

Board of Directors

28 May 2020

Paper title:	Freedom to Speak Up Annual Update 2019-20	Agenda item 14
Presented by:	Jenny Wilkes, Freedom to Speak Up Guardian and Deputy Director of Risk, Compliance and Nursing	
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Purpose of the report		
To provide assurance that Freedom to Speak Up processes are in place and being utilised in the Trust.	For approval	
	For discussion	X
	For information	X

Executive summary		
<p>This paper provides the Board with an update regarding the Trust's activity for 2019/20. Within the paper, the results of the National Guardian's Office publications, NHS E/I publications are presented alongside Trust information to provide national and regional comparisons.</p> <p>The paper is presented in a structured format to ensure compliance with the "Guidance for Boards on Freedom to Speak Up in NHS trust's and NHS foundation trust's", published by the National Freedom to Speak Up Guardian's office and NHSE/I in July 2019.</p> <p>The paper identifies planned actions and priorities for the Freedom to Speak Up Guardian for the next six months.</p>		
Do the recommendations in this paper have any impact upon the requirements of the protected groups identified by the Equality Act?	State below 'Yes' or 'No'	If yes please set out what action has been taken to address this in your paper
	No	

Recommendation
<p>The Board of Directors is asked to:</p> <ul style="list-style-type: none"> • Note and comment on the themes, trends and issues arising from this report • Endorse the priorities and actions identified in section 7 • Agree to undertake a self-assessment at a Board development session to review and plan for any required changes following that assessment.

Strategic vision				
Please mark those that apply with an X				
Providing excellent quality services and seamless access	Creating the best place to work	Supporting people to live to their fullest potential	Financial sustainability growth and innovation	Governance and well-led
X	X			X

Care Quality Commission domains				
Please mark those that apply with an X				
Safe	Effective	Responsive	Caring	Well Led
X				X

Relationship to the Board Assurance Framework (BAF)	The work contained with this report links to the following strategic risk(s) as identified in the BAF: <ul style="list-style-type: none"> • None
Links to the Corporate Risk Register (CRR)	The work contained with this report links to the following corporate risk(s) as identified in the CRR: <ul style="list-style-type: none"> • None
Compliance and regulatory implications	The following compliance and regulatory implications have been identified as a result of the work outlined in this report: <ul style="list-style-type: none"> • None

Meeting of the Board of Directors

28 May 2020

Freedom to Speak Up Annual Update 2019-20

1. Introduction

This bi-annual report is provided to the Board of Directors meeting, to provide assurance that Freedom to Speak Up processes are in place at Bradford District Care NHS Foundation Trust and are being used.

The format is structured to comply with the “Guidance for Boards on Freedom to Speak Up in NHS trust’s and NHS foundation trust’s”, published by the National Freedom to Speak Up Guardian’s office and NHSE/I in July 2019. The report therefore follows ‘best practice’ guidance and is structured to provide the following information:

- Assessment of Cases
- Patient Safety or Worker Experience issues
- Action taken to improve Freedom to Speak Up culture
- Learning and Improvement
- Recommendations

2. Assessment of Cases

Summary of cases received during 2019-20

The concerns for this period have been received via different routes including staff members raising concerns with managers, with champions, anonymously via the online reporting form and directly with the Freedom to Speak Up Guardian.

During 2019/20 a total of 58 concerns have been raised via the Guardian, Managers, Chief Executive and Champions. All concerns raised at BDCFT since the commencement of Freedom to Speak Up are provided in the tables in appendix 1. 2019-20 data is highlighted for ease of comparison. Concerns raised have risen year by year and the increase in quarter 4 data for 2019-20 could be attributed to the Freedom to Speak Up Guardian site visits that have been implemented from February 2020.

Summary of themes 2019-20

Within national reporting, the National Guardian's Office have demonstrated that more issues are raised through FTSU concerning staff experience than patient safety; this is consistent with BDCFT experience. Bullying Culture is the highest area of concern at 41% with a stark increase of 24% on last year.

Summary by area 2019-20

Mental health accounts for 55% of all cases raised in 2019-20, a slight increase of 7% from 2018-19. Learning Disabilities has also increased by 6% from 2018-19 – see appendix 2.

Due to the way that national reporting takes place, we currently have a gap in data showing the split of people raising concerns by protected characteristics. However, we intend to commence capturing this information from April 2020.

The NHS E/I supplementary guidance published in July 2019 specified that themes and trends regarding Freedom to Speak Up must be published within Board updates. For this to have meaning, themes regarding concerns, will in future be presented by CQC Core Service and Professional Group to provide more robust detail and comparative data. This will enable a view of concerns that have been raised via each specialism and we should be able to compare areas where there are high levels of reporting and those where services have had no concerns raised. Guidance suggests that Trust's need to question areas where no concerns have been raised and explore whether they are fully aware of the 'speak up routes'. This data will also guide the Freedom to Speak Up Guardian about the next six months site visits.

Concerns over the last twelve months have been dealt with by the relevant processes within the trust, for example, HR and operational management have been consulted with to decide on next steps. In some cases, HR Investigations have been undertaken where appropriate. In response to some concerns, action specific to individuals has occurred e.g. training for managers, additional support for staff raising concerns, changes to procedures.

3. Patient Safety and/or workers experience issues

Freedom to Speak Up processes are in place to proactively support patient safety and improve worker experience. Within national reporting, the National Guardian's Office have demonstrated that more issues are raised through Freedom to Speak Up concerning staff experience rather than patient safety. As highlighted in the data in appendix 3; this is consistent with the BDCFT experience.

Around half of the anonymous concerns raised, relate to bullying and harassment. Services where bullying and harassment is a leading cause of concerns. In future we will be able to link these to CQC core services and

provide more detail about those services where bullying and harassment is a leading cause of concern.

There have been 3 cases of detriment reported on in the past year. Two of these cases are from the Child and Adolescent Mental Health Services, where there are also cases of bullying and harassment. This is currently being reviewed and explored with the Executive Director for Freedom to Speak Up and will be subject to a case review with the Non-Executive Director for Freedom to Speak Up.

4. Action taken to improve Freedom to Speak Up culture

- Freedom to Speak Up has been added to the induction programme with an hour-long workshop scheduled to take place at all inductions from April 2020.
- The Freedom to Speak Up Guardian has launched a campaign of site visits around the trust, working one day per week at a different site to raise awareness and the profile of Freedom to Speak Up. This was launched in February 2020 and has already had an impact with figures rising in Q4 compared to the previous quarter and Q4 in the previous year.
- The Freedom to Speak Up Deputy Guardian is delivering three sessions per year aimed at recruiting new Freedom to Speak Up Champions, as well as refresher sessions aimed at existing champions to ensure they are clear of their role and feel supported.
- Freedom to Speak Up Champions have been asked to deliver a session at local meetings to raise the awareness of Freedom to Speak Up and provide evidence of this. This work is still ongoing, but several champions have provided evidence so far.

5. Learning and Improvement

Feedback is obtained from all who speak up, except those who speak up anonymously. The feedback can be completed anonymously through SurveyMonkey. It should be noted that 10% fewer of Bradford District Care NHS Foundation Trust staff who raise concerns indicate that they would do so again compared to the national average. However, the surveys free text sections have enabled respondents who would not raise concerns again to explain why as indicated at appendix 4. The feedback that has been provided by staff who have spoken up has been predominantly positive summarised with national comparators to the question “Given your experience, would you speak up again?”.

The following qualitative data was also collected in relation to the question: Do you have any comments that would help improve the raising concerns (whistleblowing) process?

- *“At the moment it is fine as all concerns were being treated with urgency. Impressive!”*
- *“think this procedure needs to be taken seriously, it's up to managers to ensure that this is the case”*
- *“It has given me the confidence to speak up and that I now have genuine support if needed”*
- *“This remains a struggle overwhelmingly against the odds for the person complaining - especially due to the difficulty in securing witnesses who are not scared of speaking against managers”*

The comments are mixed, although all are supportive of the Freedom to Speak Up process there is some criticism, for example it is felt that not all managers or senior leaders are embracing it and behaviours that support Freedom to Speak Up.

At the point of this paper being presented, 20 cases are actively open at the Trust, and all other cases have been closed, 136 in total.

Improvements made in relation to 2019-20 cases:

- Changes to procedure in relation to First Response responding to Lynfield Mount reception to better support reception staff
- FTSU and HR staff have improved communication with each other throughout grievances that have occurred following FTSU concerns
- Changes to the uniform issued to newly qualified nurses prior to getting their NMC PIN
- Issues being resolved locally by champions so not escalating to formal procedures
- New cups have been introduced onto the wards following a patient safety concern
- More support given to support workers in relation to inputting SystemOne entries

All the concerns raised have been discussed in detail either via the specific care group or individual teams.

We have identified that at this time there are no improvements linked to bullying and harassment concerns raised. As a result, the Freedom to Speak Up Guardian is developing stronger links with the Trust's equality lead in order to better take this area forward.

Currently there is no systematic approach to sharing learning across the organisation linked to the concerns that have been raised and the actions that have been taken. This is in part due to the capacity of the Freedom to Speak Up Guardian. The Freedom to Speak Up Guardian has already identified that they will be reviewing the demands of the role against the current capacity and making some recommendations to the Senior Leadership Team

6 National Guardian's Office developments

There have been two Freedom to Speak Up case reviews published by the National Guardian's office in 2019/20. Case reviews identify areas where the handling of NHS workers' concerns does not meet the standards of accepted good practice in supporting speaking up and make recommendations to NHS organisations to take appropriate action where they have failed to follow good practice. Case reviews will also commend areas of good practice. As a Trust we have not reviewed these case recommendations to learn from the findings. It is therefore suggested that we review all the case recommendations to see if lessons can be shared and implemented across the Trust.

- In August 2019, the National Guardian's Office published national guidelines on the content of Speaking Up training for all organisations in the health sector in England. They are set out in three parts covering:
 - Core training for all workers
 - Line and middle manager training
 - Senior Leaders training

This guidance therefore has implications in terms of the training requirements for the Trust. However, the National Guardian's Office have explained that they feel that Health Education England may have a package of support available by the start of April 2020. (This has been impacted by COVID-19). It is therefore suggested that we wait for the proposed package prior to reviewing and adding to the training available within the Trust. The current training available on ESR is being reviewed by the Deputy Freedom to Speak Up Guardian and recommendations for changes will be made and implemented.

NHSI and NHSE have provided an update in terms of their Freedom to Speak Up Guidance for Boards. It is proposed that a Board development session is planned for the coming year to complete a self-assessment using the tool published in July 2019. The changes added are linked to the National Interim Peoples plan. This session will be led by the Director and Non-Executive Director responsible for Freedom to Speak Up as recommended in the guidance.

7 Planned actions and priorities

- The Freedom to Speak Up Guardian to review the structure and allocated time to carry out the role and responsibilities in line with the increase in expectations of Guardian's related to the recent NHS I/E and NGO publications and CQC resolve to put more focus on the Freedom to Speak Up work within the well led reviews announced earlier this year. A paper to be submitted to the Workforce and Equalities committee in June 2020.

- Focus on '*developing an improved culture that reflects the Trust's values*' within the organisation to support a positive Freedom to Speak Up culture. This is
-
- currently being explored with a programme of work being co-produced between the Freedom to Speak Up Guardian and HR and will be ready by October 2020 for implementation.
- The Freedom to Speak Up team to develop new ways of sharing learning from 'speaking up' across the Trust.
- The Freedom to Speak Up team and the Equalities and Diversity Lead to review all published case reviews and identify/explore whether there is learning that could benefit the Trust.

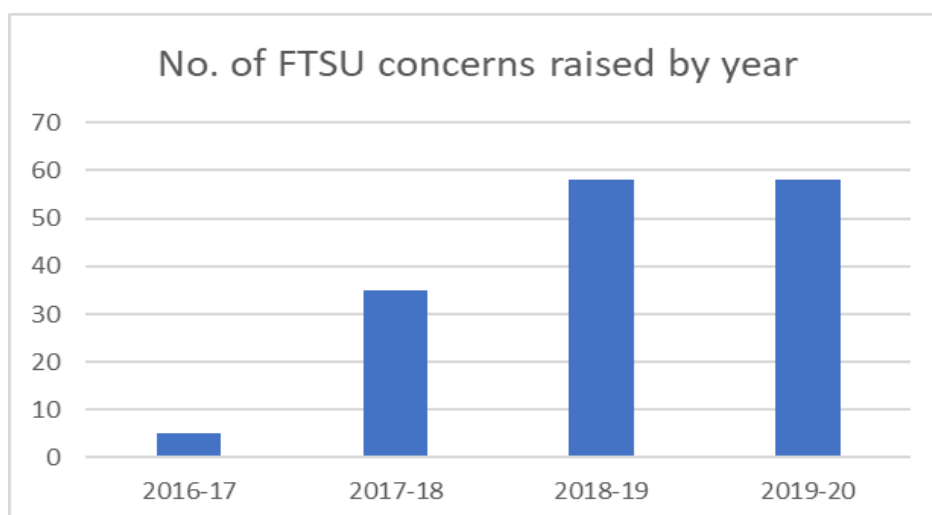
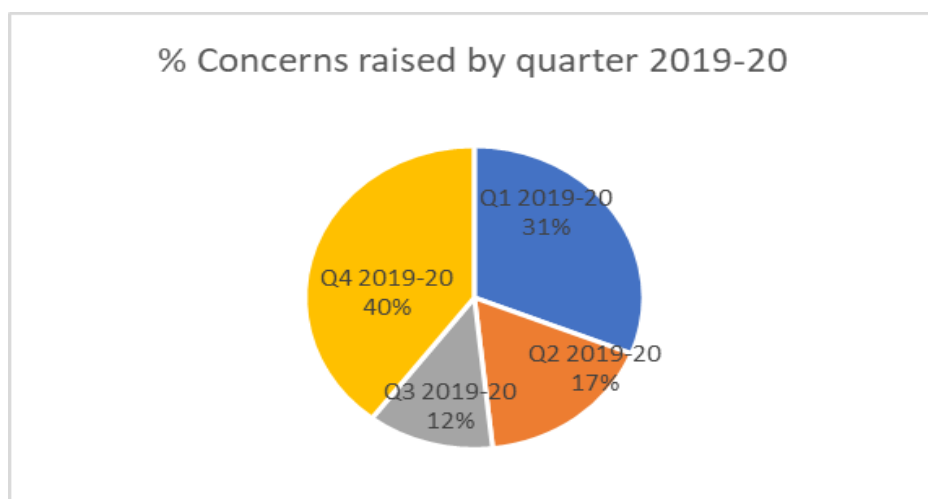
Jenny Wilkes – Freedom to Speak Up Guardian

Emma Greenwood – Deputy Freedom to Speak Up Guardian

18 May 2020

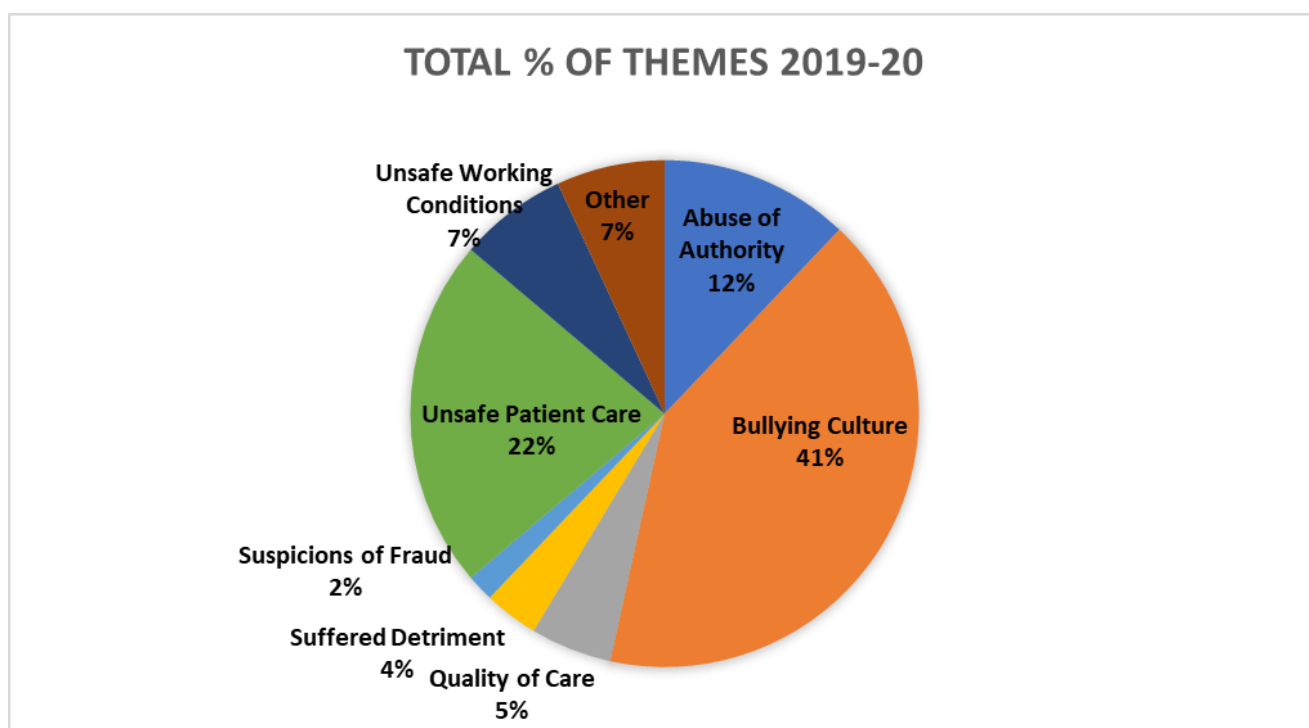
Appendix 1 – Figures

Date Period	Quarter	No. of concerns raised
Oct – Dec 2016	Q3	1
Jan – Mar 2017	Q4	4
Apr – Jun 2017	Q1	9
Jul – Sep 2017	Q2	5
Oct – Dec 2017	Q3	13
Jan – Mar 2018	Q4	8
Apr – Jun 2018	Q1	22
Jul – Sep 2018	Q2	20
Oct – Dec 2018	Q3	12
Jan – Mar 2019	Q4	4
Apr – Jun 2019	Q1	18
Jul – Sep 2019	Q2	10
Oct – Dec 2019	Q3	7
Jan – Mar 2020	Q4	23



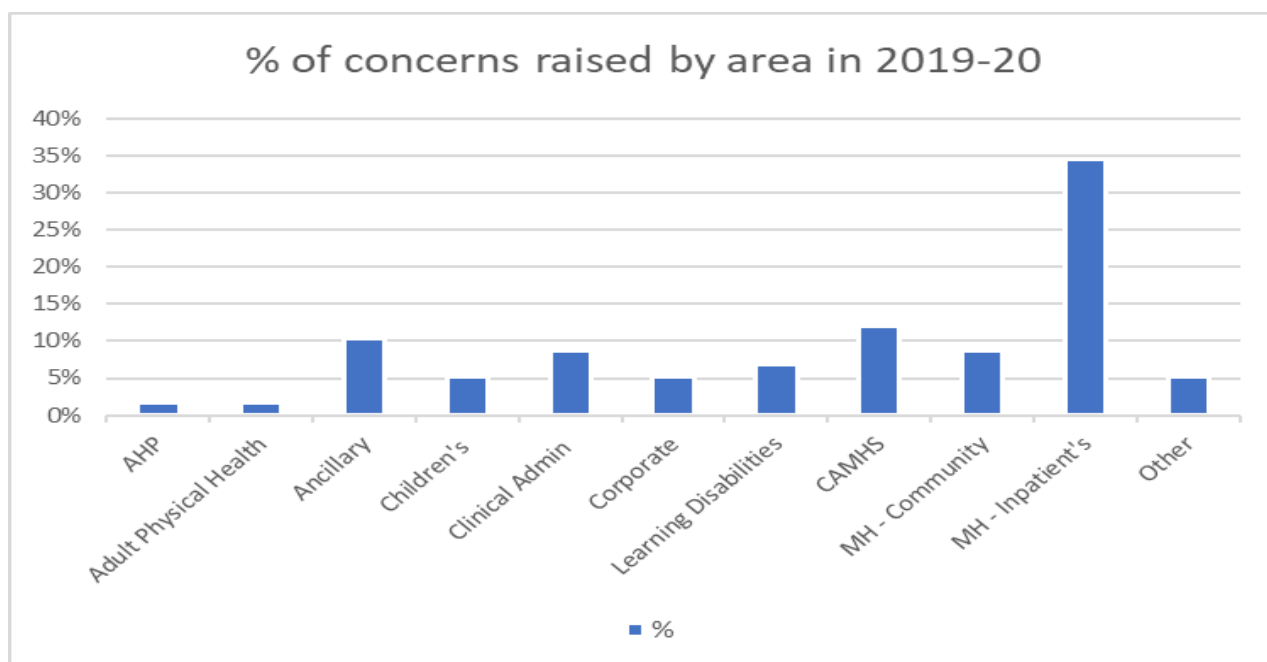
Appendix 2 - Themes

Theme	National 2018-19	BDCFT 2018-19	BDCFT 2019-20
Abuse of Authority		14%	12%↓
Bullying Culture	41%	22%	41%↑
Quality of Care		24%	5%↓
Suffered Detriment		0%	3%↑
Suspicious of Fraud		5%	2%↓
Unsafe Patient Care	29%	19%	22%↑
Unsafe Working Conditions		2%	7%↑
Other		14%	7%↓



Appendix 3 – Concerns Raised by Area

Area	% of concerns raised
AHP	2%
Adult Physical Health	2%
Ancillary	10%
CAMHS	5%
Children's	9%
Clinical Admin	5%
Corporate	7%
Learning Disabilities	12%
MH - Community	9%
MH - Inpatient's	34%
Other	5%



Appendix 4 - Patient Safety and Experience of Workers

Theme	National 2018-19	BDCFT 2018-19	BDCFT 2019-20
Bullying Culture	41%	22%	41%↑
Unsafe Patient Care	29%	19%	22%↑
Suffered Detriment	5%	0%	5%↑*
Raised Anonymously	12%	14%	19%↑

Figure higher than previous table as includes detriment suffered recorded where this was not the primary theme

National Comparisons- question: "Given your experience, would you speak up again?"		
Answer	2018/19 - % reported Nationally	2019/20 BDCFT Comparisons
% stated 'Yes'	88%	78%
% stated 'No'	2%	0%
% stated 'maybe'	5%	22%
% stated 'don't know'	4%	0%

Survey Monkey results 2019-20