

REPORT TO THE TRUST BOARD: PUBLIC
3 DECEMBER 2020

Title	Freedom to Speak Up Annual Report 2019 - 2020
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Purpose of the Report:

To brief the Trust Board on the annual Freedom to Speak Up activity to ensure it is meeting its objective both locally and nationally.

Summary of Key Issues:

The Freedom to Speak Up Review undertaken by Sir Robert Francis and published in February 2015 sets out that all NHS Trusts are required to have a Freedom to Speak Up Guardian (FTSUG) in post.

The Trust appointed a FTSUG in October 2017 and has 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 sends quarterly data to the National Guardian Office. The data is categorised as follows:

- Elements of patient safety/quality of care
- Elements of bullying and/or harassment
- Number of cases where people indicate they suffered detriment as result of speaking up.
- Number of cases raised anonymously

The Trust scored 80.2%, (national average is 78.7%) in the recent Freedom to Speak Up Index Report 2020. This is an increase of 0.2% on the previous year's report.

The FTSU index is based on four questions from the annual NHS Staff Survey. This year's index is based on the results from the 2019 NHS Staff Survey.

Those questions asked whether staff agree:

- their organisation treats staff who are involved in an error, near miss or incident fairly.
- their organisation encourages staff to report errors, near misses or incidents
- that if they were concerned about unsafe clinical practice, staff would know how to report it.
- that staff would feel secure raising concerns about unsafe clinical practice.

The Trust is using its Freedom to Speak up Index score to see how it can continue to make improvement and engage with its workforce to develop a positive speaking up culture.

Freedom to Speak Up received a total of 102 concerns in 2019 - 2020.

34 of these cases were related to behaviours including bullying and harassment. 10 related to patient safety and quality of care, and 40 cases were related to processes/organisational structure. 1 staff member reported experiencing a detriment as a result of speaking up.

Registered Nurses & Midwives and Administration & Clerical groups make up a large proportion of concerns received. This is followed by Allied Health Professionals whilst the lowest reporting groups were Nursing Assistants or Healthcare Assistants and Medical.

A handover period took place from 16th March to 4th April 2020 between FTSUG Ade Dosunmu and incoming FTSUG Anita Hynes. This coincided with the Covid pandemic and impact of working patterns.

Strategic priorities this paper supports (Please check box including brief statement)

Improved patient experience	<input checked="" type="checkbox"/>	Improved staff satisfaction positively correlates with improved service user satisfaction.
Improved health of the communities we serve	<input checked="" type="checkbox"/>	Ensuring the Trust is well led and meets CQC regulation.
Improved staff experience	<input checked="" type="checkbox"/>	The ability to raise concerns is key to a culture of trust and safety. There is potential to improve staff satisfaction through openness and transparency about how concerns are raised and dealt with.
Improved value for money	<input checked="" type="checkbox"/>	Effective speak up processes reduce financial risk and exposure to the Trust through employee relations' cases, legal fees and redundancies.

Committees / Meetings where this item has been considered

Date	Committee / Meeting
N/A	N/A

Implications

Equality Analysis	
Risk and Assurance	Staff with protected characteristics are impacted by Trust policies which can result in fear of speaking up. Trends are monitored, with a specific focus on improving the representation and experience staff.
Service User/ Carer/Staff	The role promotes the importance of staff speaking up to providing high quality, cost effective, compassionate services and to continually improve in partnership with people who use our services, their carer, families, friends and communities.
Financial	There are financial implications associated with Freedom to Speak Up, potential redundancies and tribunal claims resulting from organisational change and Freedom to Speak Up.
Quality	Themes arising from Freedom to Speak Up can act as a driver for quality improvement work.

Glossary

Abbreviation	In full
FTSU	Freedom To Speak Up
FTSUG	Freedom To Speak Up Guardian
NGO	National Guardian Office
CQC	Care Quality Commission

Supporting Documents and Research material

1.0 Background / Introduction

- 1.1 The National Guardian's Office and the role of the FTSUG were created in response to recommendations made in Sir Robert Francis' report "The Freedom to Speak Up" Report (2015).

These recommendations were made as Sir Robert Francis found that NHS culture did not always encourage or support workers to speak up, and that patients and workers suffered as a result. The NHS Contract for 2016/17 required every NHS Trust to have a Local FTSUG as of 1st October 2016. Guidance for the appointment was published in March 2016.

The Trust appointed a FTSUG in October 2017 and has 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.

2.0 Freedom to Speak Up Accountability Arrangements and Support Structure

- 2.1 The Chief Executive is accountable for ensuring that FTSU arrangements meet the needs of the staff in the Trust. The Chief Nurse is the Executive Lead for FTSU who provides leadership and oversees the supportive arrangements for speaking up within the Trust. The independent Non-Executive Director (NED) acts as an independent advisor and is available to the Guardian and the Chief Executive to seek second opinions and support in progressing complex matters.

3.0 Freedom to Speak Up reporting

- 3.1 FTSUG reports to the Trust Board every two months in the People and Culture team report.
FTSUG provides data to the Quality Assurance dashboard on a quarterly basis, reporting number of total issues raised and the number of quality and patient safety issues raised with FTSU.
- 3.2 FTSUG attends the Joint Staff Committee, Joint Staff Policy Sub Committee, Additional Joint Staff Committee, People and Culture Committee and the Quality Committee meetings. Attendance ensures that decisions are based on clear and transparent criteria and to give independent advice in regards to decisions which may affect patient safety and staff wellbeing.
FTSUG attends the CEO Strategic Discussion Group, which gives opportunity to hear and share ideas with senior managers.

4.0 Freedom to Speak Up Policy

- 4.1 The Trust's 'Raising Concerns (Whistleblowing) Policy' was amended to include the Interim FTSU Guardian's contact details and was published September 2020 on the Trust intranet.

5.0 Freedom to Speak Up cases for 2019-2020

Table 1. Freedom to Speak Up cases by Directorate

Data per quarter by Directorate	Q3 Oct 19 to Dec 19 Total	Q4 Jan 20 to Mar 20 Total	Q1 Apr 20 to Jun 20 Total	Q2 Jul 20 to Sept 20 Total	2019-2020 Total
Bedfordshire	5	0	2	13	20
City & Hackney Services	0	5	4	4	13
Community Health Services - Bedfordshire	0	0	1	0	1
Community Health Services - Newham	3	0	2	1	6
Community Health Services - Tower Hamlets	2	2	3	2	9
Corporate Services	6	1	4	4	15
Forensic Services	2	1	2	2	7
Luton	4	2	0	0	6
Newham	1	0	5	4	10
Specialist Services	2	0	2	4	8
Tower Hamlets	2	0	0	2	4
UNKNOWN	1	1	0	1	3
TOTAL	28	12	25	37	102

- 5.1 During this reporting period, Freedom to Speak Up received a total of 102 concerns compared 138 reported in 2018 -2019 and 217 in 2017 - 2018.

6.0 Who is speaking up?

Table 2. Freedom to Speak Up cases by professional group.

Please note:

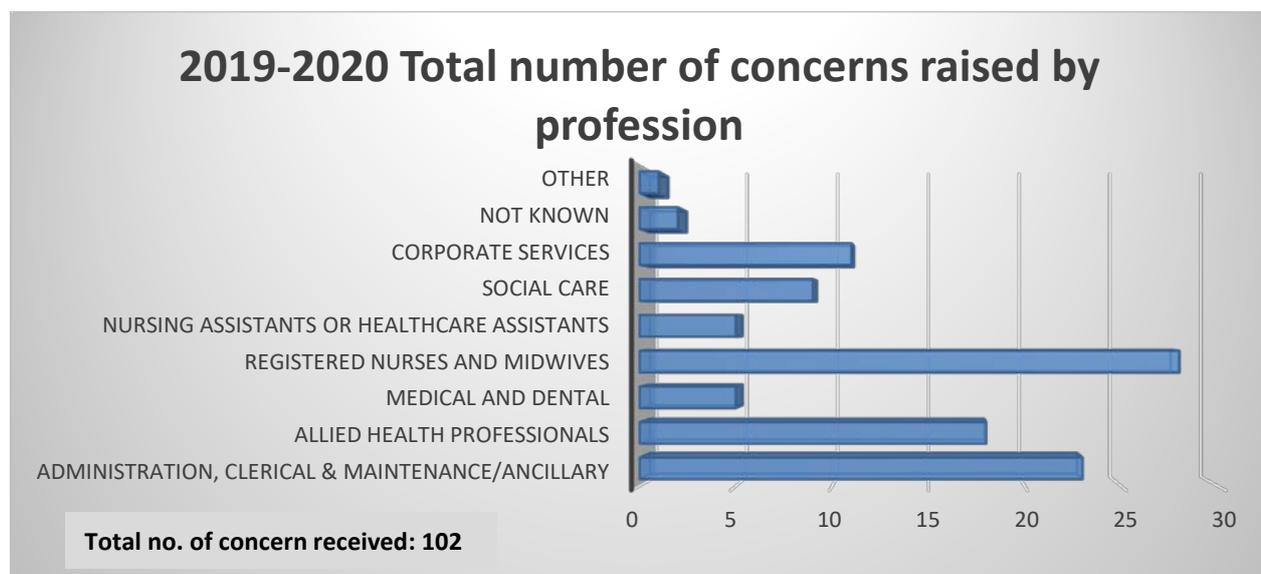
To reflect the growing number of FTSUGs registered with the National Guardian's Office that operate outside of NHS trusts, and from listening to feedback from FTSU Guardians, the NGO is changing the way some data is recorded.

The changes relate to the way professional groups are categorised and includes a new category to indicate the professional levels of individuals who speak up. This change took place from **Q1 2020/2021** and the Professional Group categories are now reflected throughout this report.

Most FTSU cases were received from Registered Nurses and Midwives and Administration, Clerical & Maintenance/Ancillary colleagues:

Data per quarter PROFESSIONAL GROUP	Q3 Oct – Dec Total	Q4 Jan – Mar Total	Q1 April – Jun Total	Q2 July – Sept Total	2019-2020 Total
Administration, Clerical & Maintenance/Ancillary	6	3	2	12	23
Allied Health Professionals	5	4	2	7	18
Medical and Dental	2	0	3	0	5
Registered Nurses and Midwives	8	4	9	7	28
Nursing Assistants or Healthcare Assistants	5	0	0	0	5
Social Care	0	1	3	5	9
Corporate Services	2	0	4	5	11
Not Known	0	0	1	1	2
Other	0	0	1	0	1
QUARTERLY TOTAL	28	12	25	37	102

Chart 1. Freedom to Speak Up cases by professional group.



6.1 The FTSU team have received concerns from a broad section of the Trust and across all professions. Reporting from Registered Nurses and Midwives and Administration, Clerical & Maintenance/Ancillary groups make up a large proportion of concerns raised. This is followed by Allied Health Professional. The lowest reporting group were Medical and Dental and Nursing or HC Assistants.

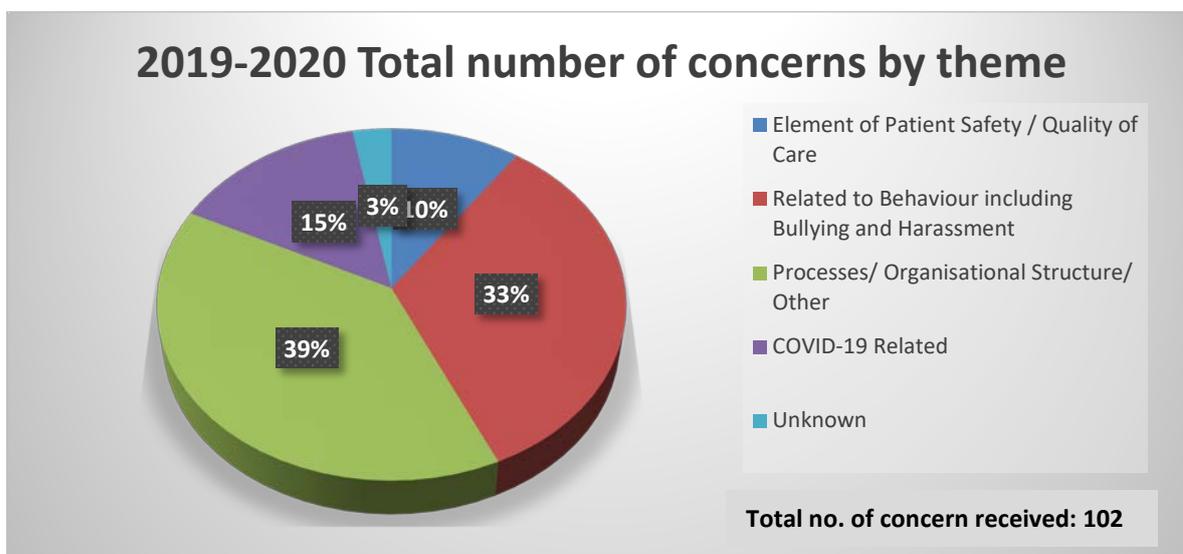
7.0 Freedom to Speak Up cases and themes

Table 3 shows the broad themes of concerns raised to Freedom to speak up during the reporting period October 2019 – September 2020 and are categorised as per guidance from the National Guardian Office. Due to the emergence of COVID-19 in the UK in 2020, the Trust added COVID-19 as a category in March 2020, to monitor concerns raised that were related to COVID-19.

Table 3. Freedom to Speak Up concerns raised by theme

Data per quarter Theme of concern raised	Q3 Oct - Dec Totals	Q4 Jan - Mar Totals	Q1 April - Jun Totals	Q2 July - Sept Totals	2019- 2020 Totals
Element of Patient Safety / Quality of Care	4	2	2	2	10
Related to Behaviour including Bullying and Harassment	12	3	5	14	34
Processes/ Organisational Structure/ Other	12	7	8	13	40
COVID-19 Related		0	9	6	15
Unknown	0	0	1	2	3
TOTAL NUMBER OF CONCERNS RAISED	28	12	25	37	102
NUMBER OF CONCERNS RAISED ANNONYMOUSLY	2	0	1	1	4
DETRIMENT AS A RESULT OF SPEAKING UP	1	0	0	0	1

Chart 2. Freedom to Speak Up concerned raised by theme.



Of the 102 concerns raised during 2019 - 2020, the most frequent themes were:

- **Process/ Others:** Culture/ Interview process/ HR Processes / Management processes/ Organisational systems/ Fraud /Queries
- **Related Behaviours:** Bullying & Harassment / Attitude of staff
- **COVID-19 related:** inadequate communication regarding changes to practice due to COVID-19, poor social distancing/not wearing masks on site, COVID-19 staff risk assessment.

7.1 The cases are grouped by theme and similar to last reporting year. Behaviours which include breakdown in working relationships, attitude of staff and alleged bullying and harassment are 33% of cases raised to FTSU.

7.2 This year, concerns related to patient safety and quality of care are 10% of those raised. These concerns related mostly to lack of support for service users, case allocation and loading or correct processes not followed. These concerns are escalated to service directors or brought to the attention of the appropriate executive director for support.

7.3 The National Guardian Office doesn't include a 'process' category' in their reporting but this category forms 39% of concerns from staff. This category saw the highest number of concerns raised this year.

The nature of these concerns usually related to a HR process, themes relating to lack of fairness which was linked to issues of inequality and racism in recruitment practices, staff sought advice and support on matters relating to sickness management, flexible working, working from home during the pandemic and the COVID-19 Risk Assessment.

7.4 The Trust's reporting of Element of Patient Safety/Quality of Care and elements related to Behaviour including Bullying and Harassment are relatively in line (though slightly lower) with the national data, which reports that 41% of cases reported

nationally included an element of bullying and harassment whilst 29% included an element of patient safety / quality of care (2018 - 2019 data headlines, National Guardian Office).

Table 4. Freedom to Speak Up themes in ELFT and Nationally (2018-2019, data published by NGO March 2020).

(Percentages rounded to nearest whole number.)

FTSU Theme Categories	2019-2020 ELFT Total number of concerns by theme	2019-2020 ELFT % concerns by theme	2018-2019 National % concerns by theme
Element of Patient Safety / Quality of Care	10	10	29
Related to Behaviour including Bullying and Harassment	34	33	41
Processes/ Organisational Structure/ Other	40	39	Not recorded by the NGO
COVID-19 Related	15	15	
Unknown	3	3	
TOTAL CONCERNS RAISED	102	100	
CONCERNS RAISED ANONYMOUSLY	4	4	12
DETRIMENT AS A RESULT OF SPEAKING UP	1	1	5

Table 5. During this reporting year, FTSU has listened to the experiences of staff who have spoken up. There are four areas of recurrent themes of concerns:

Recurrent theme	Staff experience	Work being done to address this theme
<p>Recruitment and post advertisements:</p> <p>It has been noted in some areas that there is a very short window for applications to be submitted.</p> <p>Irregularities in recruitment. Some BAME staff feel that they are being overlooked for roles and those roles are being given to White members of staff.</p>	<p>Staff felt that it's already known who the role is going to and consequently is not offering equal opportunities.</p> <p>Staff feel it's a pattern, and when discussed with other colleagues, it is a 'that's what happens here' attitude.</p>	<p>HR are investigating to ensure parity, regulation and policies are always adhered to.</p> <p>Training also put in place to support clarity in processes, policies and their application, where it is required.</p>
<p>Investigations:</p> <p>Lack of communication in terms of the process that is involved.</p>	<p>Not knowing or understanding the process because it hasn't been fully communicated with them.</p> <p>Causes unnecessary anxiety in staff.</p>	<p>HR have appointed a People Liaison Adviser and an Independent Investigator to support with providing improved communications with those involved in investigations.</p>
<p>Behaviours of bullying and/or harassment:</p> <p>Mostly received from someone senior to them, though not in all cases.</p>	<p>Behaviours felt by a number of people in a team, as a result of an individual's behaviour.</p>	<p>Work is ongoing to address these situations and support with training in particular areas of the Trust.</p>
<p>Covid related concerns:</p> <p>Irregularities in approach by managers to staff working from home</p> <p>and the COVID risk assessment.</p>	<p>Rotas being generated to work on site, when the service didn't require it and all works and working activities could be carried out while working from home.</p> <p>Concerns from some regarding the risk assessment and the implications the scoring system may mean for them.</p>	<p>HR have supported colleagues with addressing working from home with their line managers.</p> <p>HR are regularly updating the Covid risk assessment as per the newest Government information as well as training managers in the application.</p>

These areas will form a key priority for the Trust to address in its response and ensure concern relating to the treatment of staff are consistent and fair.

8.0 Service user involvement

- 8.1 The Freedom to Speak Up team has one service user from People Participation team, who is based in London.

The role is to provide support in Trust inductions, promoting the FTSU role and bringing insight of the importance of speaking up from a patient safety perspective.

Our aim for the next year is to recruit more service users across the Trust who will support us in delivering the message and service around Freedom to Speak Up.

- 8.2 Ola, our Freedom to Speak Up People Participation Support, has devised a plan to support service users in the John Howard Centre. It is supporting service users to be actively involved in improving how we do things in a way that maximises their recovery. Ola is supporting by providing information on 'Speak Up' support for service users, providing information so that Service Users understand the work of FTSU as well as supporting them with speaking up about any concern they may have. This programme of work also involves the patient advocacy work which is being done by The Advocacy Project.

9.0 Improving the culture of Speaking Up at ELFT

- 9.1 Due to the Covid pandemic the planned Trust Annual Freedom to Speak Up Conference for both London and Bedfordshire were cancelled. Planning for the year ahead, we will look at planning and hosting the conferences virtually.

The FTSUG is receiving invitations to speak to teams at their virtual team meetings and away days across the directorates. Freedom to Speak Up has been able to support teams and individuals at early stages of concern to encourage open discussion with the managers and explain the different escalation process whilst highlighting the importance of raising their concern where they feel it may impact on patient safety or staff wellbeing.

The feedback from these sessions have been very positive with staff and managers stating that it has helped teams to rebuild trust and have discussions early.

Sessions similar to these will continue to take place with different teams across the Trust to enable further awareness and learning throughout the organisation.

- 9.2 The Trust is committed to developing the role of the Freedom to Speak Up through appointment of FTSU Ambassadors who work with the FTSUG in encouraging staff to raise concerns at the earliest reasonable opportunity. There are currently four FTSU Ambassadors across the Trust, two in London and two Bedfordshire.

Recruiting more FTSU Ambassadors and FTSU Champions (who will also be FTSU trained and will assist staff with a concern by signposting them to the support available) remains as one of the key priorities, as having a diverse group of FTSU Ambassadors and Champions across the Trust will help to promote and support FTSU in their local area and help to address issues at an early stage.

10.0 Freedom to Speak Up Index Report 2019

- 10.1 The National Guardian's Office has previously published survey reports that indicate that a positive speaking up culture is associated with higher performing organisations as rated by CQC.

The Annual NHS Staff Survey contains several questions that serve as helpful indicators of the speaking up culture. Working with NHS England, the National Guardian's Office has brought four questions together into a 'Freedom to Speak Up (FTSU) index'. This is to enable trusts to see at a glance how their FTSU culture compares with others. This will promote the sharing of good practice and enable trusts that are struggling, to 'buddy up' with those that have recorded higher index scores.

The Trust sends quarterly data to the National Guardian Office.

The data is categorised as follows:

- Elements of patient safety/quality of care
- Elements of bullying and/or harassment
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- Number of cases raised anonymously

The Trust scored 80.2%, (national average is 78.7%) in the recent Freedom to Speak Up Index Report 2020. This is an increase of 0.2% on the previous year's report.

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Those questions asked whether staff agree:

- their organisation treats staff who are involved in an error, near miss or incident fairly.
- their organisation encourages them to report errors, near misses or incidents
- that if they were concerned about unsafe clinical practice, staff would know how to report it.
- that they would feel secure raising concerns about unsafe clinical practice.

The Trust is using its Freedom to Speak Up Index score to see how it can continue to make improvement and engage with its workforce to develop a positive speaking up culture.

Table 6. ELFT’s Freedom to Speak Up indicator questions and results

Question (Indicators of speaking up culture)	ELFT 2015	ELFT 2016	ELFT 2017	ELFT 2018	ELFT 2019	National Average 2019
Q17a Organisation treats staff involved in errors fairly	57.2%	58.6%	59.5%	61.4%	61.5%	59.7%
Q17b Organisation encourages reporting of errors	87.1%	88.2%	87.8%	89.3%	88.7%	88.4%
Q18a Know how to report unsafe clinical practice	94.3%	96.8%	95.1%	95.1%	94.9%	94.6%
Q18b Would feel secure raising concerns about unsafe clinical practice	73.4%	75.8%	72.9%	72.1%	74.6%	71.7%

The Freedom to Speak Up Index score and NHS Annual Staff Survey Report for ELFT is being used by the Trust to understand how it can continue to make improvements and engage with its workforce to develop a positive speaking up culture.

11.0 Recommendations

Previous year’s priorities were:

1. Develop core training for all workers, line & middle management and Senior Leaders – as per the National Guardian Guidelines. *Training has been developed and is being delivered to teams, leaders and networks.*
2. The incorporation of Freedom to Speak Up into Our People Strategy. *Completed.*
3. Complete gaps identified by the self-assessment and report regularly within our governance framework. *Currently being reviewed to refresh roles and responsibilities in line with board changes.*
4. Respond to gaps identified in the case review recommendation. *To be reviewed.*
5. Expanding and developing FTSU Ambassador in each directorate. *In progress, with the addition of FTSU Champions, to add an extra support layer of support to reach more teams and staff bandings.*
6. Continue to disseminate and embed learning on all aspect of FTSU. *Updates from the NGO are shared with staff and the Executive Lead, as appropriate. Learnings from cases are shared with teams, managers and HR as suitable to inform improvements moving forward.*
7. Collaboration with senior managers and People and Culture to improve the gaps in identified in the top theme of concern in the reporting year. *Completed.*

8. Using the Freedom to Speak Up Index Questions to make improvement and engage with its workforce to develop a positive speaking up culture. *This work is continuing, using the FTSU Index questions and the ELFT responses to those questions in the Annual NHS Staff survey to continue to inform targeted areas for FTSU training and support.*

2020-2021 Priorities:

- Expand service user participation in FTSU, in each directorate.
- Expand and develop the FTSU Ambassadors and Champions programme in all directorates of the Trust.
- Continue to disseminate and embed learning on all aspect of FTSU across all Directorates.
- Collaboration with senior managers and People and Culture to improve the gaps identified in the top themes of concern in this reporting year.
- Using the Freedom to Speak Up index questions and ELFT responses to those questions in the Annual NHS Staff Survey to inform where to target training and support, to make improvement and engage with the workforce to develop a positive speaking up culture.
- Complete a FTSU Pulse survey with all staff in the Trust to assess:
 - i. Understanding of FTSU and what it is
 - ii. How to access FTSU support
 - iii. If they have availed of the service previously, their feedback on their experience of FTSU and how the service can be improved.Survey to be completed again 6-9 months later to ascertain improvements in understanding of and accessibility of FTSU, and to assess improvements of understanding, ability to access and overall in the FTSU service.
- Investigate holding the FTSU Conferences Virtually and what that will entail. If feasible, plan for virtual conferences in the next reporting year.
- Discussions are now regularly occurring between with the Guardian of Safe Working Hours (GoSWH) for Junior Doctors and the FTSUG to see if there are any trends or similar themes being identified in both areas of work. No similarities have been found to date. This relationship is now further supporting with FTSU training for all junior doctors.
- Review the reporting period with FTSU Executive Lead, with a view to aligning the reporting period from April – March annually.

12.0 Action being requested

- 12.1 The Board/Committee is asked to RECEIVE and NOTE the report for information.