

Council of Governors (in Public)

Item 11.2*

Subject: Freedom to Speak Up (FTSU) Guardian – Quarter 1
Report Date of Meeting: Tuesday 22nd September 2020
Prepared by: Helen Turner, FTSU Guardian
Presented by: Lucy Lavan, Director of Corporate Affairs
Purpose of Report: To Note

BAF Ref	Impact on BAF
1.1, 1.3, 3.7, 4.1	This report provides positive assurance that the Trust has in place effective arrangements for staff to speak up as part of its aim to ensure an open and transparent culture that protects patients and improves the experience of staff.

1. Executive Summary

The purpose of the quarterly Freedom to Speak Up (FTSU) paper is to:

- Update the Board on FTSU concerns raised in Quarter 1;
- Update on national progress

2. Concerns Raised through the Freedom to Speak Up Policy Framework – Quarter 1 2020/21

During the first quarter of 2020/21, five concerns were raised under the Freedom to Speak up Policy. The themes of the concern as per categorisation by the National Guardians Office (NGO) were:

Element of Bullying and Harassment	2
Element of Patient Safety	0
Other	3

Note: These concerns relate only to those raised directly with the FTSUG / Champions network – other concerns raised e.g. through safety huddle or with line managers are not logged unless referred to the FTSU Guardian

The concerns in Q1 are summarised below, all have been followed up with actions and the individual staff members kept updated and informed.

Category	Detail
1. Other	Concern about PPE and conflicting guidance nationally was resolved by the Head of Nursing - Surgery.

2. Other	Concerns around social distancing and enforcement. Some staff did not feel comfortable to challenge more senior staff who were not respecting social distancing particularly in corridors. As a consequence the Trust have put in place a number of measures including posters, floor signage, screen saver infographics, room size assessments to make sure all staff are safe and have communicated social distancing measures widely.
3. Bullying and Harassment	Concern about on-going harassment by a member of staff was raised again, this is being investigated.
4. Bullying and Harassment	Concern about the member of staff who was experiencing harassment as per above.
5. Other	Racism reported by a member of the out-patients team, this is being investigated.

A further table at Appendix 1 summarises all concerns and updates raised since Q2 2019/20 and bandings and staff groups of those raising concerns are at Appendix 2.

3. National Update

3.1 COVID-19

At the height of the COVID-19 pandemic there was much press coverage about NHS colleagues being criticised by their Trusts for speaking up about lack of PPE. The NGO also reported through its regular pulse checks with Guardians that they had seen a surge in 'speak ups' primarily around this issue. However LHCH had only one through the FTSU channel which was resolved quickly.

Low numbers of 'speak ups' on this issue at LHCH through the FTSU route can be attributed to a number of factors, the daily and various channels of communications from the Trust; issues being picked up through silver command; easy accessibility of the infection prevention team and the direct engagement with the staff welfare team who picked up any issues for immediate escalation including those on PPE.

At no time during the COVID response did LHCH run out of PPE.

Following the disproportionate effect of COVID-19 on BAME NHS colleagues and criticism about speaking up, the NGO and NHSE/I wrote to Trusts to emphasise the importance of keeping speaking up channels open and accessible. The Trust had organised a number of inclusion events with a focus for BAME colleagues to discuss COVID-19 and its effect and the recent profile of the 'Black Lives Matter' (BLM) movement following the George Floyd murder. One theme emerging, relevant to this paper was the barrier to speaking up from BAME colleagues who felt psychologically unsafe for a number of reasons. One pertinent point was the lack of peer support to discuss issues with a BAME colleague when experiencing poor behaviour to assess whether it was racially motivated or not. Key themes from the event are to be compiled by the HR lead and to be shared with colleagues including the FTSUG for action.

A commitment had been made to refresh the champion's network but paused due to COVID-19. Following the inclusion event and the emerging themes and comments it is even more pressing to move forward with this work to make 'speaking up' more accessible for all diverse groups represented at LHCH. An additional component of this work are the upcoming staff governor elections which are an opportunity for more diversity in the organisations decision making process and colleagues are pro-actively inviting applications from BAME colleagues.

3.2 NHS Staff Survey – FTSU Index

The National Guardian's office in response to Simon Stevens's suggestion that the NHS staff survey and a subset of four questions, see Appendix 3, could be used as a proxy measure of the FTSU culture in trusts has recognised LHCH as having the highest index score for 2020 for an Acute Specialist Trust at 84.7%. LHCH is also the third highest score for an Acute Trust and the sixth highest score across all Trusts of which the highest recorded score was 86.6%, see Appendix 4. LHCH's overall score is down 0.9% on last year the most significant drop being in questions 17b and 18b.

17b % of staff "agreeing" or "strongly agreeing" that their organisation encourages them to report errors, near misses or incidents. ↓ 1.8%

18b % of staff "agreeing" or "strongly agreeing" that they would feel secure raising concerns about unsafe clinical practice. ↓ 1.6%

Further intelligence on the lower scores will be available with the resumption of work addressing the staff survey results.

3.3 National FTSU Advisory Group

Lucy Lavan, the Executive Lead for FTSU has accepted an invitation from NHSE/I to sit on the National FTSU Advisory Group, supporting the national team to develop effective guidance and improvement for implementation across the NHS.

3.4 NGO FTSU E-Learning

The NGO in conjunction with Health Education England has released three e-learning modules which are available on the Trust's ESR system. These modules will be made mandatory for the FTSUG, Executive Lead, NED and FTSU Champions.

3.5 Case Review 7 – Whittington Health Trust

The NGO published its first case review for 2020 at Whittington Health Trust. Whilst there a number of actions for Whittington Health Trust the outstanding theme is the lack of communication

A gap analysis for LHCH has been completed as per Appendix 5, LHCH benchmarks well against all 14 recommendations with one amber at recommendation 4 "support for an individual with a specific speaking up responsibility". As mentioned above the Trust now has the HEE FTSU e-learning package which will be made available and mandated to all those with FTSU responsibility.

3.6 Learning from FTSU

1. Following a large 'speak up' in December 2018 a lessons learnt session was held by Microsoft Teams led by Weightmans Solicitors; in attendance were the Interim Director of People and Culture; Director of Corporate Affairs; Head of HR; Head of Nursing, Medicine; and the FTSU Guardian.

The learning points for the HR function and wider Trust were clarity on roles; consideration of informal actions to support the process; clarity on terms of reference and strategy.

2. A staff nurse reported racism by a senior member of staff, on investigation it transpired the nurse was from another Trust however this is still being pursued. Following the 'speak up' the nurse made a number of suggestions to incorporate in the Trust's BAME action plan; we have also asked the nurse to give feedback on the action plan once complete.
3. A review of concerns raised in 2019/20 and embedded learning showed that whilst the Trust responds very quickly to 'speak ups', we are less successful at making sustainable positive change where 'speak ups' are about culture in teams. This particular issue will form the basis of the next scheduled FTSU summit which had been temporarily suspended in response to COVID-19.

4. Feedback to FTSU

All those who have raised concerns to the FTSUG and champions are asked the following questions

"Given your experience would you speak up again?" Yes/No/Maybe/Don't know

"Please explain your response"

Of the five who have spoken up this quarter, three have been asked for feedback and two have responded.

Their responses are in the table below:

	Given your experience would you speak up again?	Please explain your response.
Colleague 1	I think I would speak up again if I have to.	My concerns were addressed promptly and I felt supported, for which I am very grateful.
Colleague 2	Yes	Whilst some staff don't feel confident in addressing issues directly with managers or senior staff or feel they couldn't do so without risk of putting their foot in their mouth its reassuring to know that they have a voice through FTSU and someone is listening.

5. FTSU Next Steps and Actions

Action	By Whom	By When
Review FTSU Improvement Strategy in line with learnings from COVID-19.	FTSUG	September 2020
Refresh champion's network and explore options for specific champions to represent colleagues with protected characteristics.	FTSUG	September 2020
All those with FTSU responsibility to complete E-	FTSUG/Champions	September 2020

learning packages.		
October speak up month - team awareness raising sessions.	FTSUG and Champions	October 2020
BAME Action Plan – once complete, any actions arising from the plan relevant to FTSU will be progressed.	FTSUG/Rachel McDonald	September 2020

6. Recommendations

The Council of Governors are asked to note the Q1 report.

Appendix 1

Concern raised since Q2

2019-2020 – Q4		1. Other	Non-adherence to social distancing reported and addressed by the education team.
		2. Other	Unsafe working condition reported and resolved by estates.
		3. Bullying and Harassment	A poor culture in a team was escalated to the Executive Director who is working with the HoD to improve it.
		4. Other	FTSUG asked to do an awareness raising session for a team where possible poor behavior and values were displayed. No further concerns were raised following the session. However the dispute between two team members is going to mediation.
		5. Bullying and Harassment	A member of staff reported alleged unfair treatment by their line manager; this was escalated to the Executive Director and addressed with the line manager.

		6. Other	Concerns raised by a member of staff during and after suspension. This was escalated to the Matron for resolution. The team member has now left the Trust.
2019/20 – Q3	5	1. Other	Reports of behaviour not in keeping with LHCH values in Knowsley Community Respiratory Services. Investigation by HR concluded.
		2. Other	Staff member reported significant amounts of stress due to shift pattern. This has now been resolved.
		3. Other	Report of possible unsafe working has now been resolved and the machine in question fixed.
		4. Bullying and Harassment	A member of staff from critical care and POCCU reported bullying and harassment by team members, support was given from the critical care managers and mediation offered. Focus groups as part of the mock CQC inspections were convened and culture discussed at the groups led by the Director of Nursing.

		5. Other	Concerns raised in Radiology from a member of staff are being dealt with by management and staff side. This has now been concluded.
2019/20 – Q2	3	1. Patient Safety and Bullying and Harassment	Concerns about patient care and possible bullying and harassment were escalated to the Cath Lab manager for investigation. The reports were not substantiated by staff and there was found to be no harm to the patient.
		2. Bullying and Harassment	Concerns around the culture and application of the sickness policy were escalated to senior management. These were investigated concluded.
		3. Other	Requests for clarity over the uniform policy during hot weather were addressed by senior management.

Appendix 2

The tables below reflect the bandings and professional groups of the 'speak ups' for the last four quarters as per the Guardian guidelines.

Banding and Staff Groups

Concerns raised by staff bands	B2	B3	B4	B5	B6	B7	B8a and above	Unknown
Q2	1	0	1	0	0	1	0	0
Q3	1	2	1	1	0	0	0	0
Q4	0	0	1	2	0	0	3	0
Q1	1	0	2	2	0	0	0	0

Concerns raised by professional group	Medics	Nurses	HCA's	AHP	Pharmacists	Admin/Clerical	Cleaning/Catering/Maintenance/Ancillary	Board Member	Corporate Service Staff	Unknown
Q2	0	0	0	0	0	0	2	0	1	0
Q3	0	2	1	0	0	1	1	0	0	0
Q4	0	2	0	0	0	1	1	0	2	1
Q1	0	2	0	0	0	1	0	0	2	0

Appendix 3

FTSU Staff Survey Index Questions

The survey questions that have been used to make up the FTSU index are:

- % of staff responded "agreeing" or "strongly agreeing" that their organisation treats staff who are involved in an error, near miss or incident fairly (question 17a)
- % of staff responded "agreeing" or "strongly agreeing" that their organisation encourages them to report errors, near misses or incidents (question 17b)
- % of staff responded "agreeing" or "strongly agreeing" that if they were concerned about unsafe clinical practice, they would know how to report it (question 18a)
- % of staff responded "agreeing" or "strongly agreeing" that they would feel secure raising concerns about unsafe clinical practice (question 18b)

Appendix 4

FTSU Staff Survey Top 10 Trusts.

Name of trust ⁶	2018	2019
Cambridgeshire Community Services NHS Trust	87%	86.6%
Solent NHS Trust	86.1%	86.1%
Northamptonshire Healthcare NHS Foundation Trust	84.9%	85.2%
Hounslow and Richmond Community Healthcare NHS Trust	85.1%	85%
Leeds Community Healthcare NHS Trust	84.1%	85%
Liverpool Heart and Chest Hospital NHS Foundation Trust	85.6%	84.7%
Wirral Community NHS Foundation Trust ⁷	82.5%	84.5%
Derbyshire Community Health Services NHS Foundation Trust	82.7%	84.4%
The Royal Marsden NHS Foundation Trust	83.8%	84.3%
South Warwickshire NHS Foundation Trust	81.6%	84.3%

Appendix 5

Case Review 8 – Gap Analysis

Case Review 8:Whittington (June 2020)			
	Recommendation	LHCH Position (RAG)	Actions required
1	Support for the FTSUG - Good practice.		None but it should be noted that regular 14ly meetings between Senior HR Business Partner have only just begun at LHCH.
2	Trust whistleblowing policy in line with NGO guidance.		None - noted that NGO will be publishing the revised standard policy in 2020.
3	Understanding the role of the FTSUG		None at this time. FTSUG presents monthly at Team Brief.
4	Support for an individual with a specific speaking up responsibility		LHCH has offered champions training through the NGO office of which four champions have undertaken it. Online training from HEE is to be introduced to the Trust and it will be mandatory for all champions, the Guardian and Executive Director and NED.
5	Gap Analysis of NGO reviews		None
6	Speaking up audit		FTSU is on the internal auditors programme.
7	Thanking workers for speaking up		None - everyone who speaks up is thanked in person and via email wherever possible.
8	Lack of response to speaking up in accordance with Trust		None at this time but a watching brief is kept on all 'speaking up' concerns raised and making sure we or the managers are feeding back in a timely manner. The lessons learnt session with Weightmans also emphasised the importance of this.
9	Support for those who handle speaking up and those who raise matters.		None
10	Feedback in speaking up cases		Feedback is given to all people who speak up.
11	Delays in handling grievances		Further work will enhance our response to grievances through the Improving People Practices work which is due to recommence in September and review of policies.
12	Conflict of interest in grievance proceedings		No issues but we continue to monitor
13	Failure to disclose the details of a grievance		None - but there is a focus on when and how the Trust delivers the message
14	Exit interviews		Exit interviews are available for everyone leaving the organisation either face to face or online

