



<b>MEETING TITLE</b> Trust Board in Public		<b>MEETING DATE</b> 29/11/2018	
<b>TITLE of PAPER</b>		Freedom to Speak Up – 6 monthly update on activity and developments	<b>PAPER REF</b> 4.3
<b>STRATEGIC OBJECTIVE(S)</b>		Develop and retain a highly skilled, engaged and motivated workforce Provide a safe and caring service which demonstrates an efficient use of resources	
<b>PURPOSE OF THE PAPER</b>		To provide an update on FTSU activity over the last 12 months to the Trust Board.	
<b>For Approval</b>		<input type="checkbox"/>	<b>For Assurance</b> <input checked="" type="checkbox"/>
<b>For Decision</b>		<input type="checkbox"/>	<b>Discussion/Information</b> <input checked="" type="checkbox"/>
<b>AUTHOR / LEAD</b>	Jock Crawford, Freedom to Speak Up Guardian	<b>ACCOUNTABLE DIRECTOR</b>	Steve Page, Executive Director of Quality, Governance & Performance Assurance/Deputy Chief Executive
<b>DISCUSSED AT / INFORMED BY –</b> Reviews throughout the year at Trust Management Group Monthly meetings with the FTSU Guardian, the Head of Investigations & Learning and members of the Executive Team including the CEO.			
<b>PREVIOUSLY AGREED AT:</b>		<b>Committee/Group:</b> Not Applicable	<b>Date:</b>
<b>RECOMMENDATION(S)</b>		Members of the Trust Board are only required to note the contents of this report, receive assurance on the actions taken and support proposals for further development and embedding of FTSU across the organisation.	
<b>RISK ASSESSMENT</b>			<b>Yes</b>
<b>Corporate Risk Register and/or Board Assurance Framework amended</b> <i>If 'Yes' – expand in Section 4. / attached paper</i>			<input type="checkbox"/>
<b>Resource Implications (Financial, Workforce, other - specify)</b> <i>If 'Yes' – expand in Section 2. / attached paper</i>			<input checked="" type="checkbox"/>
<b>Legal implications/Regulatory requirements</b> <i>If 'Yes' – expand in Section 2. / attached paper</i>			<input checked="" type="checkbox"/>
<b>Equality Impact Assessment</b> <i>If 'Yes' – expand in Section 2. / attached paper</i>			<input type="checkbox"/>
<b>ASSURANCE/COMPLIANCE</b>			
<b>Care Quality Commission</b> <b>Choose a DOMAIN(s)</b>		5: Well led 1: Safe	
<b>NHSI Single Oversight Framework</b> <b>Choose a THEME(s)</b>		6. Leadership & Improvement Capability (Well-Led)	

## **1. PURPOSE/AIM**

- 1.1 To purpose of this paper is to provide the Trust Board with an update on Freedom to Speak Up (FTSU) activity and developments over the last 6 months, April to September 2018.

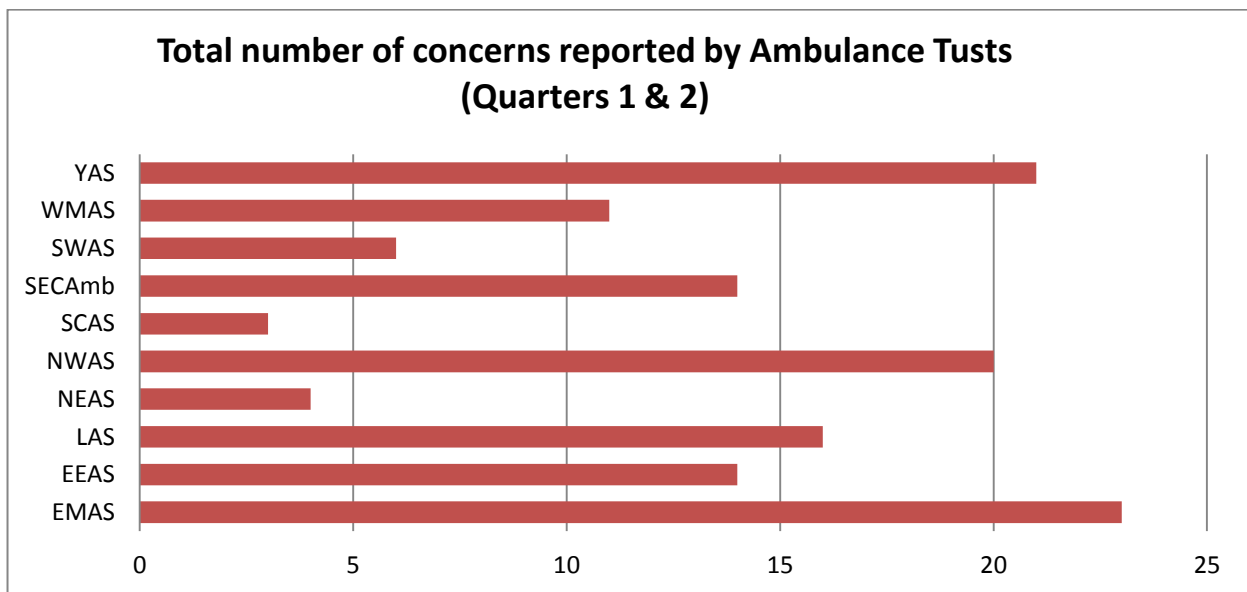
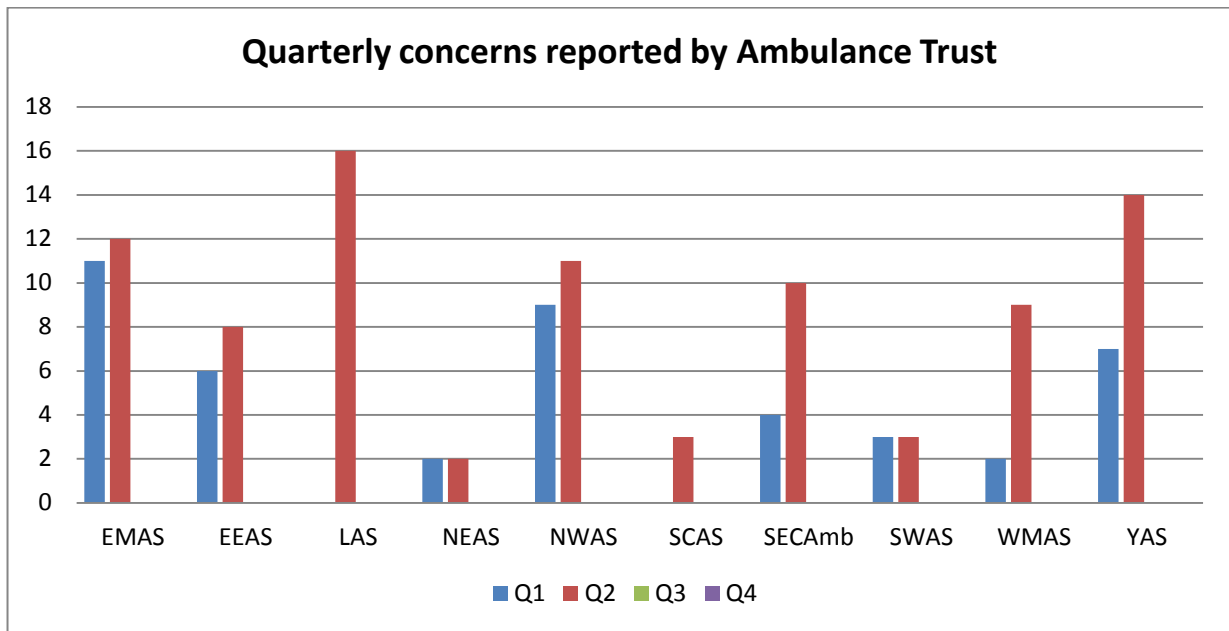
## **2. BACKGROUND/CONTEXT**

- 2.1 “Freedom to Speak Up: An independent review into creating an open and honest reporting culture in the NHS” (Francis) was published in February 2015. The aim of the review was to provide advice and recommendations to ensure that NHS staff feel it is safe to raise concerns, confident that they will be listened to and the concerns will be acted upon.
- 2.2 Yorkshire Ambulance Service (YAS) NHS Trust was quick to implement the recommendations set out in the Freedom to Speak Up Review appointing its FTSU Guardian in June 2016. The FTSU Guardian position is a seconded role, initially for two years but extended for a further year in June 2018. Ten FTSU Advocates have been appointed to support the Guardian in this role.
- 2.3 Every NHS trust in England reports quarterly to the National Guardian’s office providing brief details of those concerns raised through the FTSU process. This report covers those concerns raised over the first two quarters of this reporting period specifically 1<sup>st</sup> April – 30<sup>th</sup> September 2018.

## **3. CONCERNS RAISED**

- 3.1 All NHS Trusts in England are required by the National Guardian’s Office (NGO) to submit brief details of all concerns raised through the FTSU process. The document “Guidance for Freedom to Speak Up Guardians, Recording Cases and Reporting Data” was updated by the NGO in July 2018. The definitions for the reporting categories have been provided wherever possible to provide board members with a better understanding of the data submitted by the Trust.
- 3.2 While the data below provides members an opportunity to compare YAS FTSU activity with other ambulance Trusts in England, it should be noted that some of these Trusts have yet to fully implement their FTSU strategy. As a result some ambulance Trusts have submitted limited data.
- 3.3 There is always a difference of opinion around what an open, engaging and transparent Trust would look like in respect to FTSU concerns. Some argue that a high number of reported concerns suggest an open and engaging workforce who are not afraid to report issues or concerns while a contrasting viewpoint argues that a low number of reported concerns indicates a ‘safe’ organisation. Irrespective of these two contrasting viewpoints there is a general consensus that all Trusts will generate some FTSU concerns even in small numbers and those trusts who are reporting zero or “no data” may need to revisit their FTSU strategy. A better opportunity to compare like for like data will present itself towards the end of the second year of FTSU data collection. (March 2019).

3.4 The two charts below indicate the number of FTSU concerns reported by quarter and in total from April – September 2018 (Quarters 1 and 2).

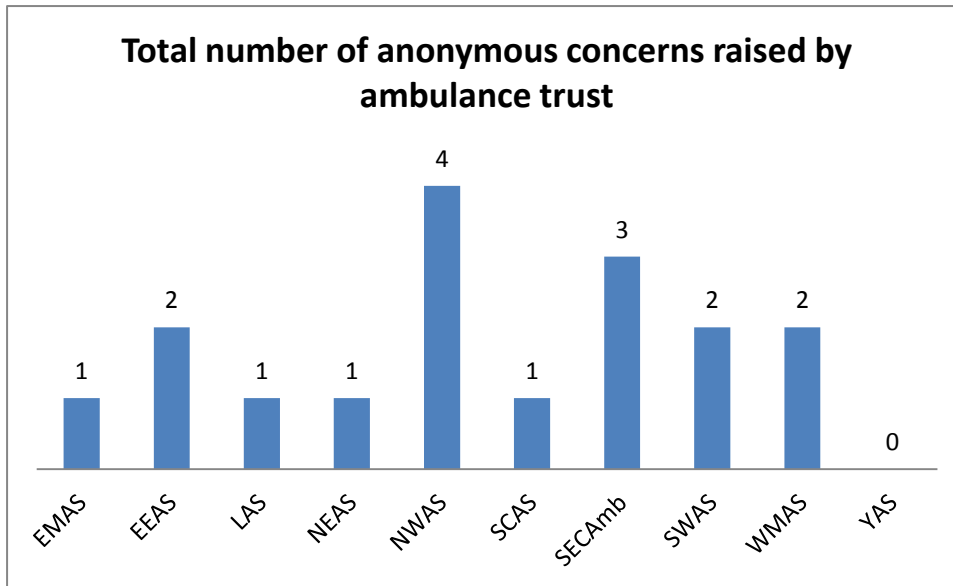


3.5 The NGO requests numerical data on concerns that meet the following criteria:

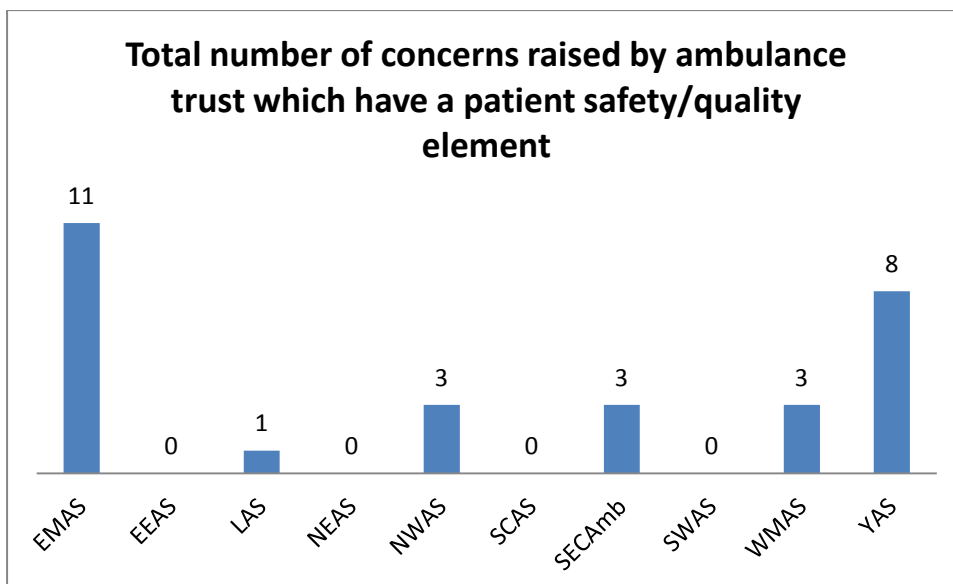
- The total number of concerns reported anonymously
- The total number of concerns which are believed to have an element of patient safety/quality
- The total number of concerns which are believed to have an element of bullying & harassment
- The total number of concerns where the reporter believes they are suffering detriment as a result of speaking up

3.6 The following charts indicate the responses for these categories from the ten ambulance trusts over the first two quarters of this reporting period.

*“Anonymous cases are those where the individual speaking up is unwilling to reveal their identity to you or to others i.e. you do not know who they are. The number of anonymous cases received may be an indicator of the level of trust workers have in the speaking up culture in the organisation.” [NGO 2018]*

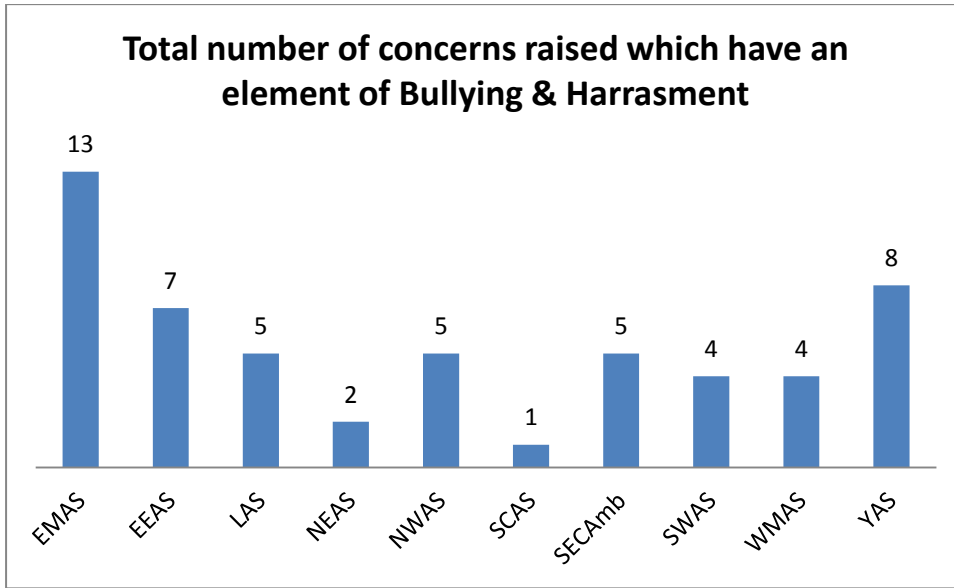


*“Any case that includes elements that may indicate a risk of adverse impact on patient safety or the quality of care. Where it is not clear whether there is an impact on safety/quality without further investigation, but the individual raising the case believes that there is, then the case should still be recorded in this category.” [NGO 2018]*



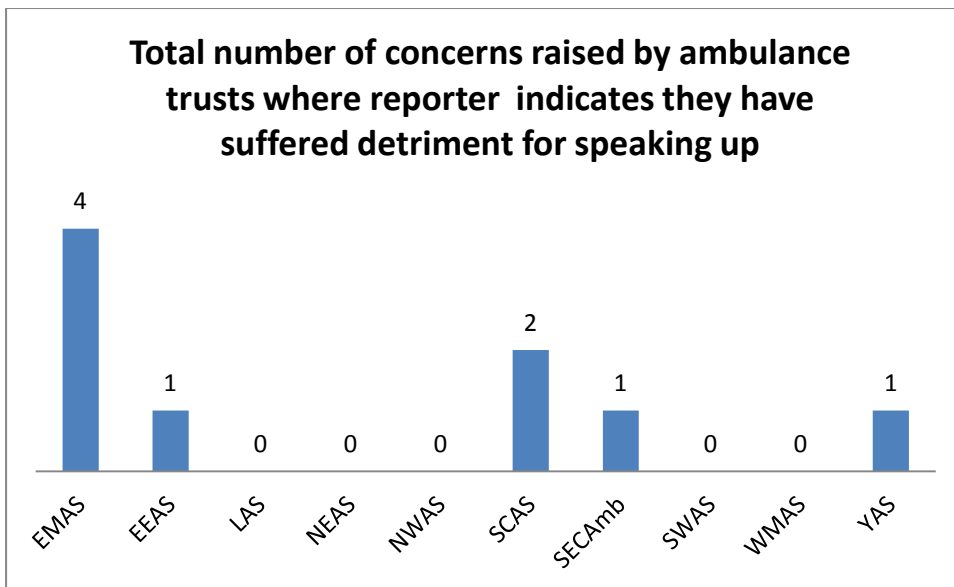
*“Any case that includes an element of bullying or harassment. Where the individual raising the case believes that there is an element of bullying or harassment then the case should be recorded in this category.”*

*The NGO advises that the terms should be interpreted broadly and that the focus should be on the perceptions of the individual bringing the case.” [NGO 2018]*



*“Detriment can be described as any treatment which is disadvantageous and/or demeaning and may include being ostracised, given unfavourable shifts, being overlooked for promotion, moved from a team, etc.*

*You should record the number of cases brought to you where an individual feels they have suffered detriment as a result of speaking up. In addition, should details of a case reveal elements of detriment as described, these should also be recorded even if the individual bringing the case does not identify detriment.” [NGO 2018]*



3.7 The YAS FTSU Guardian acknowledges the increase in FTSU concerns reported in Q2. It is possible that this increase can be attributed to the increased number of Guardian engagement events conducted during May and June.

- 3.8 The progress of all concerns raised through the FTSU is discussed at a fortnightly concern review meeting attended by the Chief Executive, the Executive Director for Quality, Governance & Performance Assurance, the Director for Workforce and Organisational Development, the Head of Investigations and Learning and the FTSU Guardian. It is felt that this approach should ensure that any barriers or issues experienced by the FTSU Guardian in progressing these concerns can be addressed quickly and appropriately. Moreover, this approach ensures senior leaders have greater visibility and understanding of the concerns being raised through FTSU.
- 3.9 Ensuring that vulnerable groups feel supported to raise concerns is one of the key principles of Freedom to Speak Up. Raising FTSU awareness in Student Paramedics is being addressed by the Guardian presenting a tailored session at local Universities. Support for the LGBT community is also being addressed through FTSU attendance at planned local and national events in addition to having FTSU listed as a support option on the LGBT website (<https://www.ambulancelgbt.org/resources/supporting-our-staff/>). The FTSU guardian is also afforded opportunities to present to the BME forum and attended the first ambulance BME conference in October. The principles of FTSU have also been covered at two CFR Continual Professional Development (CPD) events.
- 3.10 Twenty one concerns in total have been raised during Quarters 1 and 2. The majority of concerns originate from staff working in A&E Operations (12 concerns) with the remainder spread across 111 (3), EOC (3), Corporate (1), Clinical Directorate (1) and the Community First Responder function (1).
- 3.11 On reviewing the subject matter of all concerns raised during Quarters 1 and 2 the only noticeable recurring theme is one of allegations of bullying or inappropriate management behaviour. In total, seven concerns contained elements of alleged bullying or inappropriate behaviour by managers and/or peers. It should be noted however, that these instances are alleged to have occurred across a number of different Clinical Business Units (CBUs) or business functions.

The subject of other concerns are briefly detailed below:

- Use of A&E resources to secure an ambulance station.
- Use of AEDs by BASICS resources.
- Health & wellbeing concern raised about a colleague
- Two recruitment concerns raised (111 and Operations).
- Deviation from YAS policy by manager/HR
- Concern regarding the advice given by EOC to a patient's representative.
- Paramedic mentoring concern.
- Problems with timely restocking of consumables.
- Concerns over the wording of a 'data flag' email sent to staff.
- Alleged lack of DCA cover during night shift at one particular station.
- Query over the appropriate attendance of staff at a Safeguarding meeting.
- Alleged lack of break cover during night shifts in EOC.
- Concern raised by a CFR regarding their scheme.

## **4. LEARNING FROM FTSU**

4.1 It is important that Trusts learn from those concerns which staff raise through the FTSU process. As FTSU continues to embed itself as business as usual at YAS the influence it is having in changes to working practices, policy and culture is starting to emerge. FTSU is represented at the following trust working groups:

- 111 Working Group
- Sanctions & Redress Working Group
- Health & Wellbeing Working Group
- Post Incident Care Working Group

4.2 In June 2017, the NGO launched a 12 month trial of its case review process. The trial reviewed the handling of concerns and the treatment of people who have spoken up, where there is evidence that good practice has not been followed.

4.3 Case reviews identify areas where the handling of NHS workers' concerns do 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.

4.4 The three case reviews published to date offer an excellent opportunity for Trusts to benchmark their own policies and practice against the recommendations detailed in these reports, it is also anticipated that the areas for improvement identified in these reports are likely to form the starting point for discussions during CQC inspections under key line of enquiry (KLOE) 3 as part of the well led question. As such it would be prudent for YAS to review these case studies and benchmark their current processes and performance against these recommendations.

4.5 In October the NGO published their annual Guardian survey. A link to the full survey can be found in appendices.

4.6 Wherever possible the FTSU Guardian attempts to gain feedback from those staff members who have engaged in the process. The latest FTSU Feedback report from staff that have raised concerns at YAS can be found at Appendix 1.

## **5. NATIONAL DEVELOPMENTS**

5.1 On the 31<sup>st</sup> July the National FTSU Guardian Dr Henrietta Hughes met Trust leaders to discuss the challenges faced and the progress of FTSU at YAS. The visit also afforded Dr Hughes the opportunity to meet members of the National Ambulance Network for FTSU Guardians who were meeting at HQ that day. The visit was well received by all involved and the Trust received positive feedback on the developments taking place at YAS.

- 5.2 During this period the National Guardian Office also issued the Freedom to Speak Up Self-Assessment Tool for Trusts. This is a tool designed for internal use to help Trusts to benchmark against some key descriptors and indicators that may help them plan for FTSU developments over the coming months. YAS has undertaken the self-assessment and this was presented to the Board in August. Key areas for development include embedding of FTSU at a local management level.
- 5.3 YAS has also developed its Freedom to Speak Up Strategy during Q1 and Q2. The NGO instructed for all Trusts to have a strategy that outlines the vision for FTSU over coming years. YAS FTSU Strategy will form part of the wider People Strategy and will link closely to other strategies including quality improvement and clinical. The strategy is currently being finalised alongside the overarching Trust Strategy and will go-live in December 2018.

## **5. PROPOSALS/NEXT STEPS**

- 5.1 The trust Guardian will continue to work across all areas of the trust to raise awareness of FTSU and support staff who wish to raise concerns. Engagement at both regional and national level will take the form of attending network meetings and appropriate conferences.
- 5.2 The FTSU Guardian secondment position finishes on 28 June 2019 after a one-year extension to the original two year secondment. It is estimated that a minimum of 4-6 weeks would be required to hand over to a new trust Guardian.

## **6. RISK ASSESSMENT**

- 6.1 No risks identified at the current stage in the process that requires addition onto the risk register.

## **7. RECOMMENDATIONS**

- 7.1 Members of the Trust Board are only required to note the contents of this report.

## **8. APPENDICES / BACKGROUND INFORMATION**

- 8.1 Appendix 1 – YAS Freedom to Speak Up feedback report.

National Guardians Office Case Reviews :

<https://www.cqc.org.uk/national-guardians-office/content/case-reviews>

Freedom to Speak Up Guardian Survey 2018:

[https://www.cqc.org.uk/sites/default/files/20181101\\_ngo\\_survey2018.pdf](https://www.cqc.org.uk/sites/default/files/20181101_ngo_survey2018.pdf)