

## Board of Directors Meeting in Public – 6<sup>th</sup> August 2020

### Freedom to speak up

#### Purpose

This paper is a six monthly report to inform the Board of Speaking Up cases within the Trust, analyse themes of concerns within the organisation and actions being taken.

This paper contains details of the newly appointed Freedom to Speak Up Champions; the Freedom to Speak Up Self Review Tool; the newly revised Speaking Up policy; a breakdown of concerns raised through Freedom to Speak Up during Quarter 2 and 3 2019-20; learning opportunities taken from National Guardian Office case reviews and proposed speaking up developments at the Trust.

#### Assessment

##### *Freedom to Speak Up Champions*

During September, the recruitment and training of 16 new Freedom to Speak Up Champions took place, with a further 7 Champions awaiting training. Champions now include representatives from the BAME Staff Network, the LGBT Staff Network, the Trust Chaplaincy team and join us from various different positions within the Trust, varying from consultant level; corporate staff; nursing professionals; allied health professionals; a patient safety specialist; healthcare support workers; staff governor; admin and clerical and senior leader level. This now takes the current number of trained champions to 17.

##### *Freedom to Speak Up Self Review Tool*

The National Guardian's Office released a revised version of the Freedom to Speak Up Self Review Tool during quarter 2. This has now been completed jointly by the Guardian, Executive Lead and Non-Executive Lead (see appendix 1). Areas that the Trust are particularly strong in are: behaving in a way which encourages others to speak up; support for the FTSU Guardian and an effective FTSU policy. Areas that we still need to develop are: a FTSU strategy; evidencing individual executive responsibilities as part of their appraisals and building on assurances that FTSU issues are being dealt with effectively.

##### *Speaking Up Policy*

The Speaking Up Policy has been updated and approved by the Joint Staff Partnership Forum. This was done alongside consultation from Freedom to Speak Up Champions and a 360 Assurance audit. Changes made to the policy were done in line with the National Guardian's Office guidance and to make the document as user friendly and accessible as possible. The policy will be updated annually to adhere to upcoming guidance.

##### *Concerns*

The first table contains comparative information of concerns raised over the last 6 quarters: the last three quarters being after the introduction of a substantive Guardian.

Quarter	Number of concerns raised
Q2: 2018-19	3
Q3: 2018-19	2
Q4: 2018-19	4
Q1: 2019-20	11
Q2: 2019-20	22
Q3: 2019-20	29

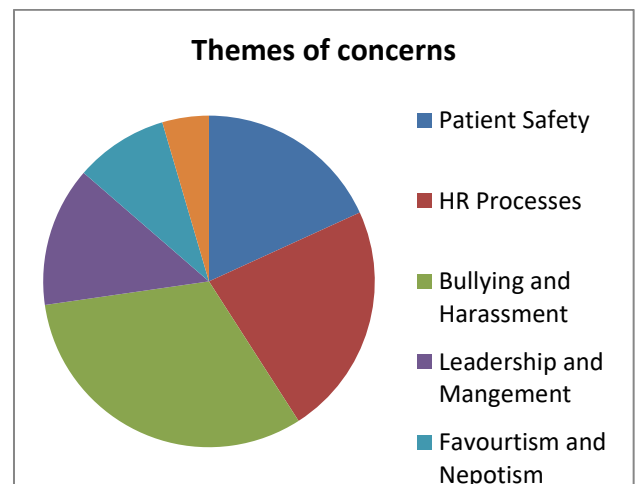
The number of concerns is rising each quarter, supporting the effectiveness of the new Guardian role within Trust. Quarter 3 has the highest number of concerns raised to date, this may have peaked due to the 'speaking up' month in October, which saw a high rise in the number of concerns being raised.

### Themes

#### Quarter 2

Below is a table of concerns raised in quarter 2 categorised by theme and how the concern was raised. This is supported by a chart highlighting the themes of concerns.

Q2 (July-September 2019)		
<b>Concerns</b>	22	
<b>Theme</b>	<i>Patient Safety / Quality of care</i>	4
	<i>HR Processes and systems</i>	5
	<i>Bullying and Harassment</i>	7
	<i>Leadership and Management</i>	3
	<i>Favouritism/ Nepotism</i>	2
	<i>Incivility</i>	1
<b>Raised</b>	<b>Openly</b>	4
	<b>Confidentially</b>	17
	<b>Anonymously</b>	1



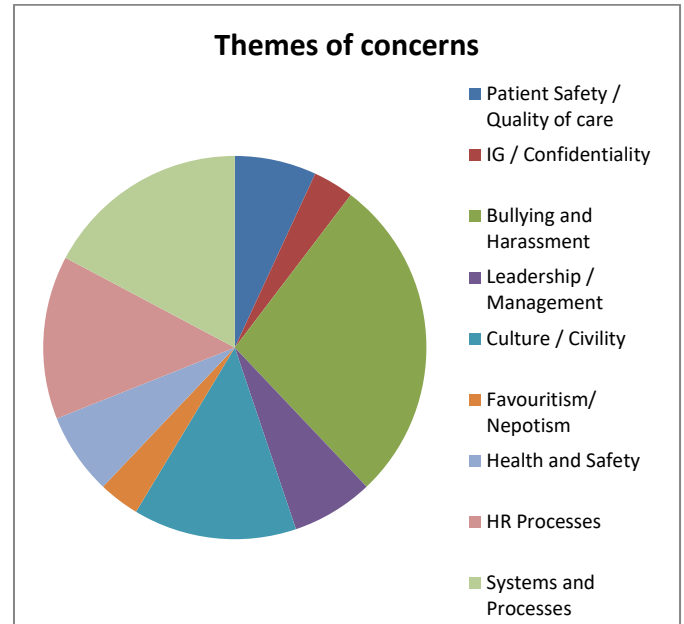
The most prevalent theme occurring is 'bullying and harassment'. Out of the 7 concerns raised, 6 of these report bullying type behaviours from line managers. Further to this, there are 3 concerns which have been raised regarding leadership issues and 2 concerns raised regarding favouritism / nepotism issues within management systems.

The majority of cases (17 out of 22) have been raised confidentially. Overall this is due to fear of repercussions.

#### Quarter 3

Below is a table of concerns raised in quarter 3 categorised by theme and how the concern was raised. This is supported by a chart highlighting the themes of concerns.

Q3 (October - December 2019)		
<b>Concerns</b>		29
<b>Theme</b>	<i>Patient Safety / Quality of care</i>	2
	<i>IG / Confidentiality</i>	1
	<i>Bullying and Harassment</i>	8
	<i>Leadership / Management</i>	2
	<i>Culture / Civility</i>	4
	<i>Favouritism/ Nepotism</i>	1
	<i>Health and Safety</i>	2
	<i>HR Processes</i>	4
	<i>Systems and Processes</i>	5
<b>Raised</b>	<b>Openly</b>	4
	<b>Confidentially</b>	25
	<b>Anonymously</b>	0



The most prevalent theme occurring is 'bullying and harassment'. Out of the 8 concerns raised, all of these report bullying type behaviours from line managers or senior management within the department. Further to this, there are 2 concerns which have been raised regarding leadership issues and 2 of the cultural issues report concerns regarding management behaviours.

This is a continuing theme from the last quarter and highlights a possible issue with compassionate leadership within some teams. However, encouragingly out of the 12 concerns raised regarding management behaviours, 8 of these individuals felt able to discuss their issues with more senior management within the department following support from the Guardian ad Champions.

The majority of cases (25 out of 29) have been raised confidentially. Overall this is due to fear of repercussions. It is also worth noting that no concerns have been raised anonymously this quarter, which could indicate a growing trust in the Freedom to Speak Up team.

## Proposal

### *National Guidance*

In August 2019 NHS Improvement published [revised guidance for Trust Boards](#) which sets out expectations of boards and board members in relation to Freedom to speak up.

### *Freedom to Speak Up trust wide training*

The National Guardian's Office published new [Freedom to Speak Up Training Guidelines](#). The guidelines cover three parts - Core training for all workers; line manager and middle manager training; and Senior Managers training. The recommendation is the training should

be considered on par with mandatory training. It is expected the National Guardian Office will release training materials in early 2020. The Guardian and Deputy Director of Training, Education and Development will work together to ensure that we meet the requirements.

### *NHS England Support Scheme*

Following a successful pilot, NHS England is now offering support to any doctor, nurse, or back office worker who is experiencing difficulty finding suitable employment in the NHS as a result of raising concerns at work. The £100,000 scheme will offer staff career coaching, shadowing opportunities, work experience, CV writing advice, interview skills practice, financial advice and resilience training.

### *National Guardian's Office - Case reviews*

A recent NGO case review of speaking up policies, processes and culture from Brighton and Sussex University Hospital NHS Trust highlighted opportunities for learning. Firstly, that staff from BAME backgrounds are appropriately supported in speaking up issues. Secondly, that gap analysis work is completed on the new Self-Review Tool issued by the NGO to ensure that the Trust is compliant with the most recent recommendations. Lastly, that exit interviews are used as an additional source of information about what workers leaving the organisation feel about the speaking up culture.

### *Supporting diversity in speaking up processes*

The recruitment process of Champions at Sherwood Forest Hospitals actively sought to ensure that a wider diversity of champions were available to promote a service that is representative of its workforce. We now have Champions that are active members of the BAME Network and LGBT Network.

A recent case review (September 2019) at North West Ambulance Service highlighted a number of learning opportunities. Firstly a recommendation was made that there is clarity of the Freedom to Speak Up roles at the trust. This has been implemented at SFH through the new policy and recommendations from 360 Assurance that a clearer description of guardian and champion roles is included in the policy. Furthermore the policy is written in a way which is accessible and easily understood. Secondly, the review highlighted the need for workers to be thanked for speaking up. This is included in our champion training and is something which is supported by our policy.

The review also recommended that there is independence of investigators into speaking up matters and that investigations are conducted in a timely manner. At SFH this is determined by HR who will appoint a suitably independent person. Individuals are given an opportunity to declare any conflicts of interest and the policy states that investigations and feedback should be conducted in a timely fashion.

Finally, the review highlighted a concern that FTSU Champions are not used as advocates or staff sides. This is reflected in our policy and champion training. The roles and responsibilities of champions are clearly described in the champion role description and support is given from the Guardian for all speaking up concerns.

### *Triangulation of data*

Freedom to Speak Up concerns feed in to a triangulation of data comprising of OD hot spots and staff survey information. HR information, such as staff turnover, formal processes and exit interviews will also be included to build a deeper understanding of concerns. Out of the 17 OD areas for culture improvement requests, 5 areas are linked to concerns raised through Freedom to Speak Up. This gives an indication of potential continuing issues and may help to inform next steps. The triangulation of data also allows for focused support in areas of high reporting of concerns.

### *Moving Forward*

- Through consultation with other local Guardians and NHS trusts, the Guardian and Executive lead for Freedom to Speak Up will continue to develop and create a Freedom to Speak Up strategy which will inform a delivery plan for speaking up at the Trust.
- Freedom to Speak Up drop in sessions will be developed with the support from champions at each site.
- Further work with HR and OD teams to triangulate data and build a better picture of the speaking up culture across the trust.
- The Champion action log will continue to develop – whereby trust wide actions for speaking up matters will be developed.
- Self-review tool recommendations will be implemented

### **Recommendation**

- Determine whether this report sufficiently assures the board of the Freedom to Speak Up agenda at the Trust and that the proposals made by the Freedom to Speak Up Guardian promote a culture of open and honest communication to support staff to speak up.
- Board members to agree revised guidance for Board.
- Board to agree 'self-review tool' alongside support from Guardian and Executive Lead for FTSU.

Appendix 1

# Freedom to Speak Up review tool for NHS trusts and foundation trusts

July 2019

NHS England and NHS Improvement

## How to use this tool

This is a tool for the boards of NHS trusts and foundation trusts to accompany the [Guidance for boards on Freedom to Speak Up in NHS trusts and NHS foundation trusts](#) (cross referred with page numbers in the tool) and the [Supplementary information on Freedom to Speak Up in NHS trusts and NHS foundation trusts](#) (cross referred with section numbers).

We expect the executive lead for Freedom to Speak Up (FTSU) to use the guidance and this tool to help the board reflect on its current position and the improvement needed to meet the expectations of NHS England and NHS Improvement and the National Guardian's Office.

We hope boards will use this tool thoughtfully and not just as a tick box exercise. We also hope that it is done collaboratively among the board and also with key staff groups – why not ask people you know have spoken up in your organisation to share their thoughts on your assessment? Or your support staff who move around the trust most but can often be overlooked?

Ideally, the board should repeat this self-reflection exercise at regular intervals and in the spirit of transparency the review and any accompanying action plan should be discussed in the public part of the board meeting. The executive lead should take updates to the board at least every six months.

It is not appropriate for the FTSU Guardian to lead this work as the focus is on the behaviour of executives and the board as a whole. But getting the FTSU Guardian's views would be a useful way of testing the board's perception of itself. The board may also want to share the review and its accompanying action plan with wider interested stakeholders like its FTSU focus group (if it has one) or its various staff network groups.

We would love to see examples of FTSU strategies, communication plans, executive engagement plans, leadership programme content, innovative publicity ideas, board papers to add them to our Improvement Hub so that others can learn from them. Please send anything you would specifically like



Summary of the expectation	Reference for complete detail  <small>Pages refer to the guidance and sections to supplementary information</small>	How fully do we meet this now?		Evidence to support a 'full' rating	Principal actions needed in relation to a 'not' or 'partial' rating
		20/01/20	Insert review date		
Behave in a way that encourages workers to speak up					
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: <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>	Section 1 p5	Fully	Jan '21	<ul style="list-style-type: none"> <li>Assurance from 360 assurance audit.</li> <li>Highly visible through service visits and communication channels around the organisation</li> </ul>	
Demonstrate commitment to FTSU					
The board can evidence their commitment to creating an open and honest culture by demonstrating: <ul style="list-style-type: none"> <li>there are a named executive and non-executive leads responsible for speaking up</li> </ul>	p6 Section 1 Section 2 Section 3	Partially	Jan '21	<ul style="list-style-type: none"> <li>The trust has named individuals for FTSU Exec and Non-Exec Leads</li> <li>Tim Reddish Non-Executive Director and Senior Independent Director, is the Board representative for FTSU</li> </ul>	<ul style="list-style-type: none"> <li>Continued triangulation and development of cultural work to support an inclusive environment, free from bullying and harassment.</li> <li>Continued development of a robust system in supporting individuals who have suffered detrimental</li> </ul>





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<ul style="list-style-type: none"> <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> <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>The Chair and CEO lead the FTSU agenda</li> <li>The Director of Corporate Affairs is the Line Manager of the FTSU guardian</li> <li>FTSU Guardian reports directly to board 6 monthly</li> <li>FTSU policy</li> <li>FTSU week and drop in sessions</li> <li>Continuing work with Occupational Development team around the reduction of bullying, harassment and incivility. Included the 'Be Kind' initiative and bespoke OD interventions.</li> <li>Introduction of the Director for Culture at SFH.</li> <li>6 monthly review of the FTSU agenda by the Guardian and Executive Lead for FTSU</li> <li>Communication Team share a FTSU update on a quarterly basis.</li> </ul>	treatment in response to speaking up.
Have a strategy to improve your FTSU culture					

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<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>	P7 Section 4	Not	Jan '21		<ul style="list-style-type: none"> <li>The Guardian and Exec Lead have begun to collect data and research in this area. They will use information and guidance from other trusts and from the NGO to create a stand-alone strategy for FTSU which will link with the trust's other relevant HR and wellbeing strategies</li> <li>The strategy will be discussed with champions and other stakeholders at the trust</li> <li>The Board will be updated on the FTSU strategy regularly by the Exec Lead and Guardian during public Board meetings</li> </ul>
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</li> </ul>	p7 Section 1 Section 2 Section 5	Fully	Jan '21	<ul style="list-style-type: none"> <li>The Trust has recruited a substantive Guardian for 15 hours per week thus demonstrating the Trust's commitment to FTSU</li> <li>The Guardian is supported by the Executive Lead for FTSU to</li> </ul>	



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<p>carry out all aspects of their role effectively</p> <ul style="list-style-type: none"><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>				<p>complete any necessary and additional training required for the role</p> <ul style="list-style-type: none"><li>• Bi-weekly support is provided by the Exec Lead for FTSU to discuss any issues with regards to cases at the trust, included any emotional support needs. The Guardian is also aware of the national and regional support available through the NGO</li><li>• Regular meeting take place between the Guardian, Exec Lead for FTSU, Non-Exec Lead for FTSU, Chief Nurse and Deputy Director for HR. The Guardian is also aware that the Trust operates an 'open door' policy to access support from all Exec level staff if required.</li><li>• The Guardian works with Occupational Development Leads, Patient Safety Leads and HR to triangulate data. This will continue to develop.</li><li>• The Guardian has connections to local and regional colleagues and access to events to further develop and access support and</li></ul>	



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				training	
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> <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>	<p>P8 Section 8 National policy</p>	Fully	Jan '21	<ul style="list-style-type: none"> <li>The Trust Policy has been created in line with the National Policy and minimum guidelines</li> <li>The Policy reflects the views of the FTSU Champions at the trust and includes their recommendations</li> <li>The Trust policy is reviewed annually to include updates from NGO guidance</li> <li>The policy has been audited by 360 assurance and recommendations have been implemented to meet the requirements set</li> </ul>	
<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> </ul>	<p>P8 Section 6</p>	Partially	Jan '21	<ul style="list-style-type: none"> <li>Triangulation of data with bespoke OD work</li> <li>Feedback from FTSU Events and training</li> <li>Feedback from individuals raising concerns</li> </ul>	<ul style="list-style-type: none"> <li>Further development of triangulation of data in relation to OD and HR interventions to ensure that these are addressing the same issues as FTSU concerns. Continued meetings to assess whether this is taking</li> </ul>

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<ul style="list-style-type: none"> <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>				<ul style="list-style-type: none"> <li>Contact with individuals, teams, HR and relevant people to ensure that changes that are made have impacted positively</li> <li>Review recommendations from NGO to ensure that we are addressing gaps in assurance</li> <li>Ensuring that risks are included in the risk register if appropriate and that this is being appropriately monitored through close working with relevant teams</li> </ul>	place.
The board can evidence the Guardian attends board meetings, at least every six months, and presents a comprehensive report.	P8 Section 7	Fully	Jan '21	<ul style="list-style-type: none"> <li>The Guardian presents a paper to Board every 6 months which is available to the public through the trust website</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.	Section 1 NGO JD	Fully	Jan '21	<ul style="list-style-type: none"> <li>Job description matched against national JD</li> <li>Role and responsibilities reviewed annually in line with the policy updates to include any new guidance from the NGO</li> </ul>	



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The board can evidence they receive gap analysis in relation to guidance and reports from the National Guardian.	Section 7	Fully	Jan '21	<ul style="list-style-type: none"> <li>Gap analysis from NGO case studies are reviewed and included in quarterly committee papers to the People, OD and Culture Committee who oversee FTSU</li> <li>Included in 6 monthly Board Meetings</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>	P9	Fully	Jan '21	<ul style="list-style-type: none"> <li>Plans to include content on Annual Report in May 2020</li> <li>Information and contact details on Trust Website and Intranet pages</li> <li>Discussions at Board on a 6 monthly basis</li> <li>Engagement with other FTSU Guardians and the local and regional network, including close working with Nottinghamshire Healthcare and NUH</li> <li>Advice and Guidance is taken from Regional Leads in FTSU with particular cases</li> <li>Best practice is shared locally between Guardians</li> <li>Discussions with CQC and NGO</li> </ul>	



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				when appropriate to demonstrate FTSU matters at the trust and share data	
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.	Section 1	Not	Jan '21		<ul style="list-style-type: none"><li>Plans for this to take place in the next round of appraisals for Executive and Non- executive staff.</li></ul>