The Queen Elizabeth Hospital King's Lynn
NHS Foundation Trust

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| **Meeting:** | Board of Directors (Public) | | |
| **Meeting Date:** | 7 December 2021 | **Agenda item:** | 18 |
| **Report Title:** | Freedom to Speak Up: Bi-annual report April – September 2021 | | |
| **Author:** | Kayleigh Darling, Lead Freedom to Speak Up Guardian | | |
| **Executive Sponsor:** | Laura Skaife-Knight, Deputy CEO | | |

**Implications**

**Link to key strategic objectives** *[highlight which KSO(s) this recommendation aims to support]*

| KSO1 | KSO2 | KSO3 | KSO4 | KSO5 | KSO6 |
|---|---|---|---|---|---|
| *Safe and compassionate care* | *Modernise hospital and estate* | ***Staff engagement*** | *Partnership working, clinical and financial sustainability* | *Healthy lives staff and patients* | *Investing in our staff* |

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| **Board assurance framework** | Strategic Objective 3<br>Strengthening staff engagement to create an open culture with Trust at the centre. | |
| **Significant risk register** | None | |
| | Y/N | If Yes state impact/ implications and mitigation |
| **Quality** | | |
| **Legal and regulatory** | | |
| **Financial** | | |

**Assurance route**

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| **Previously considered by:** | People Committee (24 November 2021) |

**Executive summary**

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| **Action required:** *[highlight **one** in bold]* | Approval | **Information** | Discussion | Assurance | Review |

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| **Purpose of the report:** | To update the Board of Directors on Freedom to Speak Up (FTSU) at QEH - including:<br>- A summary of the new and strengthened resource for the FTSU service<br>- Numbers and trends of referrals for the period of April 2021 – September 2021 (Quarters 1 and 2 of 2021/22)<br>- Priorities for the next quarter (Quarter 3) given the new blended team approach to service delivery |
| **Summary of Key issues:** | - Ongoing open cases all relate to complex HR processes such as grievance or suspensions<br>- Commonly people wish to make confidential disclosure of concerns reflecting that there is more work to be done on promoting an open and just culture<br>- Identification of an opportunity to further strengthen |

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| | our governance and assurance processes by adding FTSU to performance review meetings<br>- Our independent FTSU Guardian will conduct a review, benchmarking our service against recommendations from the Blackpool Teaching Hospitals NHS Foundation Trust case review of speak up culture and arrangements, published in October 2021 |
| **Recommendation:** | To note the report and progress. |
| **Acronyms** | FTSUG – Freedom to Speak Up Guardian<br>FTSUC – Freedom to Speak Up Champion<br>NGO – National Guardian's Office<br>BAME – Black, Asian, and Minority Ethnic<br>EDI – Equality, Diversity, Inclusion<br>CQC – Care Quality Commission |

## 1. Service delivery

The end of the first bi-annual review for 2021 marks the beginning of the transition to new and strengthened FTSU Guardian arrangements for QEH, which has seen hours of support for Speak Up increase from 30 hours per month to over 120 hours, which is a welcome development, and one that is in line with feedback from the CQC, NHS England and Improvement and latest FTSU Audit recommendations, which we have responded to.

The new application of resource is outlined:

| FTSU Guardian | Hours | Typical sessional delivery |
|---|---|---|
| Kayleigh Darling (Lead) | 90 p/month | 12 days p/month |
| Julie Calton (Assistant) | 30 p/month | 4 days p/month |
| Annie Ng (Independent) | 15 hours p/month | 4 x ½ days per month |

During a period of transition our Independent Guardian (who is the Lead FTSU Guardian at Cambridgeshire and Peterborough NHS Foundation Trust) has agreed a weekly division of hours to assist with provision of an expert lens as we transition the service to the new blended approach. Our communication with staff is also clear on the availability of our Independent Guardian.

As a result of the increased resource for the FTSU service and in turn visibility and presence on site of the Trust's FTSU Guardians (coupled with our FTSU Champions), an increase in the number of cases is anticipated in the next quarter. We will remain mindful of the potential impact in the reduction of Independent Guardian hours when considering the level of anonymity of referrals and findings from our quarter 2 staff pulse survey; demonstrating a continuing significant concern of detriment if staff speak up. Contrary to the consideration of a potential for increased internal resource to be a barrier to speaking up (as opposed to independently) we believe that the increased opportunistic engagement with staff will further support the creation of a Speak Up culture. We will gather data regarding the mode of referrals received to examine whether the increased visibility does indeed have this impact in the next quarter.

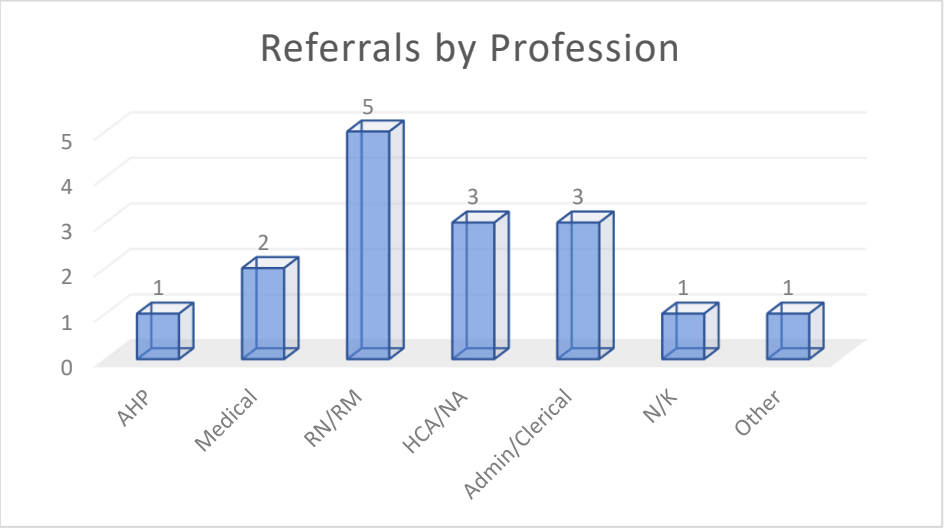
## 2. Freedom to Speak Up (FTSU) referral trends - April 2021 to September 2021

We can see an identical number of referrals in Quarter 2 2021 to that of Quarter 1 2021 with a total of 32 referrals within the bi-annual review for the first 2 quarters of 2021/22). This an increase in comparison to 2020 with a total of 25 referrals for the same time frame.

We expect an increase in referrals for Quarter 3 2021 which would mirror findings from Quarter 3 2020 and may relate to the winter pressures and the ongoing effects on staff wellbeing from the pandemic. NHS staff nation-wide have not had the opportunity to fully recover from the emotional and psychological effects of the pandemic and we know this has an impact on staff morale. Morale will often having an impact on communication breakdown and we recognise we have consistently seen communication as a key theme in QEH FTSU referrals.

The organisation remains committed to zero tolerance of rudeness and poor behaviours. QEH's FTSU service is an integral part of the Trust's culture transformation programme, with the function being beyond that of formalised escalation of safety concerns but also embracing leadership in promoting kindness, wellness, and fairness.

**3. Cases referred by job role/staff group for Quarter 2 July – September 2021**




The category of 'Other' refers to volunteers and with 1 unknown relating to a true anonymous referral whereby the profession was not disclosed.

**4. The route of Freedom to Speak Up referrals – 2020/21**

The majority of Freedom to Speak Up referrals are made via the Freedom to Speak Up Guardian. Data collection for the next quarter will focus on ensuring that we continue to fully capture all referrals, including those that are via FTSU Champions as with our last monthly meeting with Champions some shared that they may find use of a template helpful to ensure the Guardians are kept informed in a consistent and standardised way. There was discussion around ensuring that we capture referrals that are inclusive of those not requiring formal escalation and may involve an element of pastoral support, offloading or guidance seeking. We strive towards establishing FTSU as an ethos whereby psychological safety is preserved and staff can Speak Up about anything that impacts upon them being able to do a good job.

During Quarter 1 we saw no referrals via the CQC or the internal whistleblowing helpline. In Quarter 2 we saw no referrals via the whistleblowing helpline however 2 referrals to the CQC regarding concerns in Women and Children Division and Medicine. Both cases have been closed. Whilst we continue to closely monitor, it is worth noting that an increase in direct CQC referrals is not unexpected ahead of a CQC inspection and that in Quarter 3 there has been an increase.

**5. Anonymous Freedom to Speak Up Referrals April 2021– September 2021**

In Quarter 1, four referrals were truly anonymous with a further two people declined their identity being disclosed as part of the escalated action.

Within Quarter 2, three cases were truly anonymous with a further three requesting confidentiality of identity disclosure as part of the escalation.

We will focus attention on gaining feedback to examine any signs of detriment and will address the need to consider clear communication of the systems and processes. This is in response to the finding that the fear of repercussions remains high within the organisation.

**6. Thematic trends – April 2021-September 2021**

The last bi-annual period consistently demonstrates concerns regarding workplace culture; namely relating to behaviours and attitudes as the most common theme of concern raised. There is consistency with the annual data showing that the majority of concerns relate to unresolved conflict.

This is seconded by concerns surrounding processes for grievances, annual leave, sickness, disciplinary and perceived lack of supporting work-related stress. Working conditions are referenced with regards to breaks and working conditions relating to queries surrounding COVID-19 regulation guidance. Process regarding transferring of patients between wards was also highlighted.

Protected characteristics and discrimination were an element of concern in two cases within Quarters 1 and 2. Both cases have been actioned and closed.

The Internal Guardians have begun regularly visiting various departments within the Trust and remain mindful of areas where Speak Up concerns have arisen. During Quarters 1 and 2 referrals were received from
Human Resources, Occupational Health, Macmillan, Women and Children, Radiography and Sonography; Pharmacy; Theatres; Administration/clerical services; Finance; Portering services and the Emergency Department.

There are three remaining open cases from Quarters 1 and 2, all of which have action plans and all relate to HR processes/panels which are 'active'.

**7. Referrals from Black, Asian, and Minority Ethnic (BAME) staff April – September 21**

In Quarter 1 we received referrals from 2 BAME members of staff, 6 of unknown ethnicity and two of white ethnicity. For Quarter 2 we received 1 referral from a member of BAME staff, 5 of unknown ethnicity and 10 of white ethnicity. This equates to a total of 7 referrals from BAME staff with one such referral directly relating to the protected characteristic of ethnicity being a factor within the concern. This pertained to a concern regarding promotion opportunities and was actioned and closed.

Following learning from the report 'Difference Matters' (Kline and Somra, 2021), which explores the relationship between ethnicity and Speaking Up we

have arranged with our Equality, Diversity and Inclusion lead and BAME Network Lead a regular monthly 'Safe space for BAME staff to Speak up'. We know that BAME staff are six times more likely to feel able to raise a concern with a guardian who is of the same ethnicity and we have received feedback that concerns are raised to our BAME colleagues. We are informed that this relates to trust and fear of detriment (namely in relation to feeling that overseas working Visas may be in jeopardy if a concern was raised). There is much work to do here, and we have asked for expressions of interest from our BAME FTSU Champions enquiring if anyone would like to be the point of contact for the targeted safe space sessions.

Continued monitoring of referrals from BAME staff remains via the monthly Freedom to Speak Up Champions meeting and BAME and Allies Staff Network meeting. We have adjusted the data collection to include protected characteristics of staff and will begin presenting such findings at People Committee in the next quarter.

**8. Governance and support processes**

We continue to have 18 Speak Up Champions, inclusive of representatives from most staff groups. Our champions include a volunteer, Governor, and representatives from our BAME and LGBTQ+ and Allies Staff Networks.

We continue to support a monthly meeting with the Freedom to Speak Up Champions which our new Guardians have commenced chairing. We continue to be supported by our Executive sponsor, the Deputy CEO. We will continue to explore themes, speak up culture and the workplan to support improvements in this important area but will see an improved key focus on support of the Champions, promoting absolute clarity on the expectations of the role following guidance from the NGO. The Freedom to Speak Up Guardian post is supported by a Non-Executive Director and we have plans for introductions and ongoing partnership working.

The Freedom to Speak Up Guardian will continue to report to the People Committee, the Board of Directors and also report quarterly to the National Guardian's Office.

Quarterly meetings were introduced in 2020/21, which are attended by the CEO, Deputy CEO, Freedom to Speak Up Guardian, Non-Executive Director Lead, Chief Nurse and Director of People, to discuss themes and trends arising from Speak Up referrals enabling triangulation of data with other important staff experience measures.

**9. Ongoing priorities for Speak Up in 2021/22**

1. On 15 October 2021, the National Guardian's Office published a report which analyses the themes and learning for the whole health sector from its review of the speaking up culture at Blackpool Teaching Hospitals

which was undertaken in 2020. Our Independent Guardian will review the report and assess what these recommendations mean for QEH by the end of December 2021.

2. We will add FTSU data to the data packs for Performance Review Meetings (clinical and corporate).
3. Monthly meetings with the Lead FTSU Guardian and Divisional Leadership Teams to discuss FTSU cases.
4. Review and further develop the governance process of the Speak Up Service accounting for the new blended team approach.
5. Continuing to raise awareness internally of the ways in which staff can Speak Up and where possible sharing outcomes and follow through from Speak Up cases to give staff the confidence that when concerns are raised, they are listened to and acted upon. We aim to do this via some vignettes and case studies upon seeking consent from staff to share their experience. We will share this at the next bi-annual board report.
6. The Trust's Culture Transformation Programme is focused on respectful resolution and equipping staff (and line managers) to 'speak up safely' so that we more often have the right conversations. We want more staff to raise concerns with their line managers moving forward and to see more local resolution, as well as fewer anonymous referrals, to indicate a more open culture and one where staff feel able to come forward without the need for anonymity or fear of detriment
7. Transitioning Speak Up from the Deputy CEO portfolio to the Director of People portfolio in Quarter 4 (so that Speak Up and Culture sit under a single portfolio, with the operational management of Speak Up already transferred to the Head of Organisational Culture from the beginning of Quarter 3 2021/22 as part of these transitional arrangements.
8. Quarter 4 2021/22 - our Independent Guardian will review and self-assess the current provision of FTSU at QEH against the National Guardian's Office toolkit in order to assess and plan areas for development over the next 3, 6 and 12 month period.