



Board of Directors (held in Public)
Freedom to Speak Up Bi Annual Report 2022/2023
27 April 2023

(Item 4.1)

Presented for:	Discussion/Assurance
Accountable Director:	Steve Page, Director of Transition
Presented by:	Sam Bentley, Freedom to Speak Up Guardian and Steve Page, Director of Transition
Author:	Sam Bentley, Freedom to Speak Up Guardian and Steve Page, Director of Transition
Previous Committees:	Quarterly reports presented to Quality Committee and reports to Audit Committee during 2022/23
Legal / Regulatory:	Yes

Key Priorities/Goals	Create a safe and high performing organisation based on openness, ownership and accountability
-----------------------------	--

Strategic Ambition	(✓)	BAF Strategic Risk
1. Patients and communities experience fully joined-up care responsive to their needs		
2. Our people feel empowered, valued and engaged to perform at their best	(✓)	2c Ability to promote and embed positive workplace culture
3. We achieve excellence in everything we do		
4. We use resources wisely to invest in and sustain services		

Key points	
1. The report presents a summary of concerns raised by staff via Freedom to Speak Up in 2022/23 and the actions taken in response	For discussion/assurance
2. Information is also provided on wider developments relating to Freedom to Speak Up, including the implications of the National Guardian's Office review of ambulance Trusts.	

Board of Directors (held in Public)
27 April 2023
Freedom to Speak Up 2022/2023
Report of
Freedom to Speak Up Guardian and Director of Transition

1. SUMMARY

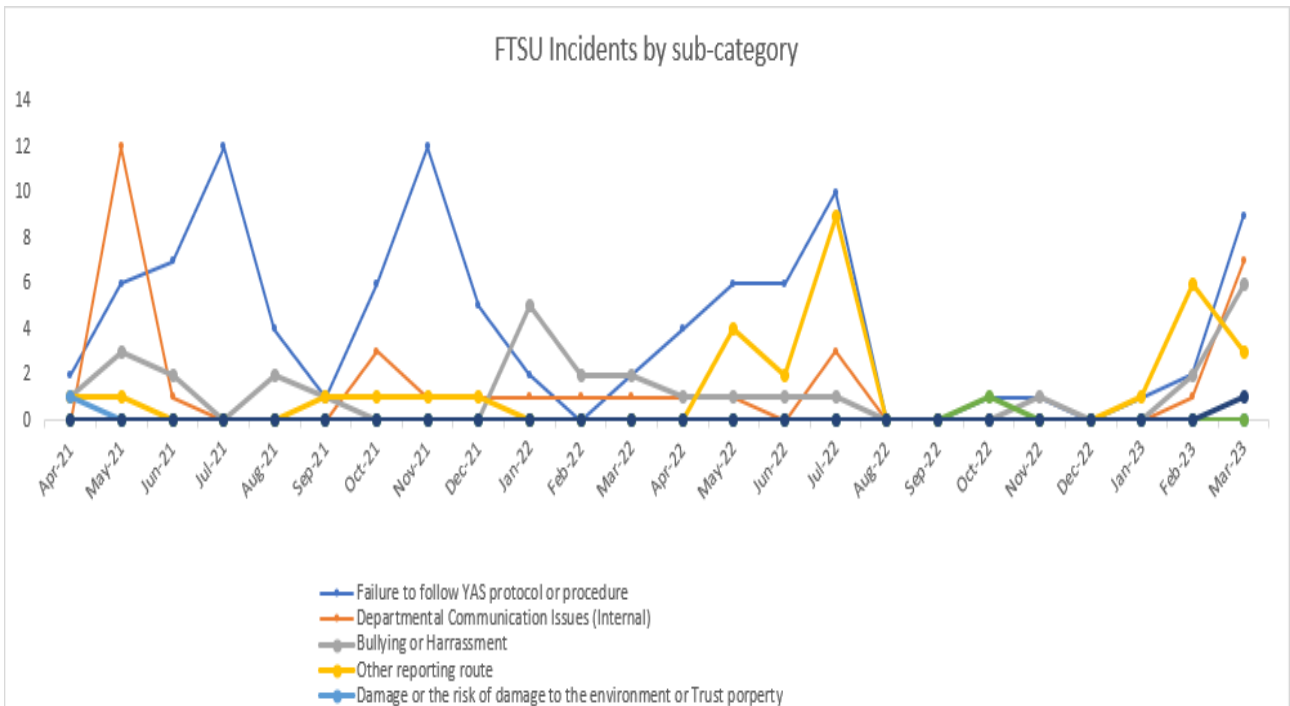
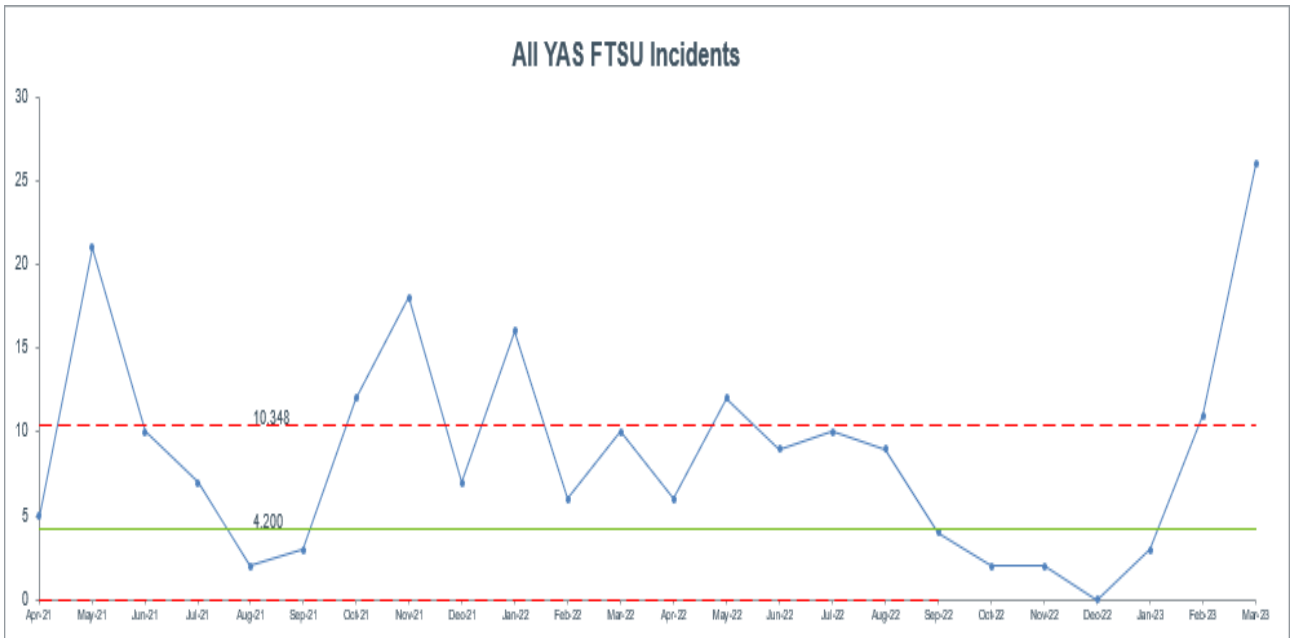
- 1.1 The purpose of the paper is to provide the Trust Board with an update on issues raised via Freedom to Speak Up in 2022/23 and on the action taken in response. The paper also provides an update on broader developments and consideration of the implications of the National Guardian's Office (NGO) report into English ambulance services which was published in March 2023.
- 1.2 Quarterly reports have previously been presented to the Quality Committee, Audit Committee and Trust Executive Group (TEG). The report is presented to the Board for discussion and assurance.

2. BACKGROUND

- 2.1 Freedom to Speak Up (FTSU): An independent review into creating an open and honest reporting culture in the NHS (Francis) was published in February 2015.
- 2.2 The National Guardian's Office (NGO) provides additional guidance for Trusts. The Trust has continuously refined its initial arrangements in the light of new guidance.
- 2.3 The NGO published a review of English ambulance Trusts in March 2023 and this contains further recommendations for development in the sector.

3. ISSUES RAISED VIA FREEDOM TO SPEAK UP DURING 2022/23

- 3.1 A total of 95 concerns have been raised by staff via Freedom to Speak Up during 2022/23. The quarterly breakdown is as follows: Q1 -26 , Q2 – 23, Q3 – 19, Q4 - 27
- 3.2 The charts below show the breakdown of concerns raised by department and sub-category. Data for previous year is provided for comparison.



3.3 The following table provides a high level summary of the issues raised and their management plan. The FTSU Guardian remains in contact with the person raising the concern until closure.

Department/ Category	Issue/Themes	Action/ Outcome
A&E Operations	<ul style="list-style-type: none"> Concerns related to team culture and leadership behaviour, including inappropriate behaviour towards colleagues and examples of racial, bullying and harassment concerns Operational concerns – e.g. relating to items of equipment and lack of police support when staff feel it is required Support for NQP's and concerns for colleagues – Health & wellbeing, PIC, Drug/alcohol use, impact of end of shift overruns Controlled drug management process 	<p>Targeted reviews and cultural programmes supported by OD. Further programme of work to start in Q1 2023</p> <p>Follow up discussions to clarify position with regard to police support</p> <p>Longer term plans for team-based working will increase support for staff including NQPs</p> <p>Independent review and audit of controlled drug systems planned</p>
A&E EOC	<ul style="list-style-type: none"> Inappropriate behaviour towards colleagues, rude, aggressive and alleged unfair treatment of staff with protected characteristics 	<p>Referred to HR and ongoing meetings with senior management</p>
Estates, Fleet & Facilities	<ul style="list-style-type: none"> Bullying and harassment Workmanship concerns with vehicles and approach to job allocations in workshop 	<p>Investigation of specific concerns. Wider cultural review and development supported by stakeholder group</p>
Integrated Urgent Care	<ul style="list-style-type: none"> Staff feeling bullied, harassed and not being treated with equality Pathways Trainer audit alleged to be recorded on system when not completed Consistency and fairness e.g. real time adherence process, management of incentives, sickness/maternity contact Management of staff with poor behaviour and performance 	<p>Referred to managers for specific action and all concerns fed into Transformation project</p> <p>Rota review, Team Based working plans</p> <p>New 121 App implementation over the next 2 months</p>
Patient Transport Service	<ul style="list-style-type: none"> Racially inappropriate behaviour towards staff member Volunteer reporting staff look down on her, ignore her and don't speak to her respectfully 	<p>Manager review – limited information provided to support specific action but currently reviewing the learning points</p> <p>New – Referred to Volunteer Management</p>
Quality, Governance and Performance Assurance	<ul style="list-style-type: none"> Detrimental treatment after member of staff raised concerns with manager 	<p>Investigated and resolved through discussion and mutual agreement.</p>

CFR	<ul style="list-style-type: none"> • Asset Register • Concerns about Leadership, CFR Programme - Trainer inappropriate behaviour 	<p>Asset register in place for CFR equipment and will be updated further following the delivery of 360 new AED devices</p> <p>Investigation completed and OD intervention ongoing – Targeted work around behaviour New leaders in place</p>
-----	--	---

Commissioned reviews

- 3.4 In a number of cases, concerns raised and triangulated with other information, have identified a need for targeted independent reviews in specific work areas.
- 3.5 The quarterly Quality Committee reports have summarised the position with regard to the commissioned reviews, which included work in Fleet, Integrated Urgent Care, Finance, ICT, Community Resilience, A&E Operations - Northallerton ambulance station, Hull and East Riding, South Yorkshire
- 3.6 Action plans have been developed and are being implemented with OD and HR support following each of these reviews.
- 3.7 In Quarter 4, new concerns were raised in relation to behaviour by staff towards colleagues in one ambulance station. As a result of this and other concerns raised previously in a number of ambulance stations, TEG has agreed to initiate a new programme of targeted development and staff communication to start in Q1 23/24.
- 3.8 Oversight and assurance on delivery of the programmes of work is now led by the OD team as part of the targeted culture programme.

Freedom to Speak Up Developments

- 3.9 A communication campaign including drop in sessions conducted by the FTSU Guardian has been ongoing throughout the year. This programme is being further developed to support the new programme of work outlined in section 3.7.
- 3.10 A new Guardian was recruited during the year following the move of the previous Guardian to nother Trust. The Ambassador network has also been strengthened.
- 3.11 The NGO published *Listening to Workers – A Speak Up Review of ambulance trusts in England on 23 February 2023*. The report is critical of all ambulance services in relation to overall culture and FTSU arrangements.
- 3.12 Within YAS we have made significant improvements to our approach over the years but the concerns raised by YAS staff and other relevant information continue to highlight wide variation in experience across different departments. It is therefore important that we use the opportunity for reflection presented by the NGO report.
- 3.13 There are 4 recommendations in the NGO report. These are reproduced in Appendix 1. **Recommendations 1 and 3** are for NHSE and the CQC.

3.14 **Recommendation 2** is aimed at ambulance Trusts.

- The NGO *Speak Up* e-learning module for all staff was mandated in the 2022/23 training plan. To-date 60.97% of staff have completed this module. The *Listen Up* and *Follow up* modules will be mandated in 2023/24 for those in leadership positions and the FTSU content of induction programmes will be strengthened.
- The Trust Board has previously had ad hoc discussion/development sessions on the subject of Freedom to Speak Up. The NGO have offered support for delivery of Board development.
- The Trust communications campaign is being refocused as part of the new programme of work in 999 Operations for the coming year.
- The Freedom to Speak Up Team, OD and HR teams have worked together to develop a coherent process for managing targeted cultural reviews and oversight of the actions arising, including cross-cutting learning.
- We are planning to produce a formal FTSU annual report again this year which will be accessible for staff and public and can also inform wider Board discussion on the effectiveness of Trust arrangements.
- There is a timely opportunity to ensure that support for Speaking Up is clearly referenced in the 'YAS Way' and associated OD programme.

3.15 **Recommendation 4** is also aimed at ambulance trusts.

- There is a specific NGO recommendation for a minimum of 3.0 wte Guardians in each Trust. YAS currently has a 0.6wte Guardian although this has been flexed periodically to full time in periods of heightened activity. TEG has agreed an increase in the existing Guardian's hours and appointment of a second Guardian, to support a more proactive programme of work. This will be a first step in a wider review of resource requirements for the future.
- The recruitment process for the FTSU Guardian and action to strengthen the Ambassador network are in line with NGO requirements.
- Discussion is under way with regard to how we provide personal support to the new Guardian now she is in post.

3.16 The current Trust FTSU strategy runs until 2023 and early discussions have started on refreshing this aligned fully to the wider People Strategy and 'YAS Way'.

3.17 The NGO has also separately published a new template Trust policy. The YAS policy was fully reviewed last year with reference to the at that time. We will review again to consider any further refinements needed to align to the new NGO template.

4 FINANCIAL IMPLICATIONS

4.1 Additional investment will be required for the Trust to fully meet the NGO recommendation for a minimum of 3.0 wte Guardians. Non-recurrent investment will strengthen the leadership in the short term whilst a formal review and business case for future requirements is completed.

5 RISK

5.1 Developments in Freedom to Speak Up relate directly to BAF risk 2c – Ability to promote and embed a positive organisational culture. However, a failure to promote and learn from staff feedback would impact indirectly on the broader ability of the Trust to deliver safe and effective care and on regulatory compliance. Actions outlined in this paper will enable the Trust to mitigate these risks.

6 COMMUNICATION AND INVOLVEMENT

- 6.1 A communications plan is ongoing in relation to Freedom to Speak Up. Additional targeted communication as part of the new programme of work in the operational services will commence in Q1 2023/24.

7 EQUALITY ANALYSIS

- 7.1 Issues of fairness and appropriate behaviour towards all colleagues are key issues raised through Freedom to Speak Up. The Guardian and Ambassadors actively support the equality agenda and work with the D&I team and staff networks.

8 PUBLICATION UNDER FREEDOM OF INFORMATION ACT

- 8.1 This paper has been made available under the Freedom of Information Act 2000

9 NEXT STEPS

- 9.1 Further discussion of how Speaking Up can be woven into the 'YAS Way', Trust OD and leadership development programmes to embed it at all levels
- 9.2 Initiation of a focused programme of work to address known cultural issues across the operational services, supported by additional Guardian capacity.
- 9.3 Implementation of improvements to strengthen FTSU mandatory training content
- 9.4 Further review of the resources allocated to support Freedom to Speak Up.
- 9.5 Engagement with the NGO in relation to their support offer for the Trust.
- 9.6 Trust Board discussion of the report and recommended action.

10 RECOMMENDATION

- 10.1 It is recommended that the Audit Committee:
- Notes the contents of this report
 - Receives assurance on the actions taken and supports proposals for further development.

11. APPENDICES

- 11.1 Appendix 1 – Recommendations from *Listening to Workers – A Speak Up Review of ambulance trusts in England on 23 February 2023*.

Appendix 1

Recommendations from *Listening to Workers – A Speak Up Review of ambulance trusts in England on 23 February 2023.*

1. An independent cultural review, bringing together the work of NHS England, the Association of Ambulance Chief Executives (AACE), the Care Quality Commission and partner organisations with Ministerial oversight, with a focus on management and leadership behaviours and focus on worker wellbeing, as well as:
 - The effectiveness of governance/leadership structures, particularly considering the complex geographical footprint of ambulance trusts.
 - Models/expressions of leadership, including 'command and control'.
 - Defensiveness and 'just' culture.
 - Arrangements for appointments, including fair and open recruitment and values-based recruitment.
 - Operational and workforce pressures.
 - Bullying and harassment including sexual harassment.
 - Discrimination, particularly on the grounds of ethnicity, gender and gender identity, sexual orientation and disability.

Bringing together other blue light services and the military to share learning and good practice to facilitate effective speaking up cultures in similar operating environments.

An action plan to be agreed following the cultural review, with specific actions for delivery and organisations assigned to make improvements.

2. Make speaking up in ambulance trusts business as usual. This recommendation requires all ambulance trusts to:
 - Mandate training on speaking up - in line with guidance from the National Guardian's Office - for all their workers, including volunteers, bank and agency staff, as well as senior leaders and board members.
 - Ambulance trust leadership (including managers, senior leaders and board members) to fully engage with Freedom to Speak Up, evidenced by board members undertaking development sessions, delivered by the National Guardian's Office, with a view to role model effective speaking up, including purposefully providing and seeking feedback in the carrying out of their leadership roles.
 - Embed speaking up into all aspects of the trusts' work by proactive engagement by leadership, managers and Freedom to Speak Up guardians across ambulance trusts through regular communications. Trust leadership teams should identify the professional groups/areas within the trust that need support in implementing Freedom to Speak up by diagnosing root causes and putting in place a support mechanisms for managers and workers to feel psychologically safe when speaking up and reduce detriment.
 - Ambulance Trust Boards to annually evaluate the effectiveness of speaking up arrangements; including effectiveness of facilitating all workers, including those from groups facing barriers to speaking up, being able to speak up about all types of issues and action being taken in response to speaking up. Trust boards will report on this evaluation publicly in their annual reports.

3. Effectively regulate, inspect and support the improvement of speaking up culture in ambulance trusts.

This recommendation requires the Care Quality Commission and NHS England to:

- Ensure workers' voices are effectively captured and reflected in regulators' decisions when reviewing their frameworks and treated with parity to those of patients' voice.
- Implement mandatory and regular training on speaking up - in line with guidance from the National Guardian's Office - for all workers (including senior leaders) involved in the regulation, inspection, and improvement support of ambulance trusts.

- Make assessment of the speaking up culture and arrangements a cornerstone of their regulatory and oversight frameworks, recognising that the safety of patients and the public - as well as the sustainability of the health service - depends on workers' ability to speak up and for regulators to listen and follow up when they do.
- The Care Quality Commission to continue to improve their inspection methodology around the rigorous assessment of speak up culture and psychological safety.
- Communication and partnership working among national bodies to share information about speaking up culture and arrangements.

4. Implement the Freedom to Speak Up Guardian role in accordance with national guidance to meet the needs of workers This recommendation requires all ambulance trusts to:

- Meaningfully invest in the Freedom to Speak Up Guardian role. In discussion with their Freedom to Speak Up Guardian(s), leaders should identify the time and resources needed to meet the needs of workers in their organisation. Leaders should be able to demonstrate the rationale for their decisions and board plans for implementing Freedom to Speak Up roles should be clear on resource implications and set realistic timescales.
- The National Guardian's Office suggests that as a minimum, the equivalent to three full-time workers is needed to carry out the reactive and proactive parts of the Freedom to Speak Up Guardian role in ambulance trusts. This is because of the characteristics of ambulance trusts, including their complex geographical footprint, and broader cultural and operational issues. The National Guardian's Office and NHS England will support, review and challenge the rationale arrived at by ambulance trusts about how much time is allocated to the role.
- The recruitment process used for the appointment of Freedom to Speak Up guardians must be fair, open and transparent and comply with current good practice in recruitment and equality, diversity, inclusion and belonging principles. This will help ensure that people appointed have the confidence of, and are representative of, the workers they support.
- Create (if not already in place), maintain and regularly evaluate a network of Freedom to Speak Up Champions/Ambassadors to support raising awareness and promoting the value of speaking up, listening up and following up. Consideration to the organisation's size, geographical footprint and the nature of their work should be given to ensure support for workers, especially those facing barriers to speaking up.
- Provide emotional and psychological well-being support to Freedom to Speak Up Guardian(s). This support should reflect the challenges of the role and ensure the need for confidentiality. There should also be periodic check-ins with Freedom to Speak Up Guardian(s) about the effectiveness of this support.