



MEETING TITLE Trust Board Meeting		MEETING DATE 04/06/2020	
TITLE of PAPER		Freedom to Speak Up – 6 monthly update on activity and developments Q1& Q2 19-20	PAPER REF TB20.009
KEY PRIORITIES		Safe and Sustainable: Provide a safe, effective, caring and sustainable service for all patients Best People: Attract, develop and retain a highly skilled, engaged and diverse workforce	
PURPOSE OF THE PAPER		To provide an update on local and national FTSU activity across Q3 & Q4 18-19 to the Trust Board	
For Approval		<input type="checkbox"/>	For Assurance
For Decision		<input type="checkbox"/>	Discussion/Information
AUTHOR / LEAD	Luzani Moyo, Freedom to Speak Up Guardian	ACCOUNTABLE DIRECTOR	Steve Page, Executive Director of Quality, Governance & Performance Assurance/Deputy Chief Executive
DISCUSSED AT / INFORMED BY – 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.			
PREVIOUSLY AGREED AT:		Committee/Group: Not Applicable	Date:
RECOMMENDATION(S)		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.	
RISK ASSESSMENT			Yes
Corporate Risk Register and/or Board Assurance Framework amended <i>If 'Yes' – expand in Section 4. / attached paper</i>			<input type="checkbox"/>
Resource Implications (Financial, Workforce, other - specify) <i>If 'Yes' – expand in Section 2. / attached paper</i>			<input type="checkbox"/>
Legal implications/Regulatory requirements <i>If 'Yes' – expand in Section 2. / attached paper</i>			<input checked="" type="checkbox"/>
Diversity and Inclusion Implications <i>If 'Yes' – please attach to the back of this paper</i>			<input checked="" type="checkbox"/>
ASSURANCE/COMPLIANCE			
Care Quality Commission Choose a DOMAIN(s)		5: Well led 1: Safe	
NHSI Single Oversight Framework Choose a THEME(s)		6. Leadership & Improvement Capability (Well-Led) 2. Quality of Care (safe, effective, caring, responsive)	

1. PURPOSE/AIM

- 1.1 The purpose of this paper is to provide the Trust Board with an update on Freedom to Speak Up (FTSU) activity and developments across Q1 and Q2 19-20 (1st April 2019 to 30st September 2019).

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 and has since continued to develop FTSU across the organisation, responding to national guidance when required and playing an active role in regional and national developments.
- 2.3 The FTSU Guardian is supported by ten FTSU Advocates spread geographically across the Trust and across the service lines.

3. NATIONAL FTSU CONCERNS

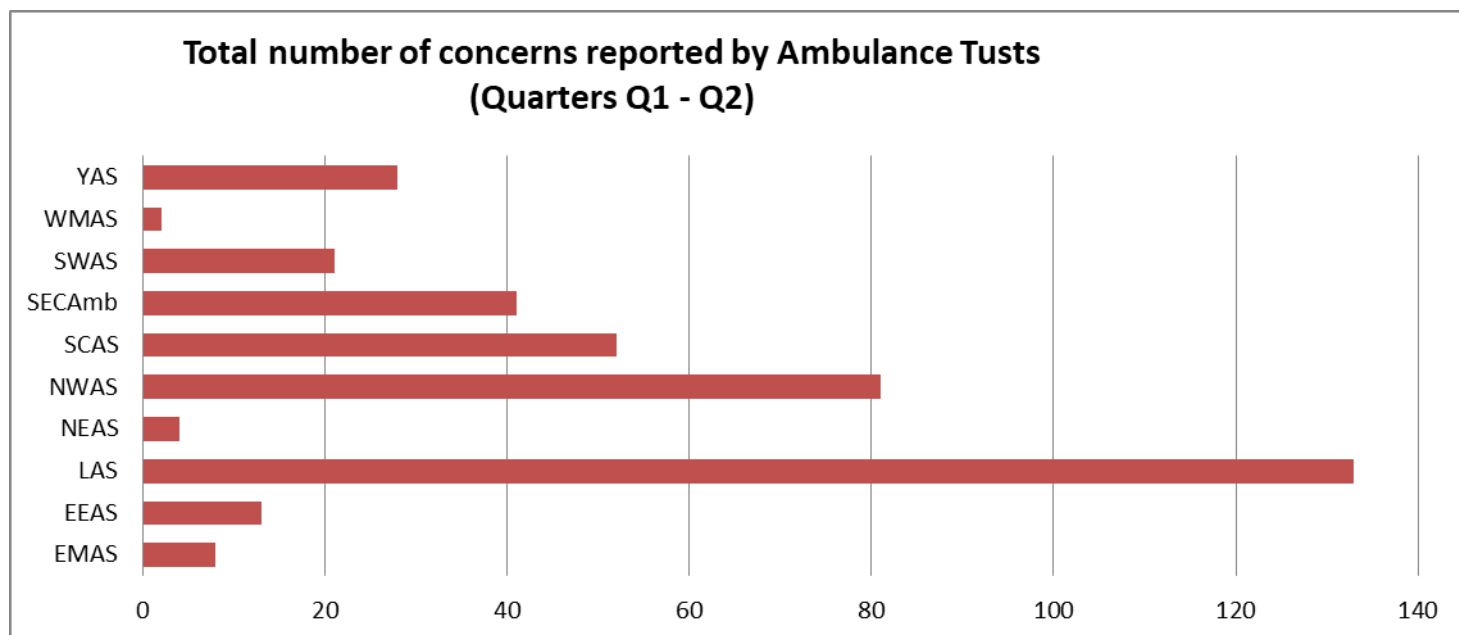
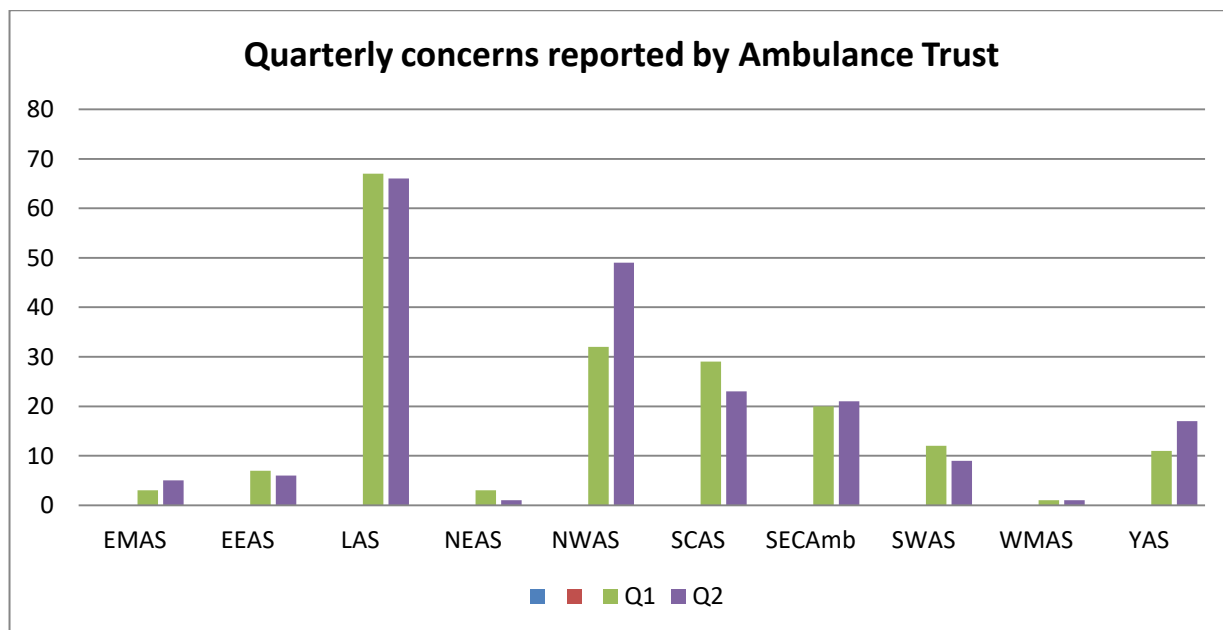
- 3.1 All NHS Trusts in England are required by the National Guardian’s Office (NGO) to submit brief details of all concerns raised through the FTSU process. The data available for the first two quarters of the 19-20 reporting period, specifically 1st April 2019 – 30th September 2019 has been extracted and reviewed. This report provides an overview of those concerns raised both locally and nationally providing Board members an opportunity to compare YAS FTSU activity with other ambulance Trusts in England.
- 3.2 There continues to be a difference of opinion around what an open, engaging and transparent trust looks like in respect to the reporting of 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.

YAS actively promotes the reporting of FTSU concerns and it is expected that reporting figures will continue to increase.

3.3 It is to be noted that the number of FTSU cases reported is not the only measure of the speaking up/safety culture in an organisation. YAS have alternate routes to raise concerns which may be dealt with locally such as reporting on Datix or via Clinical Supervision or Line Management. The FTSU Route Map encourages concerns to be raised via an individual's Line Management in the first instance, reporting to the FTSU Guardian or Advocate should a reasonable resolution not be achieved.

3.4 The two charts below indicate the number of FTSU concerns reported nationally for Q1 and Q2 (1st April 2019 to 30th September 2019).

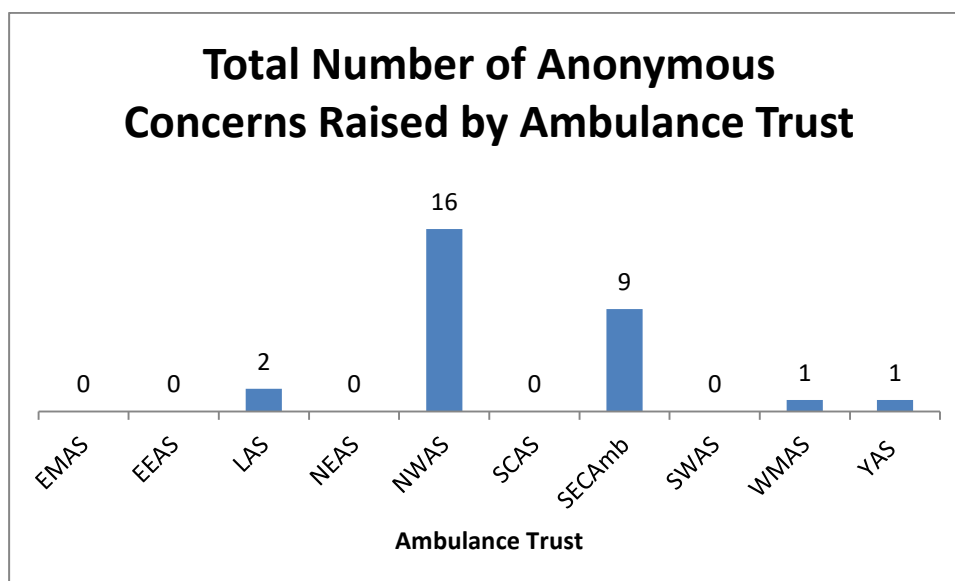


3.5 The NGO requests numerical data to be reported on FTSU concerns that meet the following criteria:

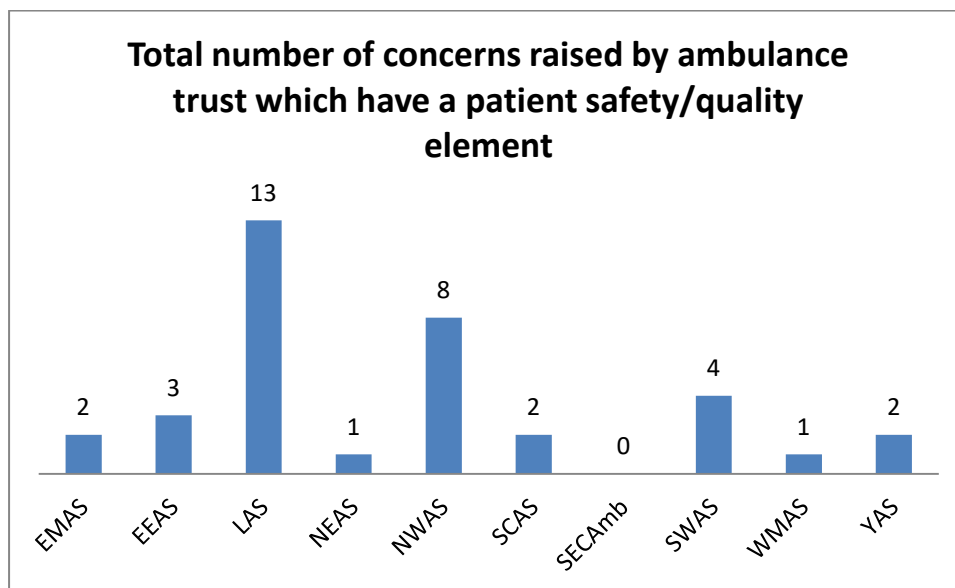
- The total number of concerns reported anonymously
- The total number of concerns which are believed to have an element of patient safety/quality
- The total number of concerns which are believed to have an element of bullying & harassment
- The total number of concerns where the reporter believes they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

The following four graphs indicate the responses for these categories from the ten ambulance trusts over the last two quarters (Q1 & Q2) of this reporting period.

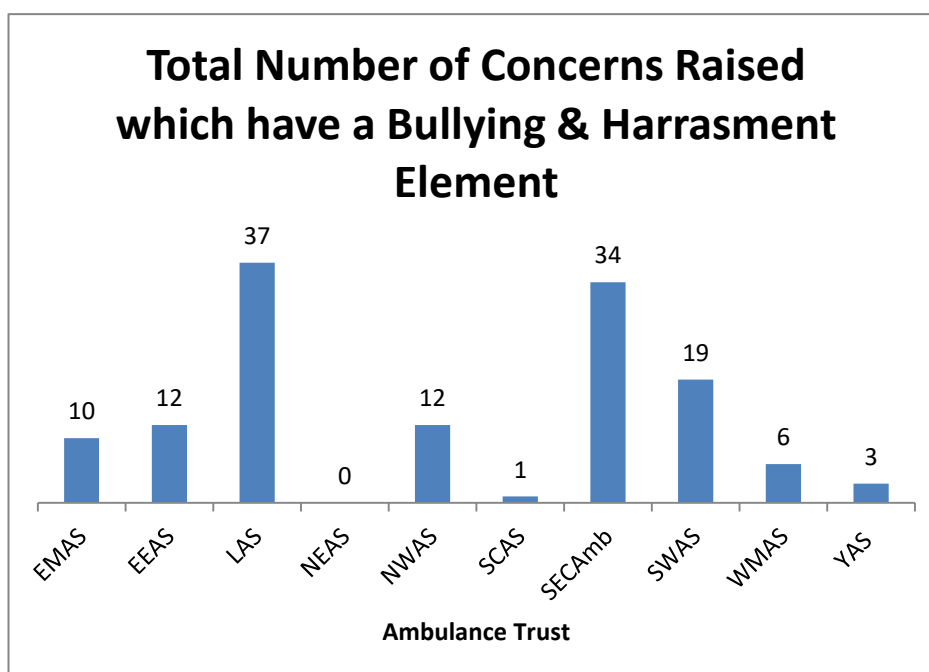
“Anonymous cases are those where the individual speaking up is unwilling to reveal their identity to you or to others i.e. you do not know who they are. The number of anonymous cases received may be an indicator of the level of trust workers have in the speaking up culture in the organisation.” [NGO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



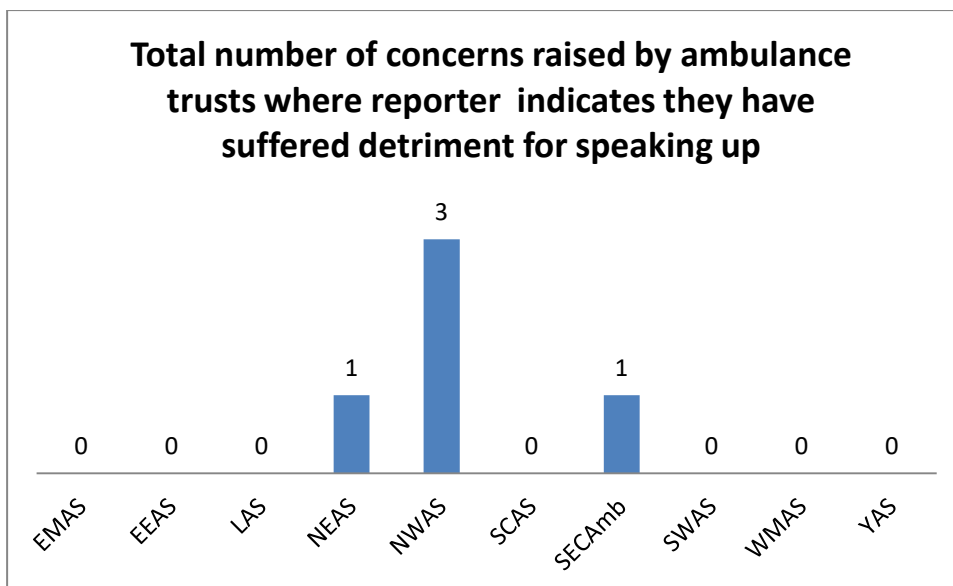
Any case that includes elements that may indicate a risk of adverse impact on patient safety or the quality of care. Where it is not clear whether there is an impact on safety/quality without further investigation, but the individual raising the case believes that there is, then the case should still 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]



4. YAS FTSU CONCERNS

- 4.1 During Q1 there were 11 concerns raised and logged on the Datix system. The four concerns raised under ‘Failure to follow YAS protocol or procedure’ relate to Human Resources (HR) related issues including recruitment, payment, assessment of staff and Agenda for Change pay banding, and processes in the driver training function.
- 4.2 The two allegations made of perceived bullying or harassment are in relation to the Workforce & Organisational Development (OD) Directorate and A&E Operations. One former staff member came forward regarding concerns also of unfair treatment within the Patient Transport Service (PTS) service line. This letter was sent directly to the Chief Executive and was not raised via the FTSU process.
- 4.3 A concern was raised regarding damage or the risk of damage to the environment or Trust property involving security concerns at one particular ambulance station.
- 4.4 The two concerns raised regarding internal communication related to the staff handbook no longer being printed and the appearance of staff member names on running sheets, when absent from work.
- 4.5 All the above concerns are being followed in with local management teams and where necessary independent input was sought. An independent investigation

was initiated with regards to driving school standards and recommendations arising from this are now being addressed.

4.6 During Q2 19-20, 17 concerns were raised and logged on the Datix system.

4.6.1 Nine concerns were raised under 'Failure to follow YAS protocol or procedure'. Three of the individual concerns raised relate to the recruitment of one role in an operational service line. Seven concerns in total relate to Human Resources (HR) related issues including recruitment, payment and attendance management. One concern relates to the absence of a standard operating procedure (SOP) which is now in place whilst another raises concern with personal security which continues to be progressed.

4.6.2 Six allegations from staff across a range of functions were made of perceived bullying or harassment, or of aggressive or abusive language. Responses to address the individual issues have been agreed. Further discussion is scheduled in TEG on a broader strategy to provide additional support on culture and leadership in specific areas of the Trust where a need is identified.

4.6.3 A concern relating to a possible vehicle safety issue was investigated further to establish clarity and independent input was sought.

4.6.4 The concern raised under 'Other reporting route' concerns the retention of mobile devices on A&E vehicles. This was progressed as a quality improvement project.

4.6.5 A concern regarding 'Disregard to legislation' centred on the internal process used during the finalisation of an incident report, which was then subjected to an independent review.

4.7 All the above concerns were followed up with local management teams and where necessary independent input was sought.

5. **PROGRESS**

5.1 The progress of all concerns raised through the FTSU process is discussed at a fortnightly FTSU 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.

5.2 It is felt that this approach ensures that any barriers or issues experienced by the FTSU Guardian when progressing 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.

6. **LEARNING FROM FTSU**

6.1 It is important that Trusts learn from 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 through the attendance of the FTSU Guardian, increasing assurance that vulnerable groups are supported to raise concerns:

- IUC
- Health & Wellbeing
- Diversity & Inclusion
- BAME
- Cultural Ambassador
- Disability Support Network

In addition, the principles of FTSU is now established in the induction training for new staff and the FTSU Guardian continues to reach out to all staff through staff engagement events.

6.2 The process for receipt of feedback from those staff members who have engaged in the FTSU process is to be strengthened to ensure the Trust is learning and acting on feedback from those involved.

7. NATIONAL DEVELOPMENTS SINCE THIS REPORTING PERIOD

7.1 The launch of the Trust FTSU Strategy in January 2019 outlined the Trust's ambitions over the next 5 years. The FTSU strategy forms part of the wider People Strategy and will be updated before the 20-21 fiscal year begins to reflect the current direction and developments of FTSU at YAS.

7.2 In July 2019, national guidance; 'Freedom to Speak Up: Guidance for Boards' was issued by NHS Improvement. The primary focus of the guidance is for organisations to assess what their senior managers' (Board) perception and reaction is when someone raises a concern to determine what the Trust's culture is on speaking up. The Trust has reviewed this identifying excellent compliance against the majority of recommendations. There are however areas in which the trust can develop this approach further and these will be considered for improvement over the next 12 months.

7.3 In October 2019 the NGO published a FTSU Index Report. The index created a benchmarking tool to enable trusts to see at a glance how their FTUSU culture compares with others. The data used was the responses to an NHS Staff Survey.

7.4 An internal audit has also been completed during Q3 2019.

7.5 A number of areas have been identified for further consideration and development including:

- further refinement of the logging and review process;
- reinforcement of communication about the various routes available for staff to raise concerns;
- consideration of a national recommendation that individuals raising concerns could have an opportunity to speak directly to Boards;

- further work to clarify the inter-relationship between FTSU and Trust processes;
- processes for triangulation of learning arising from FTSU concerns and other feedback / reviews relating to organisational culture.

8. PROPOSALS/NEXT STEPS

- 8.1 The FTSU Guardian will continue to undertake outreach events and programmes alongside the FTSU Advocates to raise awareness of FTSU, reach those who may experience barriers to reporting, and support staff who wish to raise concerns. Engagement at both a regional and national level will take the form of attendance at networking meetings and appropriate conferences.
- 8.2 Work to further refine the FTSU process will continue to be taken forward through the FTSU Review Group and TMG.

9. RISK ASSESSMENT

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

10. RECOMMENDATIONS

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

11. APPENDICES / BACKGROUND INFORMATION

National Guardian Freedom to Speak Up Index Report 2019

<https://www.nationalguardian.org.uk/wp-content/uploads/2019/10/ftsui-index-report-2019.pdf>

Guidance for Boards on Freedom to Speak Up in NHS trusts and NHS foundation trusts

https://improvement.nhs.uk/documents/2468/FTSU_guidance.pdf