2021	2020
		(61.4%)	67.6%	66.0%	66.8%	69.3%
q25f	Feel organisation would address any concerns I raised	Picker Av	2023	2022	2021	2020
		(49.0%)	55.4%	52.6%	54.2%	*

## 7. Financial Implications

The work required to deliver the actions identified in this paper are to be achieved within existing resources.

## 8. Risk

The contents of this report do not significantly impact the risks identified on page 1 of this report.

It is considered that the FTSU arrangements are within the risk appetite and no specific risks need to be captured on the risk register.

The risk relating to the capacity of the FTSUG has been added to the HR & OD risk register.

## 9. Communication and Involvement

There is a regular newsletter in place to all champions for dissemination within their work areas.

## 10. Equality Analysis

Processes are in place to capture protected characteristic data for individuals raising concerns. This demographic information is captured in the Feedback Part A form sent to everyone raising a concern through the Guardian's office. The data is utilised at a national level to inform trends. Those completing it routinely populate the relevant demographic questions but in common with our Equality and Diversity teams experience, there is a considerable number of those contacted who do not respond.

## **11. Publication Under Freedom of Information Act**

This paper has been made available under the Freedom of Information Act 2000.

## **12. Recommendations**

The Board is asked to:

- a) Receive the information provided in this report.