

## Board of Directors (public)

### Item 5.7

**Subject:** FTSU Arrangements  
**Date of Meeting:** 31<sup>st</sup> May 2022  
**Prepared by:** Karan Wheatcroft, Director of Risk and Improvement  
**Presented by:** Karan Wheatcroft, Director of Risk and Improvement  
**Purpose of Report:** To Note

BAF Reference	Impact on BAF
ALL	FTSU supports the mitigation of risks through a culture of raising concerns.

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

#### 1. Executive Summary

The Trust Freedom to Speak Up (FTSU) arrangements are well established and the Trust continues to be rated in the top 10 Trusts (and the top specialist trust) in the National Guardian Office FTSU Index (2021).

NHSEI recommend that Board's complete a self assessment of the FTSU arrangements every two years. The Trust last completed this in November 2019 and the reflection exercise was paused during the covid-19 pandemic.

This paper sets out the Board self-assessment using the national review tool, and confirms full compliance across all criteria. The report also recognises opportunities for enhancement, including a review of FTSU Guardian capacity and support. As part of this and in response to discussions with the current FTSU Guardian the report sets out the appointment of a second

FTSU guardian and the delegation of the Executive Director lead role to the Director of Risk and Improvement.

## **2. FTSU Board Self-Assessment**

The Board Self-Assessment has been completed jointly by the Director of Risk and Improvement and the FTSU Non Executive Director (NED) lead. The assessment has 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

Areas identified for continued enhancement include:

- Reviewing the resourcing of FTSU Guardian and Champions Network
- Development of a refreshed comms strategy including raising awareness, training and shared learning
- Working with the FTSU Guardian and Champions to identify further opportunities to support them in their roles

The full self-assessment is provided in Appendix A.

## **3. FTSU Arrangements**

The Trust Freedom to Speak Up (FTSU) structure has been in place for some time, including Executive and Non Executive Lead, FTSU Guardian, Deputy and a range of Champions. During recent discussions and as part of the ongoing completion of the Board self-assessment it was agreed to review the FTSU capacity and structure.

The challenges identified include:

- FTSU Guardian capacity to deliver the various aspects of the role concurrently, especially during the periods of Board reporting (quarterly), attendance at various meetings (Trust and National) and keeping up to date with national developments
- FTSU Guardian cover for times of absence and/or clinical priorities
- Continued efforts to ensure awareness raising and visibility across the Trust

The proposal is to appoint the Head of Risk Management as a second FTSU Guardian. This will:

- Provide some direct senior leadership support to the current FTSU Guardian and Champions
- Provide resilience and cross cover for the FTSU Guardian
- Enable all aspects of the FTSU Guardian role to be fulfilled

Furthermore, the Head of Risk Management already has a strong role in supporting the Trust to learn and improve, along with extensive relationships, visibility and approachability within the Trust.

Whilst it is recognised that FTSU Guardians should be appointed through an open process, there is a need to act quickly. Current appointments have been made through an open process, and Champions roles have also been advertised within the Trust.

The FTSU Executive Lead role is also being assigned to the Director of Risk and Improvement. The Chief Executive will continue to lead the FTSU pledge and support the setting of the culture within the Trust.

#### **4. Next steps**

The FTSU Executive Lead will work with the FTSU Guardians to develop a plan to implement the changes including:

- a. Trust communications
- b. Objective setting (FTSU Guardians and Champions)
- c. NGO communication and access to systems
- d. Opportunities to increase awareness and share learning
- e. To review and assess the impact of the changes (in 6 months)

An MIAA internal audit is also in progress and the findings from this along with those from the Board self-assessment (appendix A) will be fed into the new arrangements.

#### **5. Recommendations**

The Board of Directors are asked to

- (i) review and approve the Board self-assessment
- (ii) note the proposed changes to the FTSU arrangements

## Appendix A – Board Self-Assessment

Summary of the expectation	How fully do we meet this?	Evidence to support a 'full' rating	Opportunity to enhance
Behave in a way that encourages workers to speak up			
<p>Individual executive and non-executive directors can evidence that they behave in a way that encourages workers to speak up. Evidence should demonstrate that they:</p> <ul style="list-style-type: none"> <li>understand the impact their behaviour can have on a trust's culture</li> <li>know what behaviours encourage and inhibit workers from speaking up</li> <li>test their beliefs about their behaviours using a wide range of feedback</li> <li>reflect on the feedback and make changes as necessary</li> <li>constructively and compassionately challenge each other when appropriate behaviour is not displayed</li> </ul>	Fully	<ul style="list-style-type: none"> <li>Daily safety huddle</li> <li>Chief Executive FTSU Pledges</li> <li>In 2021 for the third consecutive year, the Trust (LHCH), ranked the top performing acute specialist trust in the country and in the top 10 Trusts in the National Guardian's Office's Freedom to Speak Up (FTSU) Index</li> <li>Staff survey results 2021 were exceptional overall. Specific question around confidence to speak up was 75% (against 62% nationally).</li> <li>Culture and behavioural impact session for Clinical leaders day.</li> <li>Exec visibility 'plan' developed</li> <li>FTSU Champion meeting attended by CE/ Lead Director and NED lead</li> <li>Executive Directors and NED annual appraisals include LHCH values and behaviours</li> <li>Executive meetings and NED meetings demonstrate constructive challenge, along with the Board</li> </ul>	<ul style="list-style-type: none"> <li>Visibility – NED walkarounds paused during covid-19 to be re-established</li> </ul>
Demonstrate commitment to FTSU			
<p>The board can evidence their commitment to creating an open and honest culture by demonstrating:</p> <ul style="list-style-type: none"> <li>there are a named executive and non-executive leads responsible for speaking up</li> <li>speaking up and other cultural issues are included in the board development programme</li> <li>they welcome workers to speak about their experiences in person at board meetings</li> </ul>	Fully	<ul style="list-style-type: none"> <li>Named exec lead for FTSU (note in year interim arrangements)</li> <li>Named NED lead for FTSU (note changes in year)</li> <li>Chief Executive pledge is made at induction and various forums, and this includes a clear reference to detriment</li> <li>FTSU Guardian reports direct to BoD each quarter</li> <li>Staff story at BoD and COG meetings (read by Chief People Officer)</li> <li>Culture and behavioural impact session for Operational Board and Clinical Leads (Sept 2021)</li> </ul>	<ul style="list-style-type: none"> <li>Review resourcing of FTSU Guardian and Champions Network in progress</li> <li>Development of a refreshed comms strategy around FTSU, including 'you said, we did' examples.</li> <li>Raise awareness and</li> </ul>

Summary of the expectation	How fully do we meet this?	Evidence to support a 'full' rating	Opportunity to enhance
<ul style="list-style-type: none"> <li>the trust has a sustained and ongoing focus on the reduction of bullying, harassment and incivility</li> <li>there is a plan to monitor possible detriment to those who have spoken up and a robust process to review claims of detriment if they are made</li> <li>the trust continually invests in leadership development</li> <li>the trust regularly evaluates how effective its FTSU Guardian and champion model is</li> <li>the trust invests in a sustained, creative and engaging communication strategy to tell positive stories about speaking up.</li> </ul>		<ul style="list-style-type: none"> <li>Coverage of cultural issues in Board Development Programme (for 2022 specific sessions on ethics and inclusion are planned)</li> <li>Clinical services presentations to meetings (ADD examples)</li> <li>Staff Governors sessions and input to COG</li> <li>Be Civil Be Kind campaign</li> <li>Aspiring clinical leaders programme</li> <li>Communications, including FTSU posters and Be Civil Be Kind awareness</li> <li>FTSU core training modules, listen up training and follow up training developed.</li> <li>Any references to 'detriment' are followed up with a colleague/ team and measures taken to address any issues.</li> </ul>	<ul style="list-style-type: none"> <li>uptake of e'learning training (explore different mechanisms)</li> <li>Detriment is a new category in terms of reporting so will be important to keep this under review.</li> </ul>
Have a strategy to improve your FTSU culture			
<p>The board can evidence it has a comprehensive and up-to-date strategy to improve its FTSU culture. Evidence should demonstrate:</p> <ul style="list-style-type: none"> <li>as a minimum – the draft strategy was shared with key stakeholders</li> <li>the strategy has been discussed and agreed by the board</li> <li>the strategy is linked to or embedded within other relevant strategies</li> <li>the board is regularly updated by the executive lead on the progress against the strategy as a whole</li> <li>the executive lead oversees the regular evaluation of what the strategy has achieved using a range of qualitative and quantitative measures.</li> </ul>	Fully	<ul style="list-style-type: none"> <li>Up to date FTSU Policy in place</li> <li>Component of Quality Strategy priorities (Be Civil, Be Kind and culture club)</li> <li>FTSU intranet page and resources</li> <li>Quarterly FTSU updates and annual report</li> <li>Be Civil, Be Kind, culture club, civility charter and behaviours (what we want to see, expect to see and don't expect to see)</li> </ul>	<ul style="list-style-type: none"> <li>Bring together the various strands to ensure a comprehensive strategy to improve FTSU culture</li> <li>Review and enhance the FTSU intranet page and resources</li> </ul>

Summary of the expectation	How fully do we meet this?	Evidence to support a 'full' rating	Opportunity to enhance
Support your FTSU Guardian			
<p>The executive team can evidence they actively support their FTSU Guardian. Evidence should demonstrate:</p> <ul style="list-style-type: none"> <li>they have carefully evaluated whether their Guardian/champions have enough ringfenced time to carry out all aspects of their role effectively</li> <li>the Guardian has been given time and resource to complete training and development</li> <li>there is support available to enable the Guardian to reflect on the emotional aspects of their role</li> <li>there are regular meetings between the Guardian and key executives as well as the non executive lead.</li> <li>individual executives have enabled the Guardian to escalate patient safety matters and to ensure that speaking up cases are progressed in a timely manner</li> <li>they have enabled the Guardian to have access to anonymised patient safety and employee relations data for triangulation purposes</li> <li>the Guardian is enabled to develop external relationships and attend National Guardian related events</li> </ul>	Fully	<ul style="list-style-type: none"> <li>Part time FTSUG and network of champions</li> <li>FTSUG meets regularly with CE/ Exec Lead for FTSU</li> <li>FTSUG coordinates a quarterly champions meeting/ summit</li> <li>FTSUG attends regional and national network meetings</li> <li>FTSUG/ Deputy attends EDIB Group, junior doctors forum, H&amp;WB Group and has established a link with staff side representatives</li> <li>FTSUG supported to progress cases in a timely manner</li> <li>FTSU process within the policy includes clear timescales for escalation and stages</li> <li>Training and development (incl. modules)</li> </ul>	<ul style="list-style-type: none"> <li>Review resourcing of FTSU Guardian and Champions Network</li> <li>Work with the FTSU Guardian and Champions to identify further opportunities to support them in their roles</li> </ul>
Be assured your FTSU culture is healthy and effective			
<p>Evidence that you have a speaking up policy that reflects the minimum standards set out by NHS Improvement. Evidence should demonstrate:</p>	Fully	<ul style="list-style-type: none"> <li>Quarterly and Annual FTSU Reports</li> <li>FTSU Policy (reviewed annually)</li> </ul>	<ul style="list-style-type: none"> <li>Explore the opportunities to report the impact and</li> </ul>

Summary of the expectation	How fully do we meet this?	Evidence to support a 'full' rating	Opportunity to enhance
<ul style="list-style-type: none"> <li>that the policy is up to date and has been reviewed at least every two years</li> <li>reviews have been informed by feedback from workers who have spoken up, audits, quality assurance findings and gap analysis against recommendations from the National Guardian.</li> </ul>		<ul style="list-style-type: none"> <li>FTSU Intranet and Comms</li> <li>EECS and mock CQC programme progressing across Divisions after a pause during covid-19</li> </ul>	feedback from people who have spoken up.
<p>Evidence that you receive assurance to demonstrate that the speaking up culture is healthy and effective. Evidence should demonstrate:</p> <ul style="list-style-type: none"> <li>you receive a variety of assurance</li> <li>assurance in relation to FTSU is appropriately triangulated with assurance in relation to patient experience/safety and worker experience.</li> <li>you map and assess your assurance to ensure there are no gaps and you flex the amount of assurance you require to suit your current circumstances</li> <li>you have gathered further assurance during times of change or when there has been a negative outcome of an investigation or inspection</li> <li>you evaluate gaps in assurance and manage any risks identified, adding them to the trust's risk register where appropriate.</li> </ul>	Fully	<ul style="list-style-type: none"> <li>FTSUG attends to present Quarterly FTSU updates and annual report</li> <li>National staff survey results 2021</li> <li>MIAA undertaking an IA review of FTSU 22/23 (to be reported through Audit Committee)</li> <li>Triannual Trust safety culture survey results</li> <li>EECS and mock CQC programme progressing across Divisions after a pause during covid-19</li> </ul>	
The board can evidence the Guardian attends board meetings, at least every six months, and presents a comprehensive report.	Fully	<ul style="list-style-type: none"> <li>FTSUG attends to present Quarterly FTSU updates and annual report</li> </ul>	<ul style="list-style-type: none"> <li>Review report against best practice and external examples for any learning/ enhancements</li> </ul>
The board can evidence the FTSU Guardian role has been implemented using a fair recruitment process in accordance with the example job description (JD) and other guidance published by the National Guardian.	Fully	<ul style="list-style-type: none"> <li>FTSUG role advertised on internal comms, cover letter and manager reference.</li> <li>Recruitment process for Champions was also an open advert</li> <li>Role descriptions in place for FTSUG and Champions.</li> </ul>	

Summary of the expectation	How fully do we meet this?	Evidence to support a 'full' rating	Opportunity to enhance
		<ul style="list-style-type: none"> <li>Induction with FTSUG. Encouraged to complete training and supported by FTSUG and 'buddy' in the role.</li> </ul>	
The board can evidence they receive gap analysis in relation to guidance and reports from the National Guardian.	Fully	<ul style="list-style-type: none"> <li>FTSUG Quarterly FTSU updates includes examples of learning from National Guardian reports</li> </ul>	
Be open and transparent			
<p>The trust can evidence how it has been open and transparent in relation to concerns raised by its workers. Evidence should demonstrate:</p> <ul style="list-style-type: none"> <li>discussion with relevant oversight organisation</li> <li>discussion within relevant peer networks</li> <li>content in the trust's annual report</li> <li>content on the trust's website</li> <li>discussion at the public board</li> <li>welcoming engagement with the National Guardian and her staff</li> </ul>	Fully	<ul style="list-style-type: none"> <li>Regular liaison with NGO, CQC, NHSEI and commissioners</li> <li>Participation in national and regional FTSU networks</li> <li>FTSU Annual Report and quarterly reports to Public board (available on website)</li> <li>Trust annual report</li> <li>Trust website includes news regarding National FTSU Survey results.</li> </ul>	
Individual responsibilities			
The chair, chief executive, executive lead for FTSU, Non-executive lead for FTSU, HR/OD director, medical director and director of nursing should evidence that they have considered how they meet the various responsibilities associated with their role as part of their appraisal.	Fully	<ul style="list-style-type: none"> <li>Covered in individual's objectives and appraisals (incl. for NED lead role).</li> </ul>	