

Board of Directors (in Public) Item 5.3

Subject: New Guidance for Boards on Freedom to Speak Up
Date of Meeting: Tuesday 26th November 2019
Prepared by: Lucy Lavan, Director of Corporate Affairs
Presented by: Lucy Lavan, Director of Corporate Affairs
Purpose of Report: For approval

BAF Ref	Impact on BAF
1.1 and 4.1	This report provides assurance of the Board's commitment to embedding the speaking up culture and meeting the expectations of Boards (as set out in national guidance) in a way that is focused on continual learning and improvement.

1. Executive Summary

New national guidance was published in July 2019 and received by the Board via the CEO's report (24.9.19):

https://improvement.nhs.uk/documents/2468/FTSU_guidance.pdf

https://improvement.nhs.uk/documents/5597/FTSU_Supplementary_information.pdf

The Executive Lead for FTSU has reviewed and discussed the guidance in detail with the Executive Team and a summary of key evidence to support compliance and actions for further improvement are set out in Section 3 below.

The Board is asked to review the guidance and discuss the strength of assurances received in relation to each theme along with developmental actions.

2. Background

Guidance for Boards on Freedom to Speak Up in NHS trusts and NHS foundation trusts was first published jointly by NHS Improvement (NHSI) and the National Guardian's Office (NGO) in May 2018. In September 2018, Board Directors participated in a workshop to identify and consider the effectiveness of evidence in place to demonstrate a positive speaking up culture and an emphasis on continual learning and improvement. An action plan was developed using the self-review tool and the Board reviewed the actions and confirmed these to be complete at its meeting in May 2019. Key actions included introduction of a quarterly FTSU summit to aid the triangulation of concerns with patient safety and workforce relations indicators; and direct reporting to the Board by the FTSU Guardian who attends Board of Directors on a quarterly basis.

LHCH was recently ranked top specialist acute trust in the country relation to the Freedom to Speak Up Index, an indicator developed from a cohort of NHS Staff Survey questions as a proxy measure to assess the freedom to speak up.

New guidance was issued in July 2019 following publication of the Interim People Plan and sets out an expectation that in each organisation, the executive lead for FTSU will use the guide to help the Board to reflect on its current position and the improvement needed to meet NHSI / NGO expectations. The guidance makes clear that it is not appropriate for the FTSU Guardian to lead this work as the focus must be upon the behaviour of executives and the Board as a whole; however the FTSU Guardian's views would be a useful way of testing the Board's perception of itself. It is expected that the Board will repeat this self-reflection process every two years. The guidance is to be reviewed in 2021 and feedback from NHS organisations is welcomed.

A developmental action plan is already in progress in relation to creating a culture of compassionate and inclusive leadership – this was developed by Sue Pemberton in July 2019 as part of her review of the HR function and will be now taken forward by Sue Hodgkinson with assurance provided to People Committee.

The guidance is aligned with the Well Led Framework and trusts' speaking up culture is now assessed by the CQC as part of the Well Led key line of enquiry.

3. Key Themes

Theme	Examples of Evidence	Further Action
Behaviour – do executive directors behave in a way that encourages people to speak up?	<ul style="list-style-type: none"> • Daily safety huddle • CEO's FTSU Pledge • Visibility – walkarounds • NGO FTSU Index (LHCH ranked top for acute specialist trusts) • Staff survey results 	<ul style="list-style-type: none"> • Introduce more regular staff poll / pulse surveys • Re-introduce formal programme for exec walkabouts • Review Trust values (PACT) • Focus for annual appraisals
Commitment – how does the Board demonstrate its commitment to creating an honest and open culture	<ul style="list-style-type: none"> • Named exec lead for FTSU • Named NED lead for FTSU • FTSU Guardian reports direct to BoD each quarter • Introduction of staff story at BoD meetings (Nov 2019 onwards) • 'Speaking Up- Listening Up' Ben Fuchs - full day session for Operational Board and Clinical Leads 27.9.19 	<ul style="list-style-type: none"> • Ensure coverage of cultural issues in Board Development Programme • People Committee to review themes of bullying and harassment and receive regular assurance of sustained and ongoing focus • Review resourcing of FTSU Guardian and Champions Network
FTSU Strategy – vision and strategy to support FTSU	<ul style="list-style-type: none"> • Component of Quality Strategy 	<ul style="list-style-type: none"> • Develop a more comprehensive strategy to improve FTSU culture
Support for FTSU Guardian	<ul style="list-style-type: none"> • Part time FTSUG and 	<ul style="list-style-type: none"> • Review resource provision

	<ul style="list-style-type: none"> network of champions • FTSUG meets regularly with Exec Lead for FTSU • FTSUG coordinates and attends a quarterly FTSU Summit • FTSUG attends regional and national network meetings • FTSU attends BAME Group, junior doctors forum and has established a link with staff side representatives 	<ul style="list-style-type: none"> – consider full time role • Review and develop Champions Network • FTSUG and Exec Lead for FTSU to establish a regular meeting with Director of People and Culture – and to meet with Chair and NED Lead twice yearly • Improve data dashboard to support FTSU Summit
Be assured that FTSU Culture is Healthy and Effective	<ul style="list-style-type: none"> • Quarterly and Annual FTSU Reports • FTSU Policy • Annual promotion of FTSU with designation of October as FTSU Month • Test with Divisions via mock CQC assessment process 	<ul style="list-style-type: none"> • Convene learning event following FTSU investigation on Holly Ward • OD Plan to support areas where culture and leadership needs improvement; and build into appraisals • Review FTSU learning at Divisional Governance meetings twice yearly • Include review of speaking up policy and arrangements in internal audit plan (every two years) • Repeat culture survey every two years • Deliver HR / OD action plan (SP July 2019)
Be Open and Transparent with External Stakeholders	<ul style="list-style-type: none"> • Regular liaison with NGO, CQC, NHSI and commissioners • Participation in national and regional FTSU networks • Annual Report 	

4. Conclusion

The Executive Team have concluded that the FTSU arrangements are embedded well but there is further work to do to improve and continually check the culture such that compassionate and inclusive leadership becomes the norm, underpinned by strong values that all staff buy in to, tackling bullying and harassment, improving staff retention, reducing excessive workloads and building effective teams. A detailed action plan for the HR team is in progress and focusses on improved staff engagement; retention; health and well-being; equality and inclusion; leadership;

education; and talent management. This work is now being led by the new Interim Director of People and Culture and assurances will be provided to the Board via People Committee. This paper sets out a summary of the executive team's review of FTSU arrangements based upon the latest guidance published in July 2019.

5. Recommendations

The Board of Directors is asked to:

- i) Review the guidance and discuss the strength of assurances received in relation to each theme along with developmental actions
- ii) Support the implementation of an action plan to support the developmental work summarised in Section 3 above
- iii) Receive updates on delivery of these actions in the 2019/20 FTSU annual report; and twice-yearly thereafter
- iv) Support a follow-up Board self-reflection exercise by the end of 2021 and thereafter twice-yearly.