

Board of Directors (in Public)

Item 5.1

Subject: Freedom to Speak Up (FTSU) 2022/23 Annual Report
Date of Meeting: 26th April 2023
Presented by: Helen Martin, Head of Risk Management/Freedom to Speak Up Guardian
Purpose of Report: To Note

BAF Ref	Impact on BAF
ALL	The report provides assurance on the arrangements in place to support staff to speak up and to ensure learning from staff concerns is identified and embedded.

Level of assurance (<i>please tick one</i>) <i>To be used when the content of the report provides evidence of assurance</i>					
<input checked="" type="checkbox"/>	Acceptable assurance Controls are suitably designed, with evidence of them being consistently applied and effective in practice	<input type="checkbox"/>	Partial assurance Controls are still maturing – evidence shows that further action is required to improve their effectiveness	<input type="checkbox"/>	Low assurance Evidence indicates poor effectiveness of controls

1. Executive Summary

The purpose of this paper is to provide the Board of Directors with an update of the work of the Freedom to Speak Up (FTSU) Guardians and Champions in supporting the safety culture within the Trust, reflect on the progress made by the FTSU internal network in empowering staff to speak up freely and encouraging ongoing positive cultural change.

The paper provides an overview of issues and concerns raised over the last 12 months and updates from the National Guardians Office for Freedom to Speak Up, with the aim of giving assurance that the local arrangements in place continue to meet best practice and support staff to raise concerns.

This is done in the context of an evolving and maturing national agenda that is learning from the collective experiences of FTSU Guardians, their champion networks and those at the National Guardian Office (NGO).

The Board of Directors is asked to note the assurances provided within the FTSU annual report and the 2023/24 FTSU priorities.

2. Background

The National Guardian Office for Freedom to Speak Up (FTSU) continues to lead the way in improving the speak-up culture nationally and maintains its mission of “making speaking up business as usual” NHS Trusts and Foundation Trusts are mandated to employ a Freedom to Speak Up Guardian (FTSUG), whose role is to provide an alternative channel for workers to raise concerns, ensuring that concerns received are escalated, investigated and followed up to enhance patient safety and worker experiences. The FTSUGs provide the Executive Board of Directors with quarterly and annual reports of the issues raised and updates from the NGO with anonymised thematic speak-up data. Themes and trends of concerns raised nationally are analysed to inform guidance and improvements at a national level.

At a local level, the Liverpool Heart and Chest Hospital FTSU policy continues to be integrated within the organisation alongside the Trust’s other channels for raising concerns such as incident reporting, safety huddle and HALT. Through a personal speak-up safely pledge, the Trust’s Chief Executive Officer encourages all staff to speak up and gives assurance that any concerns raised will be investigated and staff will be protected from any detriment after speaking up.

The FTSU internal network comprises of an FTSU Executive Director lead, Non-Executive Director lead, two Freedom to Speak Up Guardians, a Deputy Guardian, and a network of multi-disciplinary FTSU Champions, which was further refreshed during 2023. The FTSUG’s work closely with the FTSU Executive Director lead and senior leaders to enable effective escalation, review and triangulation of safety and welfare concerns.

The FTSU Guardians continue to maintain engagement and communication with the National Guardian’s Office and the Northwest Regional Network of FTSU Guardians for support and continued learning and updates.

3. FTSU arrangements and speak ups in 2022/23

The FTSU arrangements are embedded across the Trust, and there has been a continued focus on ensuring awareness and access to channels for speaking up. 2022/23 has also seen the appointment of an additional FTSUG, and expansion of the Champions Network. A summary of the issues raised and the arrangements in place for FTSU are detailed below.

3.1 Assessment of FTSU issues raised in 2022/23

A total of 26 concerns were raised through the FTSU in the 2022/23 financial year. These are concerns raised directly with the FTSUG / Champions network. Concerns raised through other safety channels e.g. with line managers or through DATIX, HALT, Safety Huddles are not logged through FTSU unless referred to the FTSU Guardian. In summary

- There were eight concerns raised where staff perceived an element of bullying or poor behaviour from other members of staff. Each concern was investigated and discussed with the relevant manager and followed up by the Guardian. Where possible, the staff member who had raised the concern was kept updated.
- Seven concerns were regarding working policies and included flexible working; application for long service awards and uneven distribution of bank shifts.
- In triangulation meetings with HR, nine of the concerns raised that concerned bullying or working practices had also been highlighted to HR.

The themes of the concerns as per categorisation by the National Guardians Office (NGO) can be seen in table 3.1 below.

Table 3.1 Comparative view of concerns raised in Quarters 1, 2, 3 and 4 2022/23

Themes of concerns as categorised by the NGO	Q1	Q2	Q3	Q4	Total
Element of Patient Safety / Quality	1	0	1	0	2
Staff Safety: System processes /staffing levels, policy /organisational change).	1	1	0	4	6
Working policies	4	1	1	1	7
Element of Bullying and Harassment	2	3	3	0	8
Detriment from speaking-up	0	1	0	0	1
Other Category: poor communication, health and wellbeing	2	0	0	0	2
No. of Speak-ups per Quarter	10	6	5	5	26*
Concerns raised anonymously	0	0	0	0	0

*Of the 26 (one person raised two concerns) cases, 19 have been investigated and closed. Six cases are still in progress and awaiting feedback.

The Trust continues to put patient safety at the centre of its work, with a continuing emphasis on the Be civil, Be kind program. The program aims to improve values and behavior with regular digital comms bulletins to highlight trust values / behaviors.

In one area, a major piece of work involving the health and wellbeing and organisational development teams is underway to improve staff wellbeing and culture.

3.2 Assessment of those speaking up through FTSU in 2022/23

Guidelines by the NGO require recording of the professional level and category of the speak-up staff where identifiable. The following table reflects the professional level of individuals who raised a speak up in the four quarters, as per the reporting guidance issued by the National Guardian Office.

Table 3.2 Concerns raised by different staff levels in 2022/23

Concerns raised by staff	Worker	Senior Manager	Senior Leader	Unknown/ Undisclosed	Total
Q1 2022/23	8	0	0	1	9
Q2 2022/23	4	0	0	2	6
Q3 2022/23	4	0	0	0	4
Q4 2022/23	5	0	0	2	7
Annual totals	21	0	0	5	26

The table below reflects the professional groups who raised concerns for the current and previous 3 quarters as per the National Guardian Office guidelines.

Table 3.3 Concerns raised by different professional groups in 2022/23

Concerns raised by professional groups per quarter	Q1 2022/23	Q2 2022/23	Q3 2022/23	Q4 2022/23	Total
Medics	0	1	2	0	3
RGN/ Midwives/ ANPs	2	0	0	2	4
Nursing Assistants & HCA	0	0	1	1	2
Allied Health Practitioners	2	2	0	1	5
Admin, Clerical	3	1	0	0	4
Maintenance/Ancillary/ Cleaning/ Catering	2	0	1	0	3

Corporate Service Staff	0	0	0	0	0
Undisclosed	1	2	0	1	4
Total number of speak-ups	10	6	4	5	25

The undisclosed group consists of concerns raised anonymously as well as colleagues who contacted the FTSU champions confidentially.

3.3 Comparative data for the past 4 years

The table below shows a year-on-year comparator of concerns raised.

Year	Bullying and Harassment	Working policies*	Patient Safety	Worker Safety	Detriment from speaking up	Other	Total cases raised
2018/19	10	-	6	0	0	9	25
2019/20	7	-	1	0	0	11	19
2020/21	10	-	7	0	0	17	34
2021/22	7	-	3	1	4	14	31
2022/23	9	7	2	5	1	2	26

*The category of working policies has been introduced by the NGO in the current financial year and as such were not previously recorded.

Of the 26 (one person raised two concerns)

3.4 FTSU Arrangements and Governance

In order to provide resilience to the FTSU function, a second FTSU Guardian was appointed in May 2022. The established FTSU Guardian left employment with the Trust in September 2022 and a new Guardian was appointed internally in October 2022 through open competition.

The FTSU policy and escalation process is publicised widely, and shared with the FTSU champions, to ensure consistency when a speak up is raised.

Engagement with the FTSU Champions for learning, development, updates and guidance are maintained through quarterly workshops. The FTSU Executive Director lead regularly attends the workshops and invites are also extended to the Non-Executive Director.

Monthly meetings between the Executive Director lead for FTSU and the Guardians provides guidance and support. Concerns are escalated as they are raised for information and also to ensure discussion as required with the relevant Executive Director.

The quarterly Safety Surveillance meetings are used to facilitate triangulation of FTSU with other patient-safety metrics.

Monthly meetings between FTSUG's and HR Business Partners have been maintained which enables a triangulation of FTSU concerns to be considered with ongoing employee relations cases, along with progress and support to resolve issues raised.

The FTSUG has reported to the Board of Directors on a quarterly basis throughout the year.

3.5 FTSU Awareness Raising Activities

A number of awareness raising activities have been employed in 2022/23

- FTSU policy, network posters with contact information, as well as the Chief Executive Speak-Up Pledge are displayed and accessible on the trust intranet, and notice boards around the trust.

- Regular FTSU awareness raising walkabouts are conducted. Any safety concerns picked up during these walkabouts are escalated immediately or colleagues signposted as applicable.
- Presentations at Trust's monthly Team Brief continue to raise awareness of recurring themes and cascade information from the NGO.
- FTSU bulletins, such as screen savers and digital communications to highlight October as Freedom to Speak-up month. These have also continued across the year.

3.6 Further Development of FTSU in 2022/23

A Board Self-Assessment was completed jointly by the Director of Risk and Improvement and the FTSU Non-Executive Director (NED) lead in May 2022. The assessment concluded full compliance against the criteria across all areas, confirming that the Board:

- Behaves in a way that encourages workers to speak up
- Demonstrates commitment to FTSU
- Has a strategy to improve the FTSU culture
- Supports the FTSU Guardian
- Are assured the FTSU culture is healthy and effective
- Are open and transparent
- Has confirmed individual responsibilities

During the Summer of 2022, MIAA conducted an internal audit to assess FTSU arrangements and policy. The audit provided substantial assurance of the processes with minor recommendations of areas for improvement concerning

- ensuring that FTSU reports are provided to the Executive Board consistently - quarterly reports have been provided to the Board by the FTSU Guardian during 2022/23.
- maintaining documentation when a speak up is raised - documentation is kept in a secure folder that has limited access for the Guardians only.
- ensuring lessons learnt from speak ups are shared – FTSU is discussed at monthly team brief. Themes from FTSUs have been shared through this and other forums.

In late 2022/23 an anonymous staff survey was conducted by the FTSU Guardians to explore barriers to speaking up. An action plan is being developed in response.

3.7 Highlights from the National Guardian Office

During 2022/23 the FTSU Guardians kept abreast of the guidance released by the NGO and any actions needed. In summary:

- ❖ The National Guardian Office's released a new Freedom to Speak Up policy in June 2022. This has been reviewed and is being considered as part of the annual review of the LHCH FTSU policy.
- ❖ The 2023 FTSU conference was held in March and concentrated on combating detriment from speaking up.
- ❖ Monthly lunch and learn webinars are held which provide an opportunity to catch up on a variety of topics such as safeguarding; speaking up support scheme and preventing victimization.
- ❖ The NGO celebrated October as FTSU month with a focus on safety, civility and inclusion. Our activity in FTSU month aligned to this.
- ❖ Annual speaking up data released 2021/22– October to December 2021 had highest number of cases reported in a single quarter since FTSU Guardians were introduced in 2016; worker

safety was a strong theme concerning the impact of reduced staffing levels, increased workloads and staff wellbeing; 32% of cases had an element of bullying and harassment (increased from 30% in 2020/21).

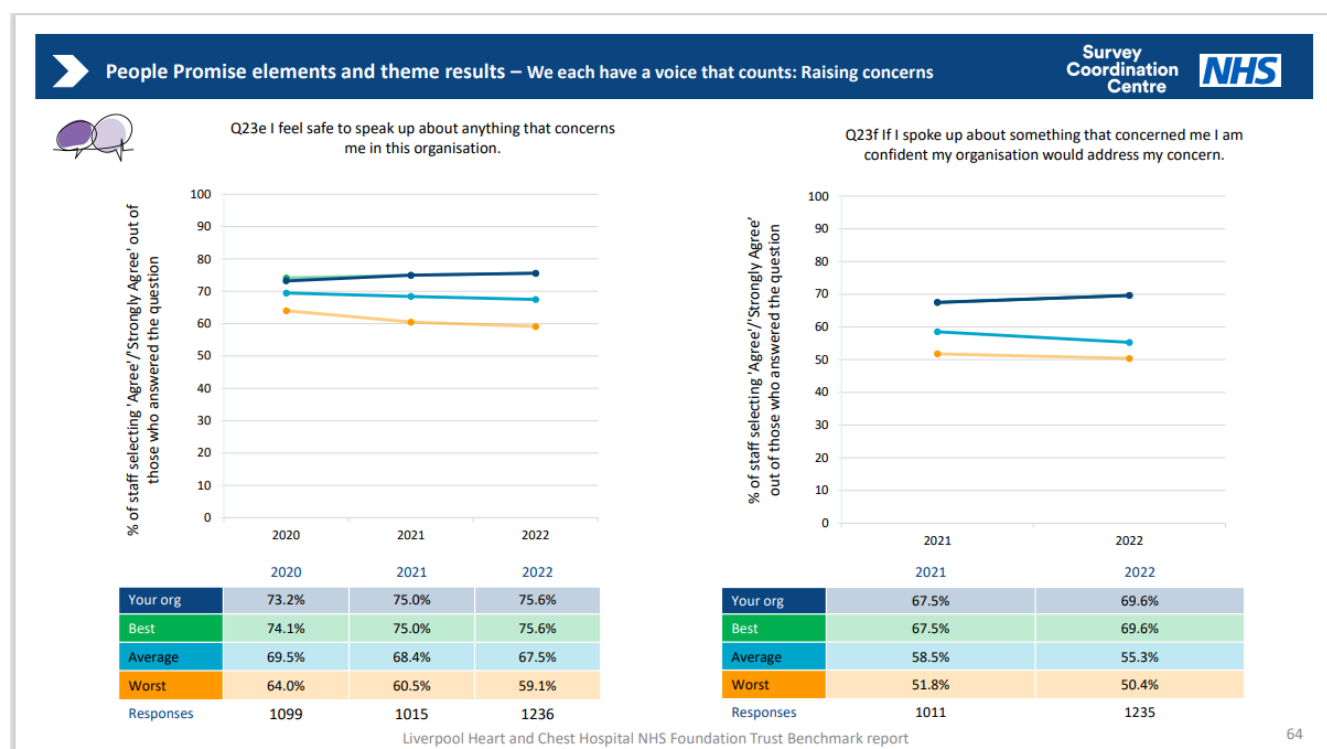
- ❖ Guardian Foundation training launched which is the refresher training for guardians.

The Executive Director lead and Non Executive Director lead has also attended NGO webinars.

3.8 Speaking Up Culture

Awareness raising for FTSU is ongoing throughout the year with monthly updates on Team Brief and dedicated walk rounds to all areas across the organisation. There are now 19 FTSU Champions, who are situated across most areas in the organisation. The Champions are from many disciplines and levels allowing good access for staff to raise concerns.

The national NHS Staff survey results 2022 show that LHCH is top in the country for being a place to work and staff engagement. A positive increase of 0.6% has been achieved in staff knowing how to raise concerns. Over a 2% increase has been shown for 2022 compared to 2021 for staff saying they feel their concerns would be addressed if they were raised. LHCH is one of a small number of Trusts across the country to evidence this increase.



3.9 FTSU Policy

The NGO have instructed that the national FTSU policy is incorporated into local policies. LHCH have reviewed and are updating the LHCH local policy accordingly.

The LHCH policy is largely compliant with the national policy. The areas where the content could be enhanced by the inclusion of the national format are:

- Including values and behaviours
- Removing specificity with regards to what can be reported to FTSU, with the emphasis that anything can be reported that encumbers staff from doing a good job
- Any staff member who has a role in LHCH can report to FTSU. This includes students, bank or agency and volunteers

- Emphasising all the routes that are available to speak up, such as incident reporting, speaking to line managers, other trusted managers, speaking to an HR representative, approaching members of the Executive team, trade unions, safety huddles, HALT, health and well-being leads etc.
- Ensuring contact details are up to date in the policy and on the dedicated page on the intranet
- More emphasis on managing detriment from speaking up and how to make a protected disclosure

These additions will be made to the FTSU policy in Q1 2023/24.

3.10 FTSU Support to other Trusts

During 2022/23 the Trust has supported Moorfields NHS Foundation Trust through a Peer review of FTSU. In addition a Peer review has been undertaken to provide support to the Countess of Chester Hospital NHS Foundation Trust. Both of these reviews utilized the extensive resources provided by the NGO along with some benchmarking and best practice examples. The culture survey developed to assess the barriers for speaking up was also subsequently used within LHCH.

3.11 FTSU Strategy Priorities 2023/24

A set of priorities has been developed to ensure the continued enhancement to FTSU arrangement. These include:

- Conducting an FTSU survey to ascertain the needs of staff and identify barriers to speaking up, and an action plan developed to address concerns
- Reviewing and updating the FTSU policy in line with the NGO policy
- Expanding visibility of FTSU across all shift patterns
- Standardising documentation to support feedback from Champions when a speak up has been raised with them
- Training for managers on how to manage when a speak up is raised in their team
- Continuing to expand the Champions network across the organisation
- Develop and deliver against a formal communications plan
- Improving sharing of learning from speak ups where possible

An overview of the priorities is included in Appendix A.

4. Conclusion

The processes for Freedom to Speak-Up compliments the well-established safety culture in the trust where staff are encouraged to raise concerns. The FTSU internal network provides an alternative channel for staff to speak confidentially or anonymously with assurance that concerns will be escalated and workers are supported while concerns are investigated.

The FTSU Guardian's continue to maintain an active role in engaging with the staff to raise the FTSU profile.

The provision of quarterly and annual reports to the Board of Directors on the concerns raised through the FTSU internal network will ensure oversight of issues occurring across the organisation.

The FTSU Guardian's will continue to engage with the National Office and regional network to ensure LHCH continues to lead the way in relation to best practice.

5. Recommendations

The Executive Board of Directors is asked to:

- i) receive assurance that local FTSU arrangements are in place and meet best practice.
- ii) note the 2022/23 annual report.

FTSU Strategy Priorities 2023/24

Processes

- Review the **FTSU policy** to reflect national policy and also local arrangements
- **Regular meetings/ workshops** with FTSU Guardians and Exec/NED leads and champions
- **Board reporting and assurance** (including trends, analysis, outcomes, learning and triangulation)
- **Expand visibility and channels** (including night and out of hours)
- **Triangulation** meetings (HR)
- **Executive team** escalation and collective awareness of FTSU speak ups
- **Standardised documentation** to support champions to feedback to FTSU Guardians
- Demonstrate **use of wider intelligence**, benchmarking and best practice

Structure

- Expansion of **Champions network** (and ongoing support, training and nurturing of the network)
- Communications and raising awareness of **roles and responsibilities**
- Completion of **FTSU self assessment**

Culture

- Develop and deliver against a formal **communications plan** (focus on reaching people not corridors and greater involvement from champions)
- Expand the **range of FTSU activities**
- Increase **walkabouts**
- Undertake a survey to identify **'barriers' to speaking up** and develop an action plan (e.g. comms priorities, structure, processes etc).
- Demonstrate ongoing review of FTSU cases, **outcomes and actions in terms of the bigger picture** and opportunities to improve wider culture
- Support to and **understanding for managers**, to help FTSU Guardians in response and action.

Measures

- Continued high performance in **NHS staff survey results**
- Improvement in **speak up survey** (to be measured after 6 months)
- Increase in **number of speak ups** in year
- Broader coverage of speak ups across areas
- Increased number of **communications, walkabouts and activities** across year