

Meeting of the Board of Directors in Public on 9 July 2024

Report Title	Freedom to Speak Up Annual Report 2023/24
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1. Purpose
To present the annual Freedom to Speak Up Report to the Board for assurance.
2. Key points to note <i>(Including any previous decisions taken)</i>
<ul style="list-style-type: none"> The wider internal and external political and social factors (cost of living, industrial action, financial pressures facing all NHS Trusts) is impacting the culture within this Trust (some colleagues report moral distress, fatigue due to work pressures and reports of poor behaviours). Our NHS Staff Survey results (completed by 53% of colleagues) highlight that although 68% colleagues feel safe in raising concerns only 55% felt the organisation would address them. There is greater awareness and visibility of the FTSU service. This has been achieved through attendance at corporate induction, training for teams and departments, and coordinated walkabouts. The feedback from those who have accessed the FTSU service report confidence in the service and the guardian. Greater scrutiny has been applied in collecting data, especially around protected characteristics. There is still work to be done on learning from concerns so that colleagues speaking up can see and feel noticeable change.
3. Strategic Alignment
This report seeks to flag key issues for the Board in relation to the development of the culture of UHBW, which will support the achievement of the Trust's strategy.
4. Risks and Opportunities
<p><i>The main risks and opportunities associated with this report include:</i></p> <ul style="list-style-type: none"> Not being able to evidence learning and change from concerns will undermine confidence in speaking up and the FTSU service.
5. Recommendation
<p>This report is for Assurance</p> <p>The Board is asked to note the contents of the Annual Report for 2023/24 and discuss the actions it should now take in response.</p>
6. History of the paper
Please include details of where paper has <u>previously</u> been received.
None

UHBW Freedom to Speak Up Annual Report 2023/24

1. Purpose

- 1.1 To present the annual Freedom to Speak Up (FTSU) Report to the Board for assurance.

2. Introduction

- 2.1 Below is anonymous feedback from a member of staff who raised a concern via the FTSU Guardian in 2023/34:

“Only by speaking up can we bring about change, but I hope real change in behaviour happens, rather than just tick boxing.” (December 2023)

The feedback reflects what staff have reported in the annual NHS Staff Survey and to the FTSU Guardian. The quote is a reminder to the Board around the challenges in delivering and building confidence around speaking up.

In the words of Sir Robert Francis:

“The NHS is blessed with staff who want to do the best for their patients. They want to be able to raise their concerns about things they are worried may be going wrong, free of fear that they may be badly treated when they do so, and confident that effective action will be taken. This can be a difficult and a brave thing to do, even in a well-run organisation or department, but will be extremely challenging when raising concerns is not welcomed”.¹

- 2.2 The implementation of FTSU Guardians across England was just one of the recommendations which arose from Sir Robert Francis’s ‘Freedom to Speak Up Review’ published in 2015. This followed the 2013 report of the Mid Staffordshire NHS Foundation Trust public inquiry. Since its inception in 2016, the FTSU Guardian service has become firmly embedded within UHBW. The service encourages all workers at UHBW – whether substantive, agency, bank, students, or volunteers, to raise concerns, report any issues and share ideas relating to patient safety and workplace practises among other themes. By adopting an open culture, we can provide a positive working environment for all our colleagues and ensure safe care for our patients.

3. National context

- 3.1 As reported last year, wider societal challenges (including the cost-of-living crisis, the crisis in adult social care, and pressures to address operational performance) continue to place enormous pressure on NHS staff and services.
- 3.2 In the 11 years since the Mid Staffordshire public inquiry report was published, we have seen recurrent organisational catastrophes across the NHS, for example infant deaths at the neonatal unit of the Countess of Chester Hospital; staff reporting bullying and toxic culture at University Hospitals Birmingham; poor maternity care reported by families at Nottingham University NHS Trust, and maternity failings at Shrewsbury and Telford Hospital NHS Trust to name just a few.
- 3.3 At the time of writing this report Sir Robert Langstaff has published the Infected Blood Inquiry report. In his report, Sir Robert recommends a ‘culture change’ in the NHS to prevent any ‘cover-ups’, and for NHS Trusts to acknowledge when mistakes have been made. He argues individual managers should be held to account if there is a failure to

¹ Francis, Sir R (2015) *Freedom to Speak Up – An Independent Review into Creating an Open and Honest Culture in the NHS, The Report (freedomtospeakup.org.uk)* (Francis, 2015, p. 4)

take action. A 'culture of defensiveness, lack of openness, failure to be forthcoming and being dismissive of concerns' can be addressed by 'making leaders accountable for how the culture operates in their part of the system, and for the way in which it involves patients.'

- 3.4 On 21 May 2024, Dr Jayne Chidgey-Clark (National Guardian for Freedom to Speak Up) and Miley Sibley (Founder, Patient Experience Library) gave evidence to the Health and Social Care Committee in the House of Commons. Both described the fear and futility reported by staff around speaking up in the NHS which is hindering patient safety and delays in patient safety issues being investigated.²
- 3.5 A Bill to establish an 'Office of the Whistleblower' to protect whistleblowers and whistleblowing is currently going through Parliament and will repeal the Public Interest Disclosure Act 1998. The delayed Bill aims to provide greater confidence and legal protection to whistleblowers.

4. Context for UHBW

- 4.1 In 2023/34, 95 concerns were reported to the FTSU Guardian at UHBW, compared to 109 in the previous financial year.
- 4.2 Although concerns raised by staff working in the Weston division had started to stabilise, this year's data shows the highest number of concerns coming from Weston (28%) followed by the division of Surgery (21%) and Trust Services (19%). Comparative numbers are provided for previous financial years.

Division	Number of concerns in 23-24 financial year	22-23	21-22	20-21	Head count (including bank staff) April 2024
Diagnostics and Therapies	4	5	6	6	1,676
Estates and Facilities	8	13	8	6	1,239
Medicine	6	14	10	7	1,786
Specialised Services	4	8	5	9	1,449
Surgery	20	12	11	10	2,611
Trust Services	18	21	13	9	3,904
Weston	27	21	39	56	1,147
Women's and Children's	8	15	10	9	2,723
Total	95	109	102	112	16,535

- 4.3 The increase in the number of concerns relating to the Weston division can be explained in part due to changes made in theatres during Q3. Colleagues reported bullying, a top-down approach in driving change, consultation viewed as a tick box exercise and changes to the service resulting in inequity, especially for female colleagues. The increase in the number of concerns from the division of Surgery is not linked to any one area/department or team.

² [Parliamentlive.tv - Health and Social Care Committee](https://parliamentlive.tv/Health-and-Social-Care-Committee)

- 4.4 In terms of staff groups speaking up, the chart below shows the breakdown for UHBW below. In line with previous years, administrative and clerical staff are the predominant group raising concerns via FTSU, followed by registered nurses and midwives.
- 4.5 The National Guardian's Office (NGO) annual report for 2022/23 revealed that, nationally, registered nurses and midwives accounted for the biggest portion of cases raised with FTSU Guardians (30%), while administration and clerical staff accounted for the second largest portion of cases (20%). The NGO reflected that the proportion of cases raised with FTSU Guardians by these groups is similar to the share of the workforce they involve.³
- 4.6 Clearly there is work here to continue to explore why other staff groups are not using the FTSU service or using it less frequently. It is important to note however that Guardians are only one route for speaking up and these staff groups also have other routes to speak up within the Trust.

Profession	Number of concerns	% of overall concerns
Allied Health Professionals	2	2%
Medical and dental	3	3%
Nursing and Midwifery registered	24	25%
Administrative and clerical	29	31%
Additional professional scientific and technical	7	7%
Additional clinical services	12	13%
Estates and ancillary	7	7%
Healthcare scientists	0	0
Students	4	4%
Not known	5	5%
Other	2	2%

- 4.7 The annual NHS staff survey contains questions on the NHS People Promise theme of 'we each have a voice that counts', and specifically four questions which reflect how staff feel about raising concerns in their organisation. The results for UHBW show a relatively stable picture with results largely in line with previous years and above the average scores for other benchmarked acute and acute and community Trusts. However, there remains work to be done to ensure we continue to improve these scores – the focus of which is outlined in the section below around areas for improvement.

³ [202223-Annual-Data-Report.pdf \(nationalguardian.org.uk\)](#)

Staff Survey questions related to raising concerns (% agreeing / strongly agreeing with the following statements):	2020	2021	2022	2023	Average for acute and acute and community Trusts
I would feel secure raising concerns about unsafe clinical practice	73.72%	75.88%	73.12%	72.29%	70.24%
I am confident that the organisation would address my concern	63.67%	60.32%	57.88%	59.15%	55.90%
I feel safe to speak up about anything that concerns me in this organisation	69.71%	66.76%	65.84%	68.41%	60.89%
If I spoke up about something that concerned me I am confident my organisation would address my concern	Not asked in 2020	53.52%	50.96%	55.53%	48.65%

- 4.8 Since 2022/23, the themes of cases reported to the NGO fall into four categories: patient safety/quality, worker safety or wellbeing, inappropriate attitudes and behaviours and bullying or harassment. Last financial year, the NGO reported the highest number of concerns is within the 'inappropriate attitudes and behaviours' category (30%) followed by worker safety and wellbeing (27%).
- 4.9 Looking at the themes of concerns raised at UHBW, 20% relate to inappropriate attitudes or behaviours, followed by worker safety and wellbeing (16%). The highest category of concerns is 'policies, procedures and processes' (25%). Examples here from the past year include concerns around fairness and transparency in recruitment, alongside unresolved pay issues and problems with paperwork around visas for international staff.
- 4.10 It is frustrating to hear repeated concerns around recruitment despite the introduction of guidance for recruitment managers in 2022 – which outlines the correct process to follow to ensure fairness and transparency. Where recruitment managers are not adhering to the guidance, trust and confidence is eroded, alongside the environment in which colleagues feel safe to raise issues or concerns directly with their managers.
- 4.11 These themes, alongside concerns regarding the condition of the estate and shortage of space for staff parking, present challenges to the organisation and will inevitably influence staff behaviour, clinical performance, and ultimately patient safety.
- 4.12 Failure to demonstrate that learning is taking place is just one of the barriers to speaking up. Fear and futility are two of the key barriers to speaking up across the NHS as evidenced by the NGO in June 2023⁴. Futility in speaking up links directly to the NHS Staff Survey score around confidence that the organisation will address concerns raised (55.5% of respondents at UHBW in 2023). To better understand whether some of the barriers to speaking up are pertinent to an individual's protected characteristics, the FTSU Guardian has started to collect this data.

5. Summary of highlights

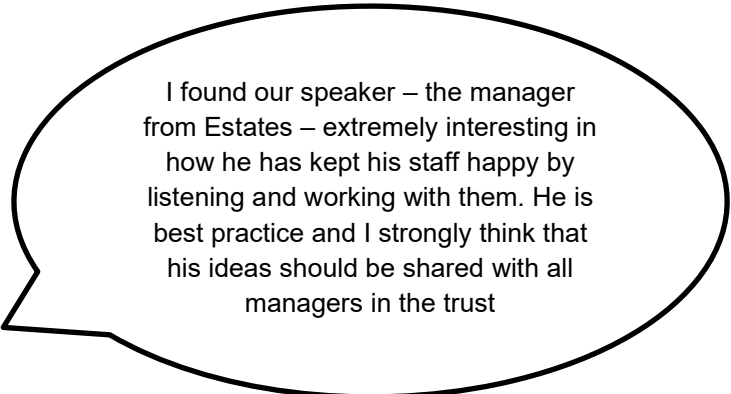
There have been several positive changes from a FTSU perspective:

- 5.1 Current compliance against mandatory speak up training as of March 2024 was 87.7%. The highest compliance fell under nursing and midwifery and admin and clerical staff.

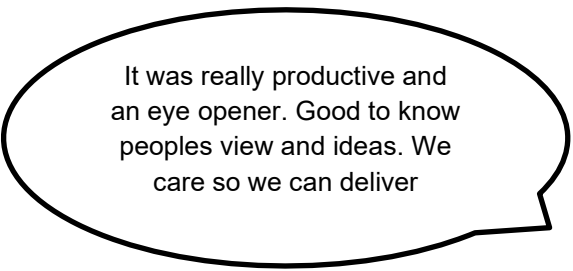
⁴ [Fear-and-Futility-NHS-Staff-Survey-1.pdf \(nationalguardian.org.uk\)](#)

This may help to explain why greater reporting of concerns comes from this profession. The lowest compliance for all divisions falls under medical and dental staff.

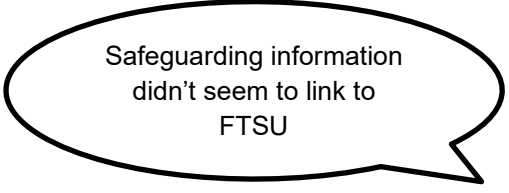
- 5.2 The community of FTSU champions, who support the FTSU Guardians in their work, continues to develop and grow. There is a total of 80 champions. A buddying scheme has been identified to support all new champions. Ongoing efforts are being made to ensure visibility and access to a champion is available as widely as possible.
- 5.3 Colleagues have fed back that there is greater visibility of FTSU champions and Guardians. The Guardian regularly attends corporate induction, department meetings and walkabouts.
- 5.4 The first reflection and learning event for FTSU champions took place on 6 March 2024. On the back of the positive feedback, the event will be held biannually. Some of the feedback is noted below:



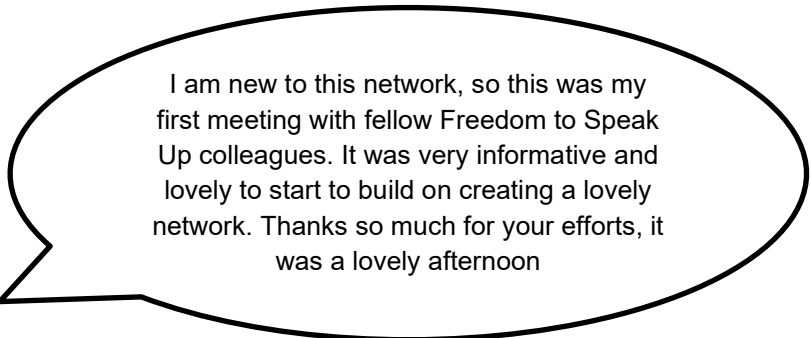
I found our speaker – the manager from Estates – extremely interesting in how he has kept his staff happy by listening and working with them. He is best practice and I strongly think that his ideas should be shared with all managers in the trust



It was really productive and an eye opener. Good to know peoples view and ideas. We care so we can deliver



Safeguarding information didn't seem to link to FTSU



I am new to this network, so this was my first meeting with fellow Freedom to Speak Up colleagues. It was very informative and lovely to start to build on creating a lovely network. Thanks so much for your efforts, it was a lovely afternoon

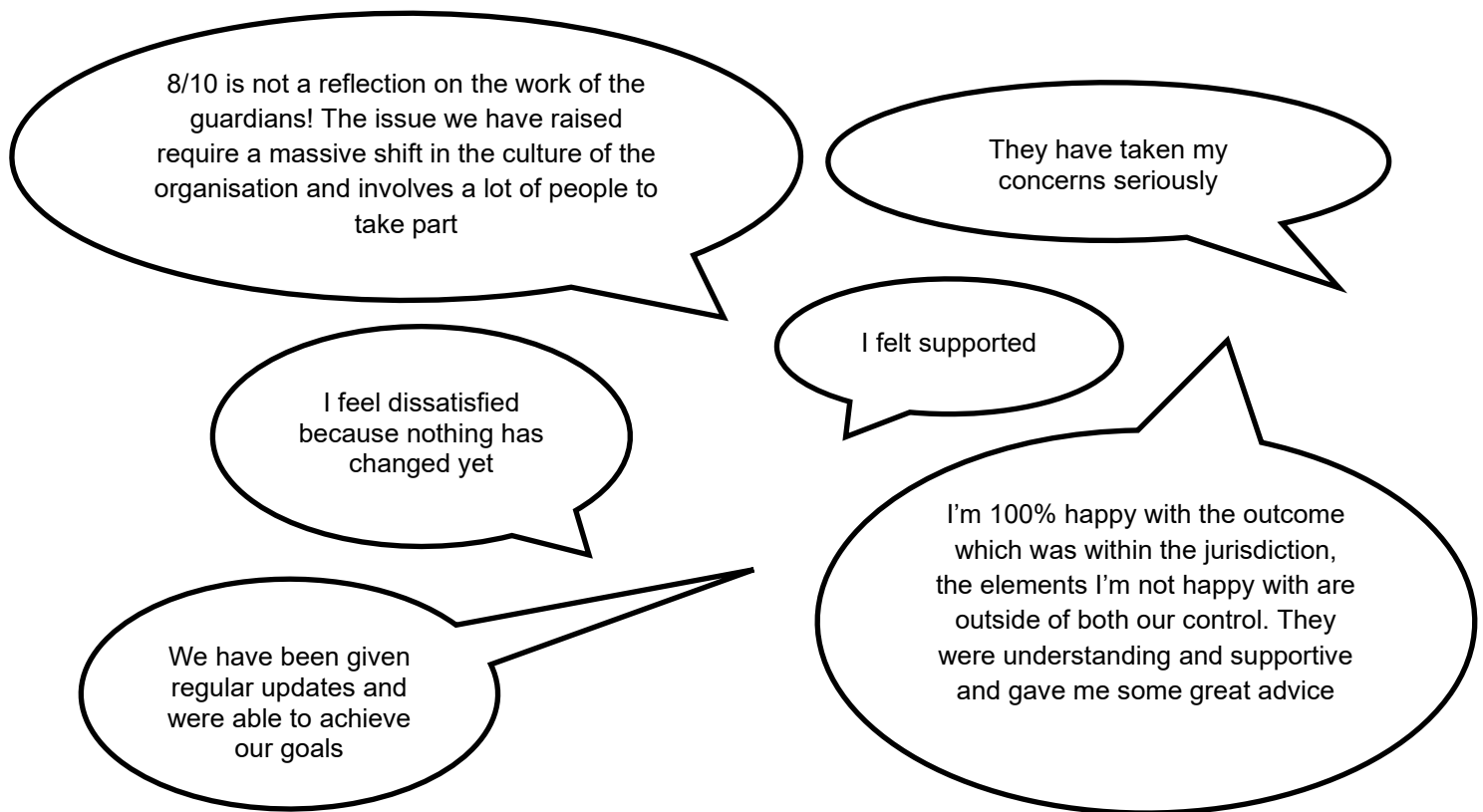
- 5.5 In response to the initial feedback around safeguarding (which is noted above) the materials for FTSU champion training were modified and included case studies. The training was delivered in partnership with the safeguarding lead.
- 5.6 The FTSU Guardians continue to work collaboratively with regional/system partners. As part of sharing good practice, the FTSU Guardian and three FTSU champions attended the South Western Ambulance Service CPR (creating positive relationship) programme. The programme was in response to significant concerns raised by student paramedics around power imbalance and inappropriate sexual behaviour. In response to the concerns raised and the feedback they received SWAST commissioned training which would encourage a safe speak up culture and providing tools and skills to safely challenge when witnessing poor behaviour. The FTSU Guardian has included and applied some of the learning in the training for all new champions.
- 5.7 As part of a collaborative piece of work with the University of the West of England (UWE) the FTSU Guardian along with other NHS providers in the South West have examined the reporting mechanism between healthcare organisations and education providers. Guidance posters on 'The role of the Freedom to Speak Up Guardians in supporting

students' and UWE information posters has been disseminated to all students on placement within a healthcare setting.

- 5.8 Protected characteristics are now being captured in all areas of work completed by the FTSU Guardian.

6. FTSU user feedback

- 6.1 For all closed concern cases colleagues are given the opportunity to complete a short, anonymous feedback survey. 24 responses were collected. In response to the question: "Did you feel that your concerns were taken seriously?" 23 responded yes. In answer to the question: "Do you feel you have suffered in any way as a result of speaking up?", three said yes, two didn't wish to say and 19 said no.
- 6.2 Below are examples of some of the qualitative comments received:



7. Areas for improvement

- 7.1 Along with areas already described above, some concerns have failed to be resolved to the satisfaction of the individual/s who raised the concern because meaningful feedback has not been provided, or they have experienced significant delays as the concerns have become stuck in a process, or they do not always experience or see changes to their working environment. This erodes confidence that speaking up can make a difference.
- 7.2 Where change is not seen or felt, and poor behaviour is not held to account, this further adds to the sense of futility in speaking up and a lack of confidence that speaking up can deliver change.

- 7.3 Colleagues report discrimination being experienced on the grounds of sex, race and age. Failure to demonstrate learning to staff where discrimination concerns are raised, as with other concerns, erode confidence in speaking up. In the well-led domain of the CQC single assessment framework relating to Freedom to Speak Up is the statement: 'When concerns are raised, leaders investigate sensitively and confidentially, and lessons are shared and acted on.' By not learning we cannot prevent the same thing from happening again. At present it is not possible to extrapolate data that shows whether harassment or bullying is related to a protected characteristic. This will be collected from June 2024.
- 7.4 We will continue to try to enhance the diversity of the FTSU champion network to ensure balanced representation. Data which shows a comparison of the network membership to the UHBW workforce shows gaps in terms of representation in ethnicity (13% of champions are BAME compared to 25% of the workforce); age (22% of champions are under the age of 35 compared to 40% of the workforce) and by pay band (13% of champions are band 2 or 3 compared to 28% of the workforce, and we have low representation from the medical and dental workforce).
- 7.5 A common theme reported is around a disconnect with leaders. Colleagues report not feeling that they matter (some staff describing themselves as the invisible disposable workforce). It is suggested that enhanced visibility of senior leaders needs to be prioritised to show what good role modelling looks like and that all our colleagues matter.
- 7.6 The Leadership and Management Development Programme and the Respecting Everyone framework which was launched in 2023 is becoming embedded within the Trust. Colleagues report having had sight of the policy and its purpose. However, some have reported that the Respecting Everyone policy is being applied and used as a mechanism to prevent accountability when poor behaviour is reported. A Best Practice Group, including representation from across the organisation (Patient Safety, HR, FTSU, Staff Side, staff networks) will be in place from July 2024 to provide oversight of the delivery of the formal processes included within this policy.
- 7.7 The mandatory 'Compassionate and Inclusive Leader training' was launched at the end of April 2023. At the end of March 2024, 39% (750 managers) have completed the training. The challenges for the Trust are to both increase compliance and understand what impact it has on driving culture change.

8. Forward look 2024/25

- 8.1 A refreshed FTSU strategy has been drafted and shared with various stakeholders for feedback. This looks at what the FTSU service could deliver in the 12-24 months ahead. It will also consider how the service moves forward under a hospital group model. The resources required to deliver the strategy need to be confirmed before the strategy is discussed with the People Committee and presented to the Board.
- 8.2 Work has evolved in collaboration with colleagues across the Trust to understand and triangulate data about the health of teams across UHBW. This should help to pinpoint where more support/intervention is required and ensure a consistent, proactive approach to team development.
- 8.3 We will explore the use of new communication tools in the Trust (VivaEngage) to share and tell stories to help forge connection, empathy, learning and provides an opportunity to understand different perspectives.

9. Recommendations

- 9.1 The Board is asked to note the contents of the Annual Report for 2023/24 and discuss any actions it should now take in response.