

Meeting of the People Committee on 27 July 2020

Report Title	Freedom to Speak Up Q1 2020/21 Update Report
Report Author	Eric Sanders, Freedom to Speak Up Guardian
Executive Lead	Eric Sanders, Freedom to Speak Up Guardian

<p>1. Report Summary</p> <p>To update the People Committee on the work of the Freedom to Speak Up Guardian.</p>
<p>2. Key points to note <i>(Including decisions taken)</i></p> <ul style="list-style-type: none"> • The focus over the period has been on promoting Speaking Up across the Trust and ensuring staff at Weston General Hospital were aware of the change in Guardian and how to make contact. • There has been an increase in the number of concerns raised, with 25 received in Quarter 1. • The majority of concerns continue to relate to Attitude and Behaviours (12) • Concerns have come from all areas of the Trust but the majority have been raised within the Weston Division (13). The rate of concerns per 1000 FTE is over 9 in the Weston Division compared with less than 3 in all other divisions. • An analysis of a recent Case Reviews from the National Guardian's Office has suggested a number of actions which will bring further clarity to the Trust's approach.
<p>3. Risks If this risk is on a formal risk register, please provide the risk ID/number.</p> <p>The risks associated with this report include: <i>None identified</i></p>
<p>4. Advice and Recommendations <i>(Support and Board/Committee decisions requested):</i></p> <ul style="list-style-type: none"> • This report is for Information.
<p>5. History of the paper Please include details of where paper has <u>previously</u> been received.</p> <p>N/A</p>

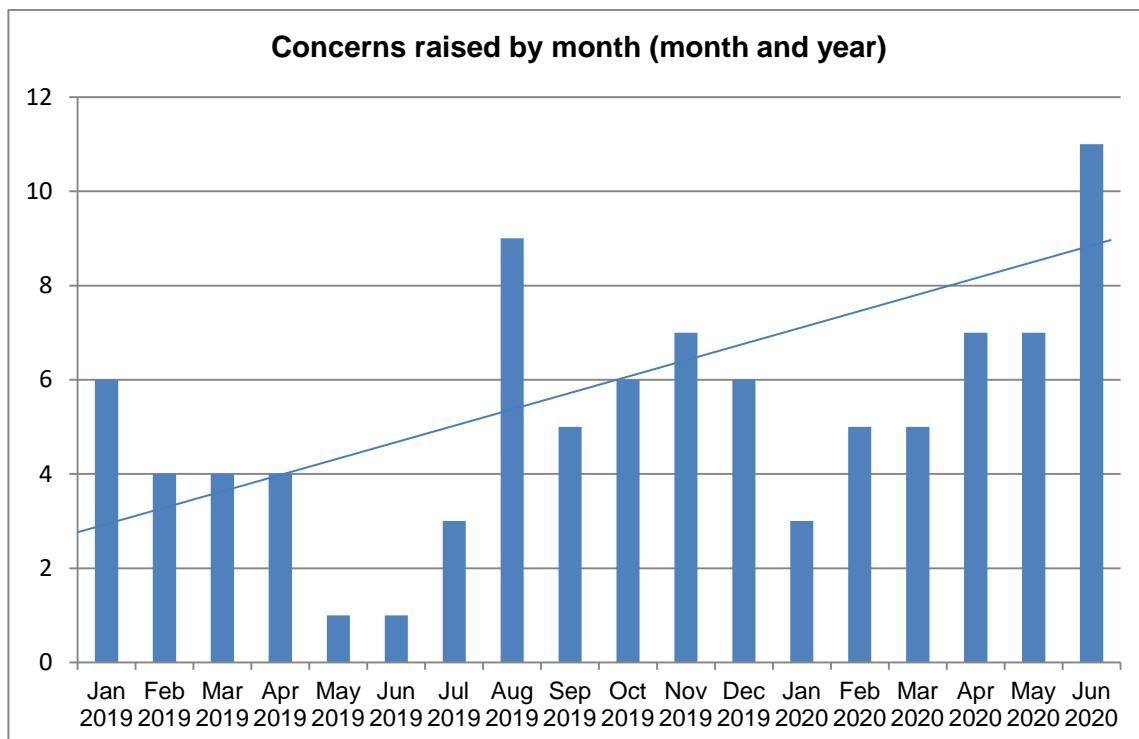
Q1 Freedom to Speak Up Report

1. Introduction

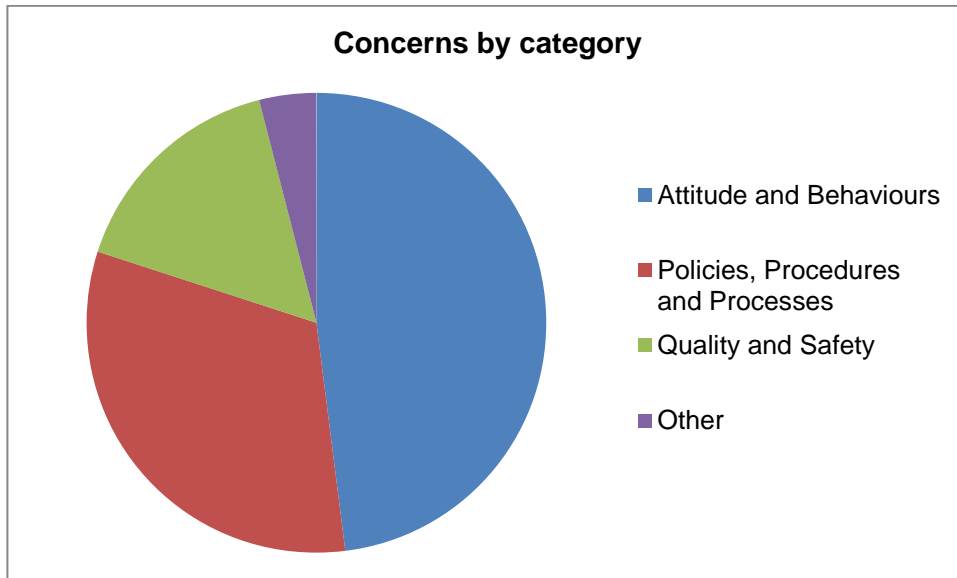
- 1.1. Freedom to Speak Up activity has increased significantly in the first quarter of the year, with a total of 25 concerns raised (compared to 13 in the previous quarter) The impact of the merger with Weston Area Health NHS Trust is clear in this first quarter. Half of the concerns in Q1 have been raised in the division of Weston, which saw speaking up services merged under one Freedom to Speak Up Guardian from 1 April 2020.
- 1.2. The Guardian is now supported by 60 advocates from across the Trust, including five from Weston, and a Deputy Freedom to Speak Up Guardian in post since 1 April 2020. The advocates play an invaluable role in promoting Speaking Up, signposting individuals to support or other resources, and handling some cases direct. Staff continue to come forward to join the network from all areas of the Trust.

2. Numbers and themes of concerns

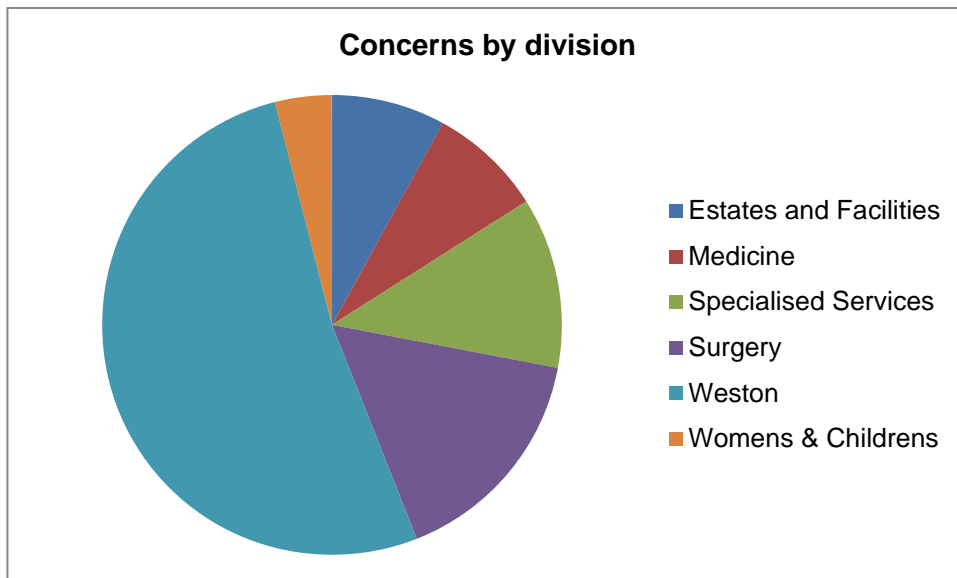
- 2.1. In relation to the number of concerns that have been raised, the graph below provides data from January 2019. This shows the significant increase in the number of cases in Q1 2020 (25) compared to Q1 2019 (6), and an overall steady increase over the whole period.
- 2.2. Of the 25 cases raised in Q1, 19 were closed and six remain open. Five cases also remain open from 2019/20. Speaking up cases can be complex and not all can be resolved quickly, however an initiative planned for Q2 (a 'speaking up summit') may help improve the time taken to resolve issues and potentially provide the opportunity for more targeted support for individuals/teams while cases are investigated.
- 2.3. Four speaking up cases from Weston Area Health NHS Trust which were unresolved on 1 April 2020 have been closed in Q1 and do not feature in these numbers.
- 2.4. The graph below shows the numbers of concerns raised each month since January 2019.



2.5. As per previous quarters, the majority of cases relate to attitude and behaviours (12) and in particular the culture within teams, and relationships between managers and their teams and between colleagues. The next highest category relates to policies and procedure (8) followed by quality and safety (4). Of the 25 concerns, 11 included an element related to the impact of COVID-19.



2.6. Concerns continue to be raised across all areas of the Trust, however half of the concerns in Q1 were from Weston, which correlates with the higher number of concerns recorded at Weston compared to UH Bristol (56 at Weston in 2019/20 compared to 32 at UH Bristol).



2.7. Below is the breakdown of concerns measured against the FTE (permanent and fixed term temporary staff) to allow for a more accurate comparison across the divisions:

Division	Number of concerns	Concerns per 1000 FTE at April 2020
Diagnostics & Therapies	0	0
Medicine	2	1.65
Specialised Services	3	2.92
Surgery	4	2.30
Trust Services	2 (Estates and Facilities)	1.30 (2.80)
Weston	13	9.13
Women's & Children's	1	0.49

2.8. And a breakdown by staff group:

Profession	Number of concerns
Administrative/clerical staff	5
Allied Healthcare Professionals	7
Cleaning/Catering/Maintenance/Ancillary staff	2
Nurses	9
Healthcare Assistants	2

2.9. Individuals who raise concerns continue to be satisfied with the process and would speak up again if the need arose. Individuals who have raised concerns are now sent a short feedback form to comment on the speaking up process once their concern is closed.

3. Internal audit report

3.1. An internal audit report on the 'Framework within the Trust for staff to raise issues' was completed in June 2020, and received a satisfactory assurance opinion. The report noted that there were defined processes for staff to raise concerns within the Trust, which have been proactively communicated, and staff had a good awareness of how to raise concerns. However the report noted that the Trust should look to deliver more training to managers on how to appropriately manage concerns, which is in line with one of the core objectives of the FTSU strategy. It also identified improvements needed in the reporting of concerns raised through HR processes. This action is being picked up by the Head of Employee Services.

3.2. The report is attached in Appendix 1.

4. Case review

4.1. There has been one FTSU case review published by the National Guardian's office (NGO) since the last update. The NGO reviews make specific recommendations for how Trusts can improve the support they provide to their staff.

4.2. The key points to note from the report into Whittington Health NHS Trust Case Review (June 2020) are as follows:

Key learning	Trust response and actions
There were examples of a lack of understanding of the purpose and remit of the FTSU Guardian role and further work was recommended in relation to raising the profile of the FTSU Guardian within the Workforce Directorate.	A SOP was developed together with HRBPs in April to provide clarity on how speaking up concerns are escalated and resolved. Quarterly meetings are now in place with HRBPs to reflect on this FTSU report and a 'speaking up summit' is proposed for Q2, including representatives from Employee Services, Patient Safety, Unions, Education, to review Q1 FTSU issues and data.
There were delayed and poor responses to bullying and harassment concerns, and delays in handling grievances. There were numerous issues with the trust grievance policy (including failure to disclose details, conflicts of interest in investigations).	The Trust's recent internal audit recommended improvements to the monitoring and reporting of bullying and harassment cases by Employee Services. Support and training for managers and leaders in responding to concerns also needs to be improved (as outlined in the FTSU Strategy) – and work continues here with the Heads of Organisational Development and Education. The FTSU Guardian will review the grievance policy, which is currently under review, to ensure it captures the recommendations from this case review and aligns with the Freedom to Speak Up policy
Exit interviews not offered to staff member who had raised a grievance before leaving the trust.	Exit interviews are offered to any member of staff leaving the Trust via line managers. Employee Services also follow up leavers to capture exit information. High level data from quarterly exit questionnaire report is reviewed by the People Committee. Themes from narrative to be shared with FTSU Guardian at speaking up summit.

5. Progress against the Freedom to Speak Up Strategy

5.1. Work continues to deliver the three objectives of the strategy:

Raising awareness

5.2. There are now 60 advocates across the Trust, split across the divisions as follows:

- Trust Services – 17
- Specialised Services – 10
- Women's and Children's – 11
- Medicine – 7
- Surgery – 6
- Weston – 5
- Diagnostics & Therapies – 4

5.3. The Guardian will continue to work with the divisional leadership and colleagues in HR to further promote the role of the advocate to ensure the number of advocates rises and that they are easily accessible to staff. All Trust locations, with the exception of the Central Health Clinic, now have at least one advocate.

5.4. Following feedback from the Board on the FTSU annual report, advocates and individuals will be asked to complete a diversity inclusion form (the same form included in the Trust recruitment pack) so that we can better understand the reach of the speaking up service and identify any groups which may be using the Freedom to Speak up route more frequently (or less frequently) than other groups. It will also ensure the advocate network is reflective of our organisation.

5.5. A second annual 'snapshot' survey about awareness of and attitudes towards speaking up was cascaded in June via the advocate network, internal comms, through the unions, staff forum chairs, voluntary services team, education team and Medical Director's office, among others. The questions remain largely the same as last year's survey, though this year the survey asks staff to identify their division and staff group. The survey will remain open until 1 August. Results will be compared with last year to see how attitudes have changed and to determine whether the FTSU strategy should be updated.

Building confidence

5.6. As part of the strategy to improve understanding of the speaking up role, a case study has been developed from a recent concern. This is included as Appendix 2 and will be circulated to staff through internal comms channels and networks, with the aim to develop further case studies in Q2.

5.7. The short feedback and monitoring form now being sent to staff who have raised concerns (see Appendix 3) should help to make improvements to and develop the speaking up service.

Training and support for managers and leaders

5.8. As the recent internal audit identified, further work is required to improve leadership and management training at the Trust and work will continue with the Organisational Development / Education teams on this initiative.

6. Summary of learning

6.1. A summary of the learning for the Trust from the concerns raised in Q1 includes:

- The need for clear, consistent and balanced communications across the hospital sites
- The importance of understanding the impact of COVID-19 on the wellbeing of staff, particularly for managers and their teams
- A focus on resolving issues promptly when they are raised to avoid further complexity at a later stage
- A focus on improving the diversity of teams to promote a better working culture
- Policies should be written and communicated clearly so that they are easy to understand and follow.

7. Forward look

7.1. Alongside the work to support staff who are raising concerns and ensure investigations are undertaken in an open, fair, transparent and objective manner, the Guardian's focus over the next quarter will be on:

- Launching the first quarterly 'speaking up summit' in collaboration with Employee Services, HR, Education leads, Wellbeing leads, patient safety, unions, to collect, collate and utilise data to identify 'hotspots', potential hotspots, actions and any extra support for staff
- Starting an in-house training programme for the staff advocate network on a monthly basis
- Recording equality information for those raising concerns and gathering this data from the advocate network
- Planning for national speak up month in Q3 – looking at a collaborative programme of speaking up and listening opportunities
- Continuing to extend the advocate network so that it covers all staff groups, locations and is inclusive of all staff with the aim to reach 80 advocates by the end of the year. Extending the offer of joining the network to the bullying and harassment advisors in Weston

- Compiling results from the snapshot survey, providing year on year comparison and reviewing the FTSU Strategy in light of the results
- Continued engagement in the FTSU South West Regional Network, which meets virtually every fortnight, and in NGO webinars to develop good practice and share learnings.

8. Recommendation

8.1. The People Committee is asked to note the contents of the report.

Appendix 2 – Changing policy in a fast moving environment

A member of staff was concerned about continuing to work in a public facing environment as the coronavirus outbreak intensified at the end of March 2020. She had serious underlying health conditions, which she had discussed with her line manager. The member of staff had received an email from the consultant managing her health, which described her as a vulnerable person who should be shielding.

Trust guidance at the time stated that without the official NHS England notification the member of staff had to remain in the work place, though an assessment of the working environment would be carried out to mitigate the risk. The individual approached the Freedom to Speak Up Guardian through one of the speaking up staff advocates to query the guidance and to see whether it could be looked at.

The Guardian approached the HR Business Partners in the first instance to find that the guidance was in the process of being updated. The update included clarification that a GP 'fit note', alongside NHS England notification, would also provide sufficient evidence for shielding.

With the Guardian relaying messages to protect confidentiality, the member of staff contacted her GP surgery only to find out that the surgery was no longer issuing fit notes. She was informed by the surgery that the advice from her consultant was sufficient instruction to shield for 12 weeks.

With this new information passed back to the HR Business Partners, they reviewed the guidance again. The HR Business Partners changed the guidance to consider and review any 'fit note' provided and confirmed it was sufficient evidence for the need to shield for 12 weeks. They spoke to the line manager to notify them of the change.

The member of staff was contacted by her line manager the same day and was sent home to self isolate for 12 weeks.

"This member of staff used the Freedom to Speak Up route because they were confused about the application of the Trust guidance at this moment in time. We were able to connect the member of staff to the right people to review this issue and get it resolved."

Eric Sanders, Freedom to Speak Up Guardian

Appendix 3 - Speaking up – response evaluation

This feedback will help the Freedom to Speak Up Guardian evaluate responses to concerns and make improvements to the speaking up process.

1. **Do you feel that your concerns were taken seriously when reported?**
 Yes
 No
2. **Was the subsequent investigation conducted as expected?**
 Yes
 No
3. **If you did not wish to be identified when raising your concern did you feel that confidentiality was preserved?**
 Yes
 No
4. **Did you receive regular updates to ensure that you were informed of progress with your concern?**
 Yes
 No
5. **Are you satisfied with the outcome?**
 Yes
 No
6. **Do you feel you've suffered in any way as a result of speaking up?**
 Yes
 No
7. **Would you speak up again?**
 Yes
 No
 Don't know

Please explain your response to question 7 and provide any additional comments

Thank you for taking the time to complete this evaluation.

Speaking up – diversity and inclusion monitoring form

Why are we asking for this information?

Monitoring information is used to establish who is accessing the speaking up service, to make sure that people from all backgrounds are represented. It enables action to be taken to ensure no group is missed, and to keep improving the quality of our services.

This data will always be treated in confidence and, when anonymised with data from other individuals who have spoken up, maybe used within our quarterly Freedom to Speak Up reports where this does not compromise confidentiality.

Disability

Under the Equality Act 2010 the definition of disability is if you have a physical or mental impairment which has a 'substantial' and 'long-term' adverse effect on your ability to carry out normal day to day activities. The Equality Act 2010 protects disabled people – including those with long-term health conditions, learning disabilities and so-called 'hidden' disabilities such as dyslexia. According to the definition of disability do you consider yourself to have a disability?

- Yes
- No
- I do not wish to disclose whether or not I have a disability

Ethnic origin

Please mark the box that most accurately describes your ethnic background:

White

- British
- Irish
- Any other white background

Black/Black British

- African
- Caribbean
- Any other black background

Asian/Asian British

- Bangladeshi
- Indian
- Pakistani
- Chinese
- Any other Asian background

Mixed

- Asian and White
- Black African and White
- Black Caribbean and White
- Any other mixed background

- Other ethnic background (please give details)
- I prefer not to say

Gender

Which of the following best describes how you think of yourself?

Male Female I prefer not to say

I prefer to describe myself as:

Religion or beliefs

How would you describe your religion or beliefs?

- Buddhism
- Christianity
- Hinduism
- Islam
- Judaism
- None (or Atheism)
- Sikhism
- Other religion or belief (please give details):
- I prefer not to say

Sexual orientation

Which of the following best describes how you think of yourself?

- Bisexual
- Gay Man
- Gay Woman (Lesbian)
- Heterosexual (straight)
- Other sexual orientation not listed
- Undecided
- I prefer not to say

University Hospitals Bristol NHS Foundation Trust Final Internal Audit Report: Framework within the Trust for staff to raise issues


Report Reference: UHB03/20
June 2020

Distribution List (for action):

- Eric Sanders, Director of Corporate Governance
- Zoe Wood, Head of Employee Relations

Additional Copies (final report, for information):

- Matt Joint, Director of People
- Bernard Galton, Chair of the People Committee

Assurance Opinion	
Significant	
Satisfactory	
Limited	
No	



Executive Summary

AUDIT BACKGROUND, SCOPE AND OBJECTIVES

Background

As part of the 2019/20 Audit and Assurance Plan, as agreed by the Audit Committee, we have undertaken a review looking at the Framework within the Trust for Staff to raise issues.

The Trust has the following policies in place to support staff in raising concerns:

- Dignity at Work Policy (incorporating Bullying and Harassment at Work).
- Grievance Policy.
- Freedom to speak up (FTSU) policy (formally known as the Whistleblowing Policy).

Staff are encouraged in the first instance to resolve concerns informally with their manager prior to a formal complaint being raised and an investigation undertaken. Formal and informal processes are defined within the Dignity at Work Policy and supported by Employee Services.

The FTSU policy has been developed to address the outcomes of the review by Sir Robert Francis into whistleblowing in the NHS. Staff are encouraged to speak up and raise concerns to the FTSU Guardian and the 40 staff advocates.

The Trust has developed a FTSU strategy to support the FTSU and Dignity at Work policies, which was presented to the Trust Board in May 2019. This strategy outlines the Trust's vision to create a culture of openness and transparency so that anyone that works within the Trust feels confident to raise concerns. To deliver this vision the Trust has highlighted three areas for improvement:

- Awareness – so that everyone knows how to raise concerns and to whom concerns can be raised.
- Confidence in speaking up - concerns are heard, promptly and thoroughly investigated, feedback is provided and outcomes are shared wherever possible.
- Training and support – for all leaders and managers in understanding their own behaviours and dealing with concerns.



32 FTSU concerns were raised during 2018/19, this has increased from the 13 concerns raised during 2017/18. The majority of concerns raised in 2018/19 related to the behaviours of managers and colleagues.

The results of the 2019 National Staff Survey found that 72.7% of staff felt secure raising concerns about unsafe clinical practice and 63.3% felt that the Trust would address concerns raised. Although reported scores are above the national average, and show improvements on the 2018 results, there may still be room for the Trust to make improvements to provide further confidence to staff in raising concerns.

Objectives and Scope of the Audit

The following objectives were considered as part of this review:

- There is a clear documented process in place for staff to raise concerns, both formally and informally, which has been clearly communicated to staff.
- The Trust has established a culture in which staff feel safe to raise concerns as part of normal routines without fear of negative repercussions.
- Concerns are raised via the appropriate routes, including to line managers and FTSU, and informal methods of resolution are considered prior to escalation to formal complaints.
- Formal investigations, including Grievances, those raised through FTSU and the Dignity at Work Policy, are comprehensive, timely and carried out within a blame free environment to establish facts.
- Managers feel empowered to address concerns and have received appropriate levels of support and training to adequately resolve issues.
- Detailed, clear and factually accurate records are held securely by the Trust to enable appropriate monitoring and review of investigations.
- There is clear reporting through the Trust's governance structure on concerns raised by staff, including numbers, themes and lessons learnt, and assurances are provided to the Trust Board that this is being appropriately managed.

OVERALL CONCLUSION

There are clearly defined processes for staff to raise concerns within the Trust, these have been proactively communicated and staff have a good awareness of how to raise concerns. Concerns raised by staff are comprehensively addressed and lessons learned are identified. Although the response rate to our survey of staff was low, it suggests that whilst the Trust should continue its considerable efforts to promote positive messages about raising concerns, it should also look to deliver more training to managers on how to appropriately manage concerns. Reporting of FTSU concerns is comprehensive in providing assurances to the Trust Board that staff are able to raise concerns and that these are appropriately managed, however, the same cannot be said for concerns raised through HR processes due to a lack of reporting.



Our overall conclusion is supported by the conclusion for each area reviewed, as set out below:

Area reviewed	Rating	Conclusion
1. Staff awareness and Culture		The Trust has defined processes in place for staff to raise concerns and these are clearly signposted to staff. The results of our survey, although notably limited by a reduced response rate due to COVID-19 demands, found that the majority of staff who responded to our survey (53 responses were received from the 500 staff who were sent the survey) are aware of how to raise concerns within the Trust and felt encouraged to do so. Whilst the majority of staff felt that if they raised a concern this would be fully and fairly investigated, a proportion of staff were unsure if this would be the case. Actions to improve staff confidence in speaking up have already been identified as part of the Trust's FTSU Strategy. Most staff would raise concerns to their line managers, however comments suggested that manager approach varied and most managers within our sample felt that further training on how to resolve concerns would be beneficial.
2. Concerns and Investigations		<p>Our review of a sample of concerns raised found these to be fully investigated to establish facts in a blame free way. It was evident that where appropriate, concerns were resolved at an informal level and there was a good use of facilitated meetings to de-escalate concerns. Staff that raised concerns, both through HR processes and FTSU, were kept updated during the investigation and informed of the outcome.</p> <p>Secure records are maintained for both HR and FTSU concerns. Record keeping for HR concerns was not always complete and improvements should be made to evidence that these concerns are being appropriately resolved in line with defined processes and timeframes. Record keeping for FTSU concerns is more comprehensive, this includes a clear record of feedback from staff who raised the concern and lessons learned.</p>
3. Reporting of Concerns and assurance on their management		There is regular reporting to the Trust Board on FTSU concerns, this reporting is timely and includes key concern themes and actions taken as a result of concerns being raised. During 2018/19 32 FTSU concerns were reported within the Trust, this is below the national average for acute Trusts of 44, comparatively, 82 concerns were raised in Weston over the same time period. There has been an increase in the number of concerns raised in 2019/20, with 49 concerns raised between April 2019 and January 2020. This is a positive indication of the raised profile of FTSU and that staff feel more confident to raise concerns. Confidentiality of staff raising concerns is maintained during reporting. Trust reports are in line with guidance outlined by the NGO. Further enhancements to current reporting could be made through sharing feedback gained from staff, benchmarking Trust performance against national/ local performance and reinforcing the Board's role in supporting FTSU. There is currently no formal reporting for concerns raised through HR processes, although this has been acknowledged as a potential area for future reporting by the Employee Services team.



Overall Assurance Opinion

It is our view that the overall assurance opinion on the design and operation of controls is Satisfactory as recorded in the table on the face of this report and in accordance with the opinion definitions under the *ASW Assurance - About Us* section of this report.

We would like to acknowledge the help and assistance given by the FTSU Guardian and Employee Services during the course of this review.

Rating of Recommendations

Recommendations raised in this report have been rated in accordance with the organisation's risk matrix.

Jenny McCall, Director of Audit and Assurance Services

Report Data

Date of Work Undertaken	January- April 2020
Date of Issue of Draft Report	5 th May 2020
Date of Return of Draft Report	4 th June 2020
Date of Approval of Final Report	5 th June 2020
Lead Auditor	Kirsty Chartres, Senior Audit and Assurance Specialist
Client Lead Manager(s)	Eric Sanders, Director of Corporate Governance Zoe Wood, Head of Employee Relations
Client Lead Director	Matt Joint, Director of People



Action Plan

Rec no.	Recommendation	Risk rating	Management response	Manager responsible	Action date
1	All Managers across the Trust should be trained in how to support, lead and manage concerns as part of a wider management development programme. This should include extending the roll out of the existing 'Nipping it in the bud training'.	Moderate (6)	<p>E-learning 'Nip it in the bud' is aimed at supporting the individual. This is available on Kallidus and has been in place since March 2020. The focus of this e-learning is very much on offering support to the colleague whilst encouraging them to explore how to address the issue informally – with practical guidance on how to speak directly with the person with whom they feel there is an issue. It does of course then also cover what support and processes are available should this not be effective. As an additional resource, a guide ('Challenges between colleagues') has also been available since March; which replicates the material from the e-learning; but also has a section aimed at guiding managers on how to support colleagues during conflict.</p> <p>The face to face training aimed at Managers (a roughly 1.5 hour session called 'Nip it in the bud') is pending. The current obstacle with rolling this out is how the training can be delivered with adherence to social distancing. A possible interim solution is being explored as to whether it is possible to translate the content for the manager session onto an e-learning platform also.</p>	Zoe Wood, Head of Employee Relations	30/09/20



Rec no.	Recommendation	Risk rating	Management response	Manager responsible	Action date
2	<p>As part of the case review meetings, the Employee Services team should define the key information required to be recorded on CMS, this should include the following:</p> <ul style="list-style-type: none">• Date the concern was initially raised and key dates during the investigation process.• Copies of key documents including written concerns, key email and investigation reports.• Key learning that has been identified as a result of the concern.	Low (3)	<p>Employee Services have a process for recording the required information on CMS. Issues arise with HRBP and Deputies not always using this system to log cases and therefore an action will be taken to ensure all parties understand the importance of logging through the central systems for all cases.</p> <p>Regular case reviews are already in place to ensure lessons learned are reviewed and policies or guidance updated to reflect this as necessary.</p>	Zoe Wood, Head of Employee Relations	31/07/20
3	<p>Employee Services should consider producing a brief quarterly report showing the number of concerns raised to HR, key themes and remedial actions that have been implemented to provide assurances that staff concerns are being appropriately managed. These reports should be presented to the appropriate groups within the existing Trust governance structure, and escalated to the People Committee where necessary.</p>	Moderate (6)	<p>Quarterly Employee Relations Report is in the process of being developed. It is planned to launch a draft with Staff Partnership Forum in August which will feed in through the HR governance structure and People Committee. The completion of this has been delayed due to capacity pressures with Weston transfer and COVID-19.</p>	Zoe Wood, Head of Employee Relations	30/09/20



Rec no.	Recommendation	Risk rating	Management response	Manager responsible	Action date
4	<p>To enhance current reporting arrangements the Trust should consider including the following detail within existing reports to the Trust Board:</p> <ul style="list-style-type: none">• Present in more detail feedback gained from staff who have raised concerns.• Include benchmarking of the number of concerns raised, types of concerns and staff raising concerns with national and local averages.• Clearly reiterate the Trust Board's role and commitment to FTSU.	Low (2)	<p>The latest annual report, for 2019/20, has been amended to include the FTSU Index Score, as published by the National Guardian's Office, as this is the most reliable benchmarking information available. The report also includes a reminder of the Board's role.</p> <p>The content of the quarterly reports has also been reviewed to identify if more detailed feedback could be provided. The Guardian has determined that providing any more information would potentially compromise the confidentiality of individual's and therefore no changes will be made to the report.</p>	Director of Corporate Governance and Freedom to Speak Up Guardian	Completed



Detailed Findings

1. Staff awareness and culture



What We Checked

We reviewed Trust documented procedures for raising concerns through HR processes and FTSU to confirm that processes are clear, had been communicated to staff and were in line with national guidance.

We looked to confirm that staff had a good awareness of how to raise issues through an online survey sent to 500 members of staff across the Trust, responses were gained from 53 staff, this response rate was lower than expected but was probably impacted by the demands on staff caused by COVID-19.

The survey sought to test staff perceptions of the following:

- Staff awareness of how to raise concerns.
- Whether staff feel comfortable in raising concerns.
- Whether staff felt that they are encouraged and that there is a culture in which to raise concerns.
- Whether staff are clear on the different ways in which to raise concerns, including through FTSU and HR processes.

We also asked additional questions of the 15 managers that completed the survey to understand manager perception in the following areas:

- Whether managers have attended training and feel supported in responding to concerns.
- Whether managers felt that they have the skills needed to resolve concerns.



What We Found

Our review of documented processes found the following:

- The Trust has the following policies in place: *Freedom to Speak Up Policy*, *Dignity at Work Policy* and the *Grievance Policy*.
 - At the time of the audit these policies were in the process of being reviewed, we were informed that no major revisions were planned.
 - Distinctions are drawn between the policies and the scope of each policy is clearly outlined.
 - Each of these policies encourages staff to raise concerns and outlines the Trust's commitment to ensure that staff that raise concerns are treated fairly.
 - Clear definitions of the roles and responsibilities of different staff groups are defined and staff are encouraged, where appropriate, to raise concerns initially with managers.
 - The FTSU Policy is in line with the standardised policy example produced by the National Guardians Office.
- Policies and further information about raising concerns are clearly sign posted on Connect through the FTSU and HR web pages.
 - However there was less information on the FTSU Connect pages and this could be an area that is further developed with the new additional resource of the Deputy FTSU Guardian, in particular ensuring that practical guidance is clearly linked directly from the FTSU Connect page rather than staff needing to refer to the Policy.
- There has been much work to increase the profile of the FTSU process, this includes communication through Newsbeat, desktop backgrounds, drop in sessions and recruiting FTSU Advocates.
- The importance of raising concerns and the processes with which to do so are highlighted to all new staff during induction and reminders are provided through mandatory Equality and Diversity training.
 - Non-mandatory face to face '*Nipping in the bud*' training has been delivered to 753 staff across the Trust on an ad-hoc basis, this training focuses on developing skills for effectively resolving concerns. Whilst initial feedback from training sessions has been positive, delivery of this training has been restricted by available resources.
 - The e-learning '*Supporting Great Behaviours in the workplace – Nipping it in the Bud*' was launched in March, this training is a supportive resource to encourage informal methods of resolution and signposts staff to further areas of support.



The table below summarises the results of our survey:

Area reviewed	Comments
Staff awareness of how to raise concerns.	<p>85% of respondents (53) were aware of how to raise concerns within the Trust.</p> <ul style="list-style-type: none">• The majority of staff would raise their concern with their manager (85%) and 34% would raise concern through HR and FTSU. (Note this includes staff that would feel comfortable raising a concern in more than one way, i.e. 21% would raise a concern using all 3 methods.)• Barriers to raising concerns included: support from manager, potential negative repercussions, not sure who to talk to, concerns about confidentiality, thinking that nothing will happen as a result/ not worth raising concern and lack of time.
Staff perception of how concerns would be investigated by the Trust.	<p>62% of staff agreed that if they raised a concern this would be fully and fairly investigated.</p> <ul style="list-style-type: none">• 15% of staff disagreed with this statement and 23% were not sure whether their concern would be fully and fairly investigated. <p>Just under half of staff (49%) felt that there wouldn't be negative repercussions if they raised a concern.</p> <ul style="list-style-type: none">• However 28% thought that there may be negative repercussions if they raised a concern and 23% weren't sure if there would be negative repercussions or not.
Staff perception of guidance on how to raise concerns through HR and FTSU processes.	<p>The majority of staff (59%) felt that there was clear guidance on how to raise concerns through HR processes.</p> <ul style="list-style-type: none">• However 25% of staff felt that there was a lack of clear guidance on HR processes and 17% didn't know whether the guidance was clear or not. <p>Half of respondents (49%) felt that there was clear guidance on how to raise concerns through FTSU.</p> <ul style="list-style-type: none">• However, 23% of staff felt that there was a lack of clear guidance on FTSU processes and 28% weren't sure what guidance was available.
Staff perception of the culture within the Trust to raise concerns.	<p>The majority of staff (72%) felt encouraged to raise concerns within the Trust.</p> <ul style="list-style-type: none">• However, fewer staff felt that there is a supportive culture within the Trust to raise concerns, with just over half of staff (57%) agreeing that there is a culture within the Trust to raise concerns.• Common themes identified from the comments showed how managers and communication were important factors that impacted the perceived culture for raising concerns and that these factors often varied.• Positive themes from comments on the current culture for raising concerns included managers who supported this and clear communication of the number of different ways to raise concerns.• Negative themes from comments included managers that didn't encourage this culture, lack of clear information, concerns about not being listened to /negative repercussions/ support that would be available and past negative experience of raising an issue.



Area reviewed	Comments
Manager perception of training and support to manage concerns.	<p>73% of managers felt that they would like further training on how to raise concerns, this included staff that had already attended some training.</p> <ul style="list-style-type: none"> 40% of managers had attended training to support them in responding to concerns, half of these managers would like further training in this area. Of the 60% of managers that had not attended any training, with the exception of one manager, all thought that training in this area would be useful. The majority of managers (60%) felt that they are well supported in resolving concerns and would know how to access support, however 40% disagreed with this statement.
Manager perception of their skills to manage concerns.	<ul style="list-style-type: none"> The majority of managers (67%) felt that they had the appropriate skills to manage and resolve concerns, however 33% did not feel that they had these skills.

The results of our survey showed that there was a proportion of staff that were unsure if concerns would be fairly investigated or if there may be negative repercussions as a result of raising a concern. Improving staff confidence in speaking up has been identified as an objective in the FTSU Strategy and Trust-wide actions to address this are already in place, therefore we have not raised a recommendation in this report.

Recommendations

Risk	Risk Rating	Recommendation
Concerns raised by staff are not appropriately resolved by managers leading to wider issues around staff retention and recurrence of issues.	Possible (3) x Minor (2) = Moderate Risk (6)	1. All Managers across the Trust should be trained in how to support, lead and manage concerns as part of a wider management development programme. This should include extending the roll out of the existing 'Nipping it in the bud training'.



2. Concerns and Investigations



What We Checked

We reviewed a sample of 25 concerns that had been raised by staff, this included 10 grievances, 8 concerns that had been raised under the dignity at work policy and 7 FTSU concerns. We looked to confirm the following:

- Where possible, informal methods of resolution are considered prior to escalation to formal investigations.
- Formal investigations are comprehensive and carried out within a blame free environment to establish facts.
- Concerns have been investigated in a timely manner in line with defined time frames.
- Detailed, clear and factually accurate records are held securely by the Trust.
- Concerns have been resolved and the individual that raised the concern informed of the outcome.
- Feedback is gained from staff who raised concerns and lessons learned are identified.

What We Found

Our findings are summarised in the table below:

Area reviewed	Grievance	Dignity at work	FTSU
Informal methods of resolution used where possible	Evident that where possible concerns resolved through facilitated meetings and emails to the HR Employee Services team.	Where possible concerns are resolved informally through facilitated meetings.	Yes, this included commissioning further informal pieces of work to protect anonymity e.g. review of sick absence rates/ happy app/ staff survey results which was then discussed with Senior Staff/ Directors.
Formal investigations are comprehensive.	Copies of formal investigation reports were not always recorded on the HR case management system (CMS). Where available to review we found the reports to be comprehensive and complete.	Copies of formal investigation reports not always recorded on CMS. Where available to review we found the reports to be comprehensive and complete.	Formal concerns were investigated by Senior Staff / Directors with support from the FTSU Guardian. All concerns that related to patient safety had been highlighted to the Medical Director/ Chief Nurse in a timely manner.



Area reviewed	Grievance	Dignity at work	FTSU
Evidence that concerns have been resolved blame free environment.	Grievances had been investigated in a blame free way, this included through investigations completed by independent members of staff and employee services facilitating meetings.	Concerns had been resolved in a blame free way, this was supported through HR support for meetings and investigations conducted by independent individuals.	Concerns had been resolved in a blame free way, this included conducting additional research to establish facts and investigations completed by independent senior staff.
Concerns have been investigated in a timely manner.	Due to a lack of audit trail on CMS we were unable to confirm that concerns had been investigated in line with timeframes identified in the Grievance Policy. However records showed that in general grievances did not remain open for a long period of time.	As with grievances, record keeping on CMS was not consistent and we are unable to conclude whether concerns had been investigated in line with defined timeframes.	Clear that concerns were investigated in a timely manner.
Concerns have been resolved and the individual informed of the outcome.	Each of the concerns raised had been fully resolved. Staff that had raised concerns were informed of the outcome of their grievance.	With the exception of one concern which had an incomplete CMS record (in which we were unable to draw conclusions), each of the closed concerns had been resolved and action taken.	Staff who raised concerns were kept informed during the investigation process, and were informed of the outcome of their concern.
Feedback is gained from the member of staff that raised the concern.	Each of the closed grievances were appropriately resolved and feedback gained from staff that raised the concern.	Each of the closed grievances were appropriately resolved and feedback gained from staff that raised the concern.	The FTSU Guardian followed up with staff that raised each concern a month after resolution to gain feedback, each of the staff that had raised concerns confirmed that they would raise a concern again.
Lessons learned are identified.	Where appropriate lessons learned were identified, however these were not always clearly recorded on CMS.	Lessons learned as a result of the concern were not always clearly recorded on CMS.	Lessons learned were identified following each of the concerns and recorded on Datix.



Area reviewed	Grievance	Dignity at work	FTSU
Detailed and clear records of concerns are kept.	Information recorded on CMS for some concerns was incomplete. There were inconsistencies with the information recorded on CMS and the secure drive.	As with grievances, information on CMS was not always completed. There was a very limited record on CMS for one of the concerns that had been investigated by a Deputy HRBP.	Records of concerns raised were maintained on Datix, these were notably more comprehensive than the records maintained by HR on CMS.
Records are maintained securely.	Records were maintained securely on CMS and the secure Employee Services drive.	Records were maintained securely.	Records were maintained securely on Datix.

Recommendations

Risk	Risk Rating	Recommendation
Concerns raised by staff are not comprehensively resolved due to lack of complete record keeping and a lack of learning from concerns that have been raised.	Possible (3) x Negligible (1) = Low Risk (3)	<p>2. As part of the case review meetings, the Employee Services team should define the key information required to be recorded on CMS, this should include the following:</p> <ul style="list-style-type: none"> • Date the concern was initially raised and key dates during the investigation process. • Copies of key documents including written concerns, key email and investigation reports. • Key learning that has been identified as a result of the concern.



3. Reporting of Concerns and assurance on their management



What We Checked

We reviewed three 2019/ 20 quarterly FTSU reports and the 2018/19 annual FTSU report to confirm the following:

- Reports included data on numbers of concerns raised, themes and lessons learnt.
- Reports were comprehensive and provided assurances to the Trust Board that the Trust provides an opportunity for staff to raise concerns and is appropriately managing concerns that are raised by staff.
- The confidentiality of staff raising concerns is maintained in reporting.

We looked to see if the Trust reporting is in line with this guidance from the NGO '*Guidance for Boards*' and the supplementary guidance '*Guardian Report Content*'. We also compared the Trust FTSU report with reports from 3 Acute Trusts in the South West and the Acute Trust which had achieved the highest FTSU index from the NGO to identify any areas of best practice which the Trust could consider.

There is not currently any reporting of HR concerns, therefore this was not included as part of our testing and a recommendation to consider this as part of reporting within existing governance structures has been raised below.

What We Found

Our review of the Trust FTSU reporting found the following:

- Reports on FTSU are presented to the Trust Board every 6 months and quarterly to the People Committee/ SLT by the FTSU Guardian.
- Data presented in reports is timely and summarises FTSU activity whilst maintaining confidentiality of the staff that have raised concerns.
 - This includes a comprehensive summary of the number of concerns raised, themes and staff groups/ divisions raising concerns.
 - Lessons learnt were not summarised in the 2018/19 annual report but have been included in subsequent reporting, this includes a brief description of actions taken in response to concerns.
- Trust reporting is inline with the NGO Guidance for Boards, including the frequency of reporting and assurances provided to the Board.
 - FTSU reports provide assurances to the Board that staff feel confident and safe to speak up, the Trust is taking action to support a positive speaking up culture and that concerns are being appropriately managed by the FTSU Guardian.



- Trust reporting is largely in line with NGO supplementary guidance: this includes the content of reports, clear links to patient safety, visibility of FTSU and identifying key areas in which the Trust needs to take action.
 - Whilst an assessment of the effectiveness of the speaking up process is included in reports (i.e. learning from case reviews and assurances that staff do not feel they have suffered detriment following a concern being raised), this is an area that could be enhanced further, e.g. through the completion of short snapshot surveys (referred to as pulse surveys in the guidance) and inclusion of more detailed feedback from staff that have raised concerns.
- Our comparison with FTSU reporting from other Acute Trusts identified the following additional information that could be included to enhance reporting to the Board:
 - A further breakdown of benchmarking data showing how the Trust compares with local and national Trusts for number of FTSU concerns raised, type of concerns and staff groups raising concerns.
 - Presenting more detailed feedback from staff, examples included quotes from staff who had raised concerns and results of feedback from pulse surveys which had be broken down, e.g. to highlight feedback from BME staff.
 - The requirement for members of the Trust Board to sign an annual declaration of the Boards commitment to FTSU.

Recommendations

Risk	Risk Rating	Recommendation
Systemic causes of staff concerns are not addressed due to a lack of awareness of concerns raised by staff.	Possible (3) x Minor (2) = Moderate Risk (6)	3. Employee Services should consider producing a brief quarterly report showing the number of concerns raised to HR, key themes and remedial actions that have been implemented to provide assurances that staff concerns are being appropriately managed. These reports should be presented to the appropriate groups within the existing Trust governance structure, and escalated to the People Committee where necessary.
The Trust Board is unaware of Trust FTSU performance in comparison with other Acute Trusts due to a lack of comprehensive reporting and benchmarking.	Unlikely (2) x Negligible (1) = Low Risk (2)	4. To enhance current reporting arrangements the Trust should consider including the following detail within existing reports to the Trust Board: <ul style="list-style-type: none"> • Present in more detail feedback gained from staff who have raised concerns. • Include benchmarking of the number of concerns raised, types of concerns and staff raising concerns with national and local averages. • Clearly reiterate the Trust Board’s role and commitment to FTSU.



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All audit and assurance assignments are conducted in conformance with the International Standards for the Professional Practice of Internal Auditing.

Confidentiality

This report is issued under strict confidentiality and, whilst it is accepted that issues raised may need to be discussed with officers not shown on the distribution list, the report itself must not be copied/circulated/disclosed to anyone outside of the organisation without prior approval from the Director of Audit and Assurance Services.

Inherent Limitations of the Audit

There are inherent limitations as to what can be achieved by systems of internal control and consequently limitations to the conclusions that can be drawn from this review. These limitations include the possibility of faulty judgment in decision-making, of breakdowns because of human error, of control activities being circumvented by the collusion of two or more people and of management overriding controls. Also there is no certainty that controls will continue to operate effectively in future periods or that the controls will mitigate all significant risks which may arise in future. Accordingly, unless specifically stated, we express no opinion about the adequacy of the systems of internal control to mitigate unidentified future risk.

Rating of Audit Recommendations

The recommendations in this report are rated according to the organisation's risk-scoring matrix and have been arrived at by assessing the risk in relation to the organisation as a whole.



Overall Assurance Opinion Definition

The overall assurance opinion on the front page of this report is based on the following definitions:

Significant	Controls are well designed and are applied consistently. Any weaknesses are minor and are considered unlikely to impair the effectiveness of controls to eliminate or mitigate any risk to the achievement of key objectives. Examples of innovation and best practice may be in evidence.
Satisfactory	Controls are generally sound and operating effectively. However, there are weaknesses in design or inconsistency of application which may impact on the effectiveness of some controls to eliminate or mitigate risks to the achievement of some objectives.
Limited	There are material weaknesses in the design or inconsistent application of some controls that impair their effectiveness to eliminate or mitigate risks to the achievement of key objectives.
No	There are serious, fundamental weaknesses due to an absence of controls, flaws in their design or the inconsistency of their application. Urgent corrective action is required if controls are to effectively address the risks to the achievement of key objectives.

Rating of Individual Findings

The following ratings have been used to summarise our evaluation of each area reviewed and helps form our overall assurance opinion:

	Processes are appropriately designed and appear to be operating well. Any areas for improvement that were identified are not significant and are unlikely to reoccur.
	Controls and arrangements are generally appropriately designed working well but we have identified areas where these arrangements should be further strengthened. We do not have significant concerns regarding this area and any issues that were identified are unlikely to reoccur if properly managed.
	Urgent action is needed to address weaknesses in the processes which are in place to manage the task or function. We have significant concerns regarding this area and consider that issues may arise or reoccur.



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