

Board of Directors (in Public)

Item 5.4

Subject: Freedom to Speak Up Guardian Annual Report
Date of meeting: 27th March 2018
Prepared by: Lucy Lavan, Director of Corporate Affairs
Presented by: Lucy Lavan, Director of Corporate Affairs
Purpose of Report : For Note

BAF Ref	1.1, 1.3, 3.2, 4.2
Impact on BAF	None

1. Executive Summary

The 2017/2018 financial year has marked the second year of the Freedom to Speak Up Guardian (FTSUG) role and that of the Freedom to Speak Up (FTSU) Champions Network at LHCH.

This paper provides a reflection on the work undertaken during the second year of implementation and its effectiveness in supporting positive cultural change through enabling staff to freely speak up.

A summary of FTSU activity over the last 12 months is provided 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.

Benchmarking data from the staff survey results indicates that LHCH performs well within the cohort of comparators for staff engagement and willingness to report unsafe practices.

This report was considered by the People Committee on 19th March 2017 and recommended for receipt and note by the Board of Directors.

2. Background

At LHCH, considerable work had already been done prior to the introduction of the Freedom to Speak Up Policy and FTSUG role, to strengthen and embed a culture of safety including the introduction of the daily safety huddle, speak out safely campaign, recognition of human factors and the HALT process. The Chief Executive personally pledges to all staff that they will be protected when they speak up about matters of patient and staff safety and this is regularly reinforced on induction day and via team brief. It is also reinforced to staff that it is their duty to speak up immediately if they feel there is any risk to safety. In this context at LHCH, the FTSUG and champions network compliment existing mechanisms, providing a further route for staff to speak up and also the resource to support any staff member who has raised concerns, regardless of the route that they have chosen.

At a National Level, the Office of the National Guardian has progressed the following areas:

- Recruitment to the National Office – delivery and support team established around the National Guardian – Dr Henrietta Hughes
- 100% of all trusts in England have a named FTSU Guardian and/or network
- Guidance provided on the recording of concerns raised and national quarterly reporting
- National Guardian visit to all trusts
- First National Survey of FTSU Guardians resulting in 10 recommendations for all trusts to consider
- Introduction of national case reviews and publication of findings from first case reviews undertaken
- Increased engagement with the CQC to ensure that FTSU activity is reviewed as part of well-led inspections.

3. Key Achievements

Responding to both our local and national context, key achievements during 2017/18 include.

- Maintaining the impartiality of the FTSUG role and improving visibility of the role amongst front line staff ;
- Quarterly FTSU Champions Forums and active involvement in regional network enabling sharing of best practice and a support network for FTSU guardian and champions internal and external to the organisation.
- Visit to LHCH from the National Guardian and representatives from the national office, allowing the organisation to showcase best practice in relation to raising concerns – this was showcased in the National Guardian Office Annual Report (Appendix 1)
- Data capture template of concerns raised reviewed and amended in line with national guidance, allowing timely and accurate reporting nationally and locally.
- FTSU Policy effectiveness reviewed and assurance provided to the Audit Committee in November 2017.
- Partnership working between FTSUG, lead for Speak Out Safely and HR Business Team has enabled triangulation of concerns raised with HR case work.
- Assessment of LHCH practice against the 10 National Recommendations from first National survey of FTSU guardians indicates 100% compliance with some developmental actions identified for 2017/18 (Appendix 2).
- Recommendations made to Southport and Ormskirk Hospitals NHS Trust as part of the first national case review have been considered with additional actions for LHCH FTSU function identified (Appendix 2).
- Targeted work with BAME Staff, listening to their experiences in relation to Bullying and Harassment (B&H), resulting in the development of an organisational B&H awareness training package to be rolled out to all staff in 2018/19.
- Work has continued to publicise and advertise the FTSU role as part of the 'Safety 7', internal to LHCH. This has included,
 - FTSUG active member of the Equality and Inclusion Steering Group and Health and Well Being Group.
 - FTSUG actively involved in supported the BAME Engagement Group
 - FTSU presence at quarterly Health and Well-being Events
 - FTSU presentation on multi-disciplinary preceptorship programmes
 - FTSU presentation at team brief
 - FTSU item on quarterly Safety and Organisational Learning (SOLE) bulletin
 - Posters visible around the Trust on organisational hot boards and departmental notice boards.
 - Desktop, screensavers and dedicated intranet page available to all staff
- 13 Concerns raised to the FTSU Guardian and/or champions in 2017/18. These have included concerns that relate primarily to staff values and behaviours but also some issues associated with working practices and with patient safety. Example case studies of the concerns raised can be found in Appendix 3.

4. Comparative Review of Organisational Performance in relation to FTSU

Based on data available internal and external to the organisation, an internal assessment has indicated that LHCH is meeting all national recommendations and best practice. This is indicated and evidenced through the following:

- **External Benchmarking**

Whilst the National Office continues to work with CQC inspectors to embed a standardised approach to FTSU in well led inspections and subsequent reports, it is becoming the norm for FTSU Guardians to be interviewed as part of inspections and for benchmarking data to be considered. As such organisational performance in relation to quarterly national reporting and staff survey results are regularly reviewed by the FTSU Guardian and Executive Lead. Due to the size and specialist nature of our trust, the following organisations are used as a comparative benchmark - The Walton Centre, Clatterbridge Cancer Centre, Papworth Hospital NHS Foundation Trust and Royal Brompton and Harefield NHS Foundation Trust. A summary of this benchmarking data is provided for information at Appendix 4.

- **Internal Evaluation**

When asked if they would raise their concerns again, 100% of respondents stated yes.

There were 13 concerns raised in 2017/18 (up to 8.3.17) compared to 16 in 2016/17 (full year).

- **Governance**

Assurance given to support policy effectiveness - Audit Committee, November 2017.

5. Next Steps

- Implementation of actions and recommendations outlined at Appendix 2
- Continue to engage with national office and regional network in relation to training competencies for guardians and champions and to ensure LHCH continues to lead the way in relation to best practice
- Establish newly appointed substantive FTSUG and refresh the champions' network

The FTSU Guardian will continue to provide reports as follows:

- Updates to the People Committee on the number of concerns raised through the FTSU Network and any common themes – 6-monthly in September and March, with the proviso that any matters of exception will be escalated as necessary; following analysis of the 2016 staff survey results (and comparison with 2015 results) the People Committee will be better sighted on any indicators relating to speaking up freely and any issues associated with those groups that traditionally have been less reluctant to speak out including BME groups and medical staff;
- an annual report to the Board of Directors;
- a review of the policy and its effectiveness to the Audit Committee annually (November).

6. Recommendations

The Board of Directors are asked to:

- i) note the annual report;
- ii) accept assurance that local FTSU arrangements are in place and meet best practice guidance; and
- iii) note the direction of travel in relation to future oversight and governance in relation to national reporting and the changes in personnel made by the CEO.

Trust visits

The real everyday experience of NHS workers, and the patients they care for, is at the heart of Freedom to Speak Up. Visits to trusts provide the National Guardian's Office with an invaluable opportunity to see Freedom to Speak Up in practice, observe the successes and challenges that Freedom to Speak Up Guardians are experiencing, and offer one-to-one support and guidance.

Over the year, the National Guardian and members of her office have visited trusts and foundation trusts in every region of England, visiting over 45 hospitals and other organisations.

Some particularly memorable highlights have been visits to:

- The Emergency Operations Centre at London Ambulance Service NHS Trust, meeting call-handling and dispatch staff and their managers and listening to their experiences of working in this challenging environment, how it has traditionally been difficult for staff to raise concerns, and the impact that the Freedom to Speak Up Guardian is having.
- Liverpool Heart and Chest Hospital NHS Trust and hearing about well-attended morning safety huddles in the Chief Executive's office and the use of the HALT campaign to give authority to everyone to stop any action that could result in harm to patients or staff. HALT stands for: Have you a concern about your care?; Alert the professionals providing your

care; Let them know why you are concerned; Tell them what you want to be reviewed.

- University Hospitals of Morecambe Bay NHS Foundation Trust, meeting staff and hearing about the positive changes that have taken place at the trust over the past few years including the introduction and impact of the behaviour framework.
- Leicester Partnership NHS Trust and taking part in an excellent training session including the "Alzheimers Whodunnit" performed by performance poet and registered nurse Rob Gee.



Christine Mars (left), Catheter Laboratories, Liverpool Heart and Chest Hospital NHS Foundation Trust.

Appendix 2 – LHCH Assessment against National Recommendations

1.0 National Recommendations and LHCH Position

Recommendation	1. Appointment We recommend that appointment of guardians is made in a fair and open way, and that senior leaders assure themselves that workers throughout their organisation have confidence in the integrity and independence of the appointee.	RAG	
Summary of LHCH position	<ul style="list-style-type: none"> - Appointment of initial Guardian and Champions undertaken in consultation with staff via 'big conversations' - Appointment process for current Guardian very recently completed and via open competition (internal comms seeking expressions of interest). - Values and Behaviours of staff put forward for champion role quality assured by line managers - Feedback from those raising concerns sought in relation to 'from their experience, would they feel confident to raise concerns again via FTSU' - Effectiveness of policy reviewed annually via Audit Committee 		
Recommended Actions			

Recommendation	2. Potential Conflicts of Interest We recommend that all guardians / ambassadors /champions reflect on the potential conflicts that holding an additional role could bring and that they devise mechanisms to ensure that there are alternative routes for Freedom to Speak Up matters to be progressed should a conflict become apparent when supporting someone who is speaking up. We see particular potential for conflicts to arise where a guardian also has a role as a human resources professional and recommend that guardians do not have a role in any aspect of staff performance or human resources investigations.	RAG	
Summary of LHCH position	<ul style="list-style-type: none"> - Liz Pritchard held the role of FTSUG throughout most of 2017/18 and whilst she was part of the workforce directorate, her post had no responsibilities in relation to formal performance management or human resource investigations. - The newly appointed Guardian has no known conflicts - The Executive Sponsor is in a role that does not have line management responsibility for clinical workforce or HR - Due to the network approach of Guardian/Executive Sponsor/Champions, there are multiple individuals who could support an individual raising a concern. - Multiple opportunities for staff to raise concerns across the organisation as part of the LHCH 'Safety 7'. 		
Recommended Actions	<ul style="list-style-type: none"> - For the Guardian and Champions to discuss and review any conflicts of interest as part of the FTSU Champions Forum. To discuss and confirm the process if a conflict of interest is identified. 		

Recommendation	3. Local Networks We recommend that all trusts consider developing a	RAG	
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	local network of ambassadors / champions, depending on local need, to help provide assurance that all workers have appropriate support and opportunities to speak up, and to give guardians alternative routes to pursue speaking up matters should they be faced with a real or perceived conflict. Members of a local network could also cover the guardian role when the guardian is absent, on leave etc.		
Summary of LHCH position	- Network of 10 champions already in place with additional support provided by Executive Lead		
Recommended Actions	- Membership of champions to be reviewed in Quarter 4 of 2017/18.		

Recommendation	4. Diversity We recommend that all trusts take action to ensure that all workers, irrespective of their ethnicity, age, sexuality or other diversity characteristics, have someone they feel able to go to for support in speaking up. Guardians should consult with relevant representative groups in developing their approach on this matter. Guardians should also take action to assure themselves that any potential barriers to speaking up that particular groups face are understood and tackled.	RAG	
Summary of LHCH position	- Internal network of champions is diverse in its membership - FTSUG is a member of the Equality and Inclusion Steering Group - FTSUG is already working with the Equality and Inclusion Lead, providing support to the BAME network.		
Recommended Actions	- New FTSUG will work with the Equality and Inclusion Lead for the trust as part of the review of champion membership to identify any opportunities to improve diversity, ensuring representation of staff groups from across the organisation - FTSUG to attend a future meeting of the BAME Steering Group to discuss and explore any barriers to speaking up.		

Recommendation	5. Communication and Training We recommend that all guardians use all appropriate communication channels to ensure that all staff know of their role, and work with colleagues to ensure that Freedom to Speak Up is incorporated in all relevant staff training and development programmes, and particularly in staff inductions. In conjunction with the relevant parts of their organisation, guardians should monitor the effectiveness of their communication and training activities. Guardians should ensure that the language and message of communications and training are consistent with national guidance.	RAG	
Summary of LHCH position	- FTSU championed by Chief Executive at staff induction - FTSU embedded in MDT preceptorship programme - FTSUG encouraging champions to take an active role in training and communication - Summary of FTSU Concerns raised included in monthly Team Brief and monthly Safety Bulletin - FTSU page on the intranet - FTSU Posters on all 'hot boards'		

Recommended Actions	<ul style="list-style-type: none"> - FTSUG to attend junior doctors forum - FTSUG to ensure FTSU embedded in Volunteer induction - FTSU Stands to be available on Health and Well Being Events and other organisational events to be identified.
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Recommendation	6. Partnership We recommend that all guardians continue to develop working partnerships with all relevant parts of their organisation.	RAG Rating	
Summary of LHCH position	<ul style="list-style-type: none"> - Partnership working in place with Speak Out Safety Lead, HRBP's and HRA's. - FTSUG is a member of the Equality and Inclusion Steering Group and Health and Well Being Group - FTSU Champions embedded within services across the organisation - FTSU Executive Champion works in partnership with the Board 		
Recommended Actions			

Recommendation	7. Access to Senior Leadership We recommend that all guardians have direct and regular access to their chief executive and non-executive director with responsibility for speaking up.	RAG Rating	
Summary of LHCH position	<ul style="list-style-type: none"> - Direct access to the Chief Executive and Non-Executive Directors is provided through the Executive Lead. - Named non-executive director with responsibility for speaking up in place. 		
Recommended Actions			

Recommendation	8. Board Reporting We recommend that guardians or a representative from a local network of champions / ambassadors personally presents regular reports to their board. Board reports should include measures of activity and impact and, where possible, include 'case studies' describing real examples of speaking up that guardians are handling.	RAG Rating	
Summary of LHCH position	<ul style="list-style-type: none"> - FTSU reported to board level via the People Committee and Quality Committee. - Full report to Board level required annually, with bi-quarterly activity reports submitted to People Committee - Presentation of Board Reports undertaken by FTSUG and/or Executive Champion as required - Quarterly triangulation of FTSU concerns, SOS concerns and HR case Work 		
Recommended Actions	<ul style="list-style-type: none"> - Example case studies to be referenced in annual report. 		

Recommendation	9. Feedback We recommend that guardians always gather feedback on their performance, from their line managers, the partners they work with, and from those they are supporting.	RAG Rating	
Summary of LHCH position	<ul style="list-style-type: none"> - Feedback from those raising concerns sought in relation to 'from their experience, would they feel confident to raise concerns again 		

	via FTSU' - New FTSUG appointed in Mar 17. Performance in relation to FTSUG role reviewed as part of appraisal process.
Recommended Actions	- Evaluation of the role and that of the champions to be undertaken when new FTSUG is in post (April 2018) with results to be included in annual FTSUG report going forward. This will include conversations with staff in relation to the success/barriers to speaking up.

Recommendation	10. Time We strongly recommend that all trusts provide ring-fenced time for anyone appointed as a guardian / ambassador / champion to carry out their role and attend training, regional and national network meetings, and other events.	RAG Rating	
Summary of LHCH position	- Whilst no formal time ring fenced for the role, the FTSUG and champions are supported by the organisation to undertake their role and attend training and network events as required. - FTSUG is encouraging champions to attend regional and national network meetings. - FTSU champions have opportunity to raise any concerns with capacity and/or support at bi- monthly FTSU Champion Forums		
Recommended Actions			

Legend for RAG Rating – Level of compliance in relation to recommendation	
Fully compliant	
Partially compliant	
Not compliant	

2.0 Action Plan – Summary of Actions identified

Action	Timescale	Responsible
For the Guardian and Champions to discuss and review any conflicts of interest as part of the FTSU Champions Forum.	April 2018 and ongoing	FTSU Guardian and Champions
To discuss and confirm the process if a conflict of interest is identified.	April 2018	FTSU Guardian and Champions
Membership of champions to be reviewed in Quarter 4 of 17/18 to include seeking new expressions of interest in role.	April 2018	FTSU Guardian
Case Study of FTSU concern raised and subsequent action to be included in annual report for People Committee and Board of Directors	March 2018	FTSU Guardian
FTSUG will work with the Equality and Inclusion Lead for the trust as part of the review of champion membership to identify any opportunities to improve diversity, ensuring representation of staff groups from across the organisation	April 2018 and ongoing	FTSU Guardian
FTSUG to attend a future meeting of the BAME Steering Group to discuss and explore any barriers to speaking up.	Quarter 1 2018/19	FTSU Guardian

FTSUG to attend junior doctors forum	Quarter 1 2018/19	FTSU Guardian
FTSUG to ensure FTSU embedded in Volunteer induction	April 2018	FTSU Guardian
FTSU Stands to be available on Health and Well Being Events and other organisational events to be identified.	ongoing	FTSU Guardian and Champions
Evaluation of the role and that of the champions to be undertaken and included in annual FTSU report for review at People Committee and Board of Directors. This will include conversations with staff in relation to the success/barriers to speaking up.	March 2018	FTSU Guardian / executive Lead

Appendix 3 – Example Case Studies of FTSU Concerns Raised at LHCH

FTSU Case Study:	
Use of ‘blank’ (non-photo) IDs for students / work experience placements	
Nature of the concern received:	<i>Safeguarding, Patient Safety, Staff Values and Behaviours, Working Practices, Other –delete as appropriate</i>
Patient and staff safety	
Action Taken	
Review of protocols for issuing ID to students and work experience placements.	
Outcome	
<p>All students from HEIs are required to wear their HEI photographic ID in addition to a ‘blank’ LHCH ID badge.</p> <p>A risk assessment has been undertaken in relation to use of blank ID badges by work experience placements and improved controls in place around issue and return of blank ID badges. Work experience placements are always accompanied by a designated member of staff.</p>	
Would the person raising the concern, be happy to raise a concern in the future?	<i>Yes or No – delete as appropriate</i> Unknown

FTSU Case Study:	
Concerns raised by Bank staff member (HCA) following night shift on medical ward	
Nature of the concern received:	<i>Safeguarding, Patient Safety, Staff Values and Behaviours, Working Practices, Other –delete as appropriate</i>
Patient safety	
Staff values and behaviours	
Action Taken	
Full investigation undertaken and feedback given to staff bank member.	
Outcome	
Some learnings identified and actions taken to raise staff awareness of impact on patients of noise levels at night and improved compliance with controls for isolation / barrier nursing.	
Would the person raising the concern, be happy to raise a concern in the future?	<i>Yes or No – delete as appropriate</i> Yes

Appendix 4 – Summary of External Benchmarking

Figure 1. Benchmarking of FTSU based on Quarterly Data Return to National Office

		No. of Cases Raised	No. of cases raised anonymously	No. of cases including an element of patient Safety	No. of cases including an element of Bullying and Harrassment	No. of cases where the individual raising the concern has suffered detriment as a result of raising their concern.
LHCH	Qtr 1	1	0	0	1	0
	Qtr 2	3	0	2	2	0
The Walton Centre	Qtr 1	3	1	1	2	0
	Qtr2	6	0	1	2	0
The Clatterbridge Cancer Centre	Qtr1	1	0	1	0	0
	Qtr 2	0	0	0	0	0
Papworth Hospital NHS Foundation Trust	Qtr 1	No data	No data	No data	No data	No data
	Qtr 2	0	0	0	0	0
The Royal Brompton and Harefield NHS Foundation Trust	Qtr 1	No data	No data	No data	No data	No data
	Qtr 2	9	0	2	8	0

Benchmarking of Staff Survey Results - 2016 and 2017 Surveys

(source: <http://www.nhsstaffsurveys.com/Page/1064/Latest-Results/2017-Results/> < Organisation Weighted Data >

	LHCH		The Walton Centre		The Clatterbridge Cancer Centre		Papworth Hospital NHS Foundation Trust		The Royal Brompton and Harefield NHS Foundation Trust	
	2016	2017	2016	2017	2016	2017	2016	2017	2016	2017
Overall Staff Engagement	4.01	4.01	4.02	4.00	4.03	3.96	3.88	3.92	4.02	3.95
KF 31 – Staff confidence and security in reporting unsafe Clinical Practice	3.94	3.94	3.74	3.76	3.90	3.88	3.70	3.72	3.84	3.79
KF19 – Organisation and management interest in and action on health and well being	3.81	3.87	3.98	3.98	3.83	3.65	3.69	3.73	3.72	3.66
KF 26 - % experiencing harassment, bullying or abuse from staff in the last 12 months	17%	18%	20%	20%	21%	23%	25%	23%	30%	30%

Overall Staff Engagement: Nine questions from the National Staff Survey highlight aspects of staff engagement, motivation, involvement and advocacy. Scores to these questions are given on a 1-5 scale

Key points to note are: Higher Scores are better. 5 is the maximum score and 1 is the minimum score

Calculation of the staff engagement scores are done by assigning a number of points to each response:

"Strongly agree" (the most positive response for each question), is worth 5 points

"Agree" (the next most positive response), is worth 4 points

"Neither agree nor disagree" is worth 3 points

"Disagree" is worth 2 points

"Strongly disagree" is worth 1 point

The score is then calculated by summing these scores and dividing by the number of respondents e.g. If 2 respondents say "Strongly agree", 1 respondent says "Neither agree nor disagree" and 1 respondents says "Disagree" the score would be $5 + 5 + 3 + 2 = 15$. This is then divided by the number of respondents - in this example this would be 4. Calculation would be $15 / 4 = 3.75$.

Hence the maximum possible score is 5 (all respondents answer "Strongly agree" and the worst possible score is 1 (all respondents answer "Strongly disagree")

KF 31 – Staff confidence and security in reporting unsafe Clinical Practice:

Higher Scores are better. 5 is the maximum score and 1 is the minimum score

KF19 – Organisation and management interest in and action on health and wellbeing:

Higher Scores are better. 5 is the maximum score and 1 is the minimum score

KF 26 - % experiencing harassment, bullying or abuse from staff in the last 12 months:

Lower Scores are better.