

Report Title	Freedom to Speak Up
Author (name and title)	Kirsty Holt – Freedom to Speak Up Guardian Sam Bentley – Freedom to Speak Up Guardian
Accountable Director	Peter Reading – Chief Executive Officer
Previous committees/groups	N/A
Recommended action(s) Approval, Assurance, Information	Information/Assurance
Purpose of the paper	<ul style="list-style-type: none"> To provide the Board of Directors with an overview of the progress and development of the FTSU service. The paper also includes themes arising from the concerns received by the Freedom to Speak Up Guardians (FTSUGs) from January 2023 to the end of March 2023. Finally, the paper highlights key learning points and actions planned for the coming year.
Recommendation(s)	<ul style="list-style-type: none"> Board of Directors to continue in their support of speaking up at YAS and encouraging learning from concerns. Commit to supporting the future plans/developments with a view to strengthening the speak up provisions within YAS.

Executive summary (overview of main points)

<p>The paper gives a summary of the following key items:</p> <ul style="list-style-type: none"> Improvements made to FTSU Summary of concerns raised via FTSU Commonly occurring themes Learning from FTSU Future plans/developments to FTSU at YAS
--

	Our Patients	
--	--------------	--

Strategic ambition(s) this supports Provide brief bullet point details of link to Trust strategy	Our People	2.4 Ensure our culture is one where our people are listened to, encouraged and enabled to speak up when they have concerns about patient or colleague safety and wellbeing, or when they have suggestions for how the Trust might be better run.
	Our Partners	
	Our Planet and Pounds	
Link with the BAF Include reference number (board and level 2 committees only)		2c) Ability to promote and embed a positive and inclusive workplace culture.

Board of Directors (held in Public)
30 May 2024
Freedom to Speak Up

1. Background

- 1.1 The National Guardian's Office (NGO) was established in October 2016 at the same time as it became a contractual obligation for every NHS provider organisation to have an appointed FTSU Guardian.
- 1.2 The importance of raising concerns is not just to ensure that patients receive the best care but also to protect the safety of workers. The Trust is committed to providing outstanding care to service users and staff to achieve the highest standards of conduct, openness, and accountability. There are many routes available to speak up at YAS, these include line management, Human Resources, Datix, Staff Side representatives and Freedom to Speak Up.
- 1.3 Speaking up is about anything that gets in the way of doing a good job. If we think something might go wrong, it is important that we all feel able to speak up to stop potential harm. Even when things are good, but could be even better, we should feel able to say something and be confident that our suggestion will be taken seriously and used as an opportunity for learning and improvement.
- 1.4 The Chief Executive is the named Executive Lead for FTSU and is accountable for ensuring that FTSU arrangements meet the needs of the staff across the Trust. The Non-Executive Director (NED) responsible for FTSU is available to the Guardian to seek second opinions and support as required.
- 1.5 The Guardians have direct access to the CEO, NED, COO, and other Executive roles, with regular meetings scheduled to discuss all elements of FTSU activity across the Trust.
- 1.6 YAS Guardians are members of the National Ambulance Network (solely NHS Ambulance Trusts), Ambulance Partnership Network (both NHS and private providers) and the North East & Yorkshire Regional FTSU network. These provide opportunities for learning to be shared and national themes to be addressed, alongside invaluable Guardian peer support.
- 1.7 The Guardians are up to date with the National Guardian refresher training to ensure the team are working in line with suggested best practice.
- 1.8 YAS has made exceptional progress in recording and reporting data over the past year and this report will highlight the key improvements made.
- 1.9 The purpose of the paper is to provide the Trust Board with an update on issues raised via Freedom to Speak Up in Quarter 4 of 2023/24 and the action taken in response. The paper also provides a further update on broader developments, both organisationally and in the world of Freedom to Speak Up.

2. Summary of Improvements to the FTSU Service

- 2.1 **Increased capacity.** Throughout Q1 & Q2 of 2023, following on from recommendations made in the National Guardian's Office review into Ambulance Trusts, Guardian capacity was increased from 0.6 WTE to 1.8 WTE. The existing Guardian increased their hours from 22.5 to 30, a second Guardian was then successfully appointed on a full-time, two-year secondment.
- 2.2 **Improved data collection.** Historically Guardians have collected data using national guidance/best practice. The themes which are recorded and submitted in the quarterly data return to the NGO are:

- Patient Safety/Quality
- Worker Safety or Wellbeing
- Bullying & Harassment
- Other Inappropriate Attitudes or Behaviours
- Detriment as a Result of Speaking Up

To continually improve our data collection, arising sub-categories are now documented, with the most prominent as follows:

- Sexual Safety
- Trust Process
- Fraud

- 2.3 **Updated FTSU policy.** The Board of Directors approved the NHS model policy on 29 Feb 24 which sits alongside the existing YAS policy.
- 2.4 **Managers toolkit.** Upon discussion with National Ambulance Network colleagues, Guardians are looking to create a Managers toolkit to provide advice and guidance on how to handle concerns. Once finalised, this will be accessible to anyone who has a concern raised in their area or those who contact FTSU to ask for advice/guidance on handling concerns.
- 2.5 **E-learning modules.** There are 3 FTSU e-learning modules available to staff which were created in collaboration with the National Guardian's Office & Health Education England; 'Speak Up', 'Listen Up', 'Follow Up'. Each module is important in helping understand the vital role we all play in fostering a healthy speak up culture, protecting both patient and worker safety.

Compliance figures are regularly monitored by the Guardians. Overall Trust compliance as of 30 April 24 is as follows:

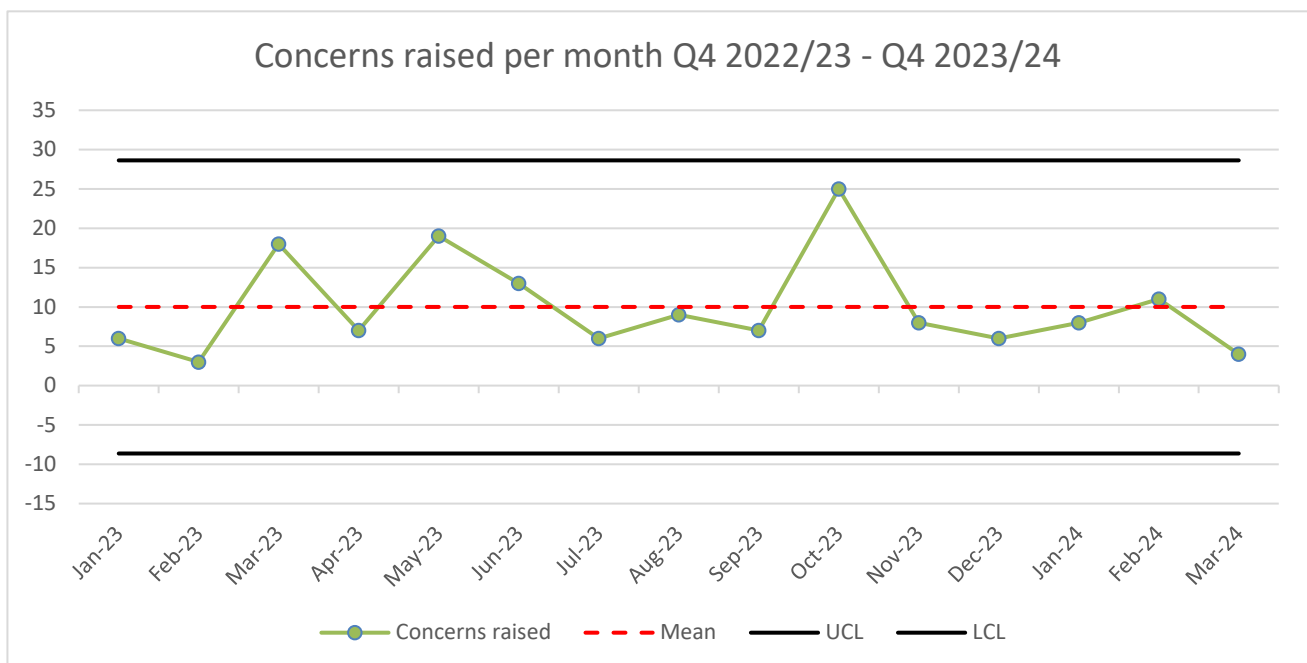
Module:	Applicable to:	Frequency:	Compliance:	Total non-compliant:
Speak Up	All Workers/Managers/Senior Leaders	3-year refresh	90.43%	757
Listen Up	Managers/Senior Leaders	3-year refresh	83.40%	117
Follow Up	Senior Leaders	3-year refresh	55.32%	21

3. Concerns raised via FTSU.

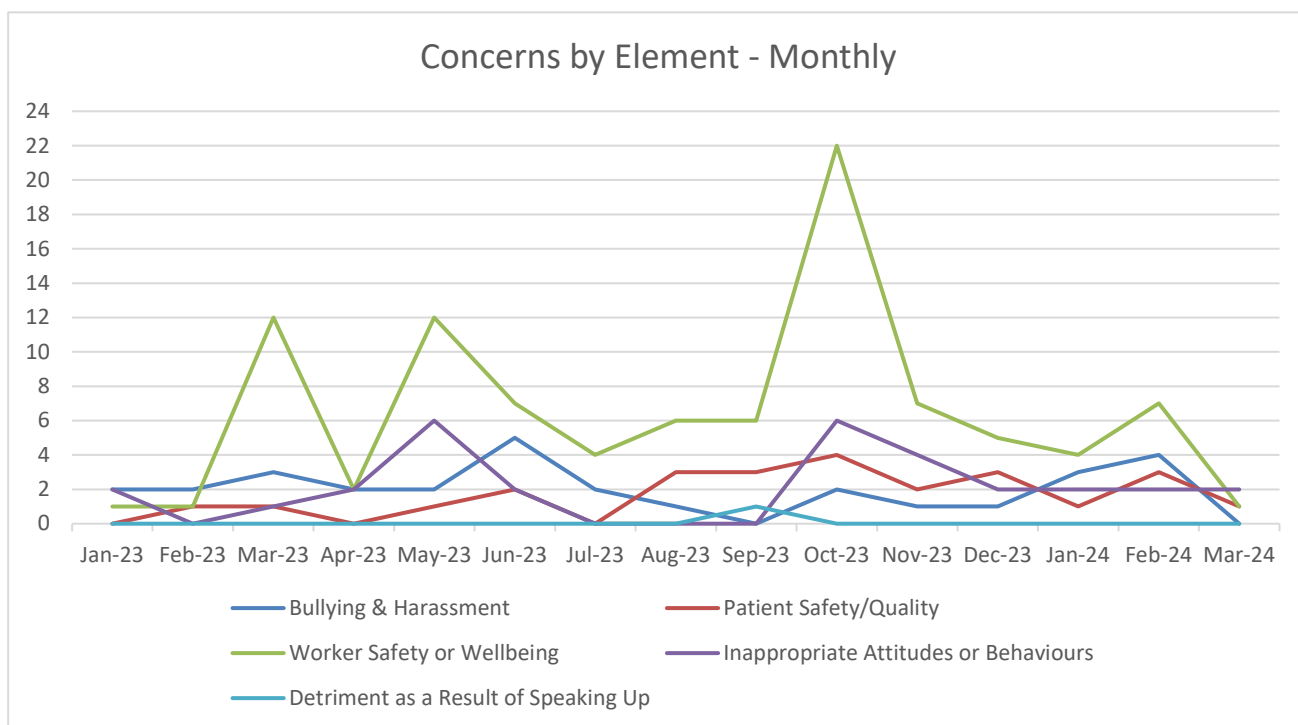
3.1 The below chart outlines the number of concerns raised via FTSU per month from the beginning of Q4 2022/23 to the end of Q4 2023/24. The data has been captured from the beginning of the first full quarter which Sam was in post to the end of last quarter. There are clear spikes in FTSU contact, which can be explained as follows;

- March 2023. The rise in concerns here follows the publication of the National Guardian’s Office review into Ambulance Trusts ‘*Listening to Workers. A Speak Up Review of ambulance trusts in England*’ in Feb 23.
- May 2023 – This spike in concerns was a result of focused engagement at a particular station in A&E Ops North due to several anonymous reports pertaining to ongoing cultural issues and inappropriate behaviour.
- October 2023. The significant rise here is attributed to the coordinated engagement plans of Guardians and Ambassadors during Speak Up Month; an annual initiative led by the NGO. During October the FTSU team attended key areas within Yorkshire, actively engaging with workers in their own settings, to talk all things FTSU.

Although the number of cases appears to be decreasing, the significance and complexity of the cases is broadening.



3.2 To coincide with the above, please see below concerns raised by ‘element’ (NGO reporting categories). From March 2023 to February 24 ‘Worker Safety or Wellbeing’ was consistently the highest reported concern from workers with all other categories fluctuating throughout this period.



4. Commonly occurring themes

- 4.1 The NGO recognise fear and futility as the two biggest barriers to speaking up. This is echoed through the themes arising from concerns raised via FTSU.
- 4.2 **Sexual Safety** – Increased awareness of sexual safety across the organisation since the release of the Trust’s Sexual Safety Charter. Upon release, Guardians expected a significantly larger influx of concerns mirroring the experience of other Trusts, however this has been a gradual increase.
- 4.3 **Leadership** – In a large proportion of concerns raised, staff had initially spoken up through their local leadership routes before approaching FTSU. Some of the reasons given for coming to FTSU are as follows:
- ‘concern has been raised several times, it seems to hit a certain level of management and is either dismissed, ignored, or not believed’
 - ‘don’t believe anything will happen, maybe it’s not worth the hassle’
 - ‘team leader is very rude and condescending’
 - ‘management are part of the problem/cliq, I don’t trust that anything I say in confidence will stay confidential’
 - ‘they batten down the hatches and keep things hidden so that higher managers don’t see incompetence’

Guardians are aware that leadership programmes such as Aspiring Leaders and Lead Together have recently been reinstated following a hiatus through Covid-19. High uptake on these courses is expected to have a positive effect on the issues highlighted above. Investment in our current leadership teams, with focus on leadership behaviours and critical decision making may reduce the number of concerns of this nature being brought to Guardians.

The response from local leadership to concerns raised through FTSU has, at times,

been one of defensiveness rather than an opportunity for improvement. This is improving as the FTSU Guardians establish their relationships and links with the local leaders, with support from the Executives.

4.4 **Scope of Practice** – Guardians have received concerns at both ends of the scale regarding scope of practice. In some circumstances, workers have felt they were unsafely being asked to work out of their scope of practice, identifying potential patient safety implications as a result. There have been extensive role reviews undertaken and updates to the appropriate Standard Operating Procedures as a result of these concerns. Guardians have also received concerns around workers who were knowingly working out of their scope of practice, allowing the possibility for patient safety risks. When escalated by Guardians, the Trust responded promptly and took appropriate risk reduction measures.

4.5 **Behaviours and Culture** – As outlined in Siobhan Melia's recent culture review into ambulance trusts, there are widespread cultural issues across the ambulance sector. This is evident for YAS in the volume of concerns received relating to poor behaviours and culture. This spans many directorates within the Trust however there are hotspots identified. Guardians are currently in talks with the recently appointed People Promise Manager to triangulate this data with other departments such as HR, Datix, and ED&I in order to map out the hotspots enabling targeted interventions in key areas.

4.6 **Trust Process** – Concerns received regarding Trust process are mostly attributed to the following:

- Significant delays during process or working out of timeframes stated in policies.
- Lack of communication and support during process.
- Policies/procedures not being followed.
- Lack of trust in the processes.
- Already gone through a Trust process, outcome unsatisfactory.

Guardians recognise that there have been capacity issues in some teams which contributes to some of the delays stated. It is to be noted that whilst ever a reporter is in a process, Guardians will always advise that the process must be exhausted before a concern can be escalated.

4.7 **Potential Fraudulent Behaviour** – Where fraudulent activity is suspected, reporters have turned to FTSU when they are not sure where to go, where they wish to remain confidential, or are not comfortable contacting external agencies (i.e. 360 Assurance).

4.8 **Reasonable Adjustments** – Several concerns have been raised in relation to reasonable adjustments. Examples of the types of things raised a

- Workers with Dyslexia who are struggling to access support and the required equipment.
- Issues with designated desks.
- Workers with disabilities finding that their occupational health recommendations are not given due consideration and aren't actioned consistently across the Trust.

- 4.9 **Reoccurring Behaviours** – Guardians have seen a rise in concerns raised relating to workers who have already been subject to a trust process in the past. There have been instances of further concerns raised to FTSU in relation to poor behaviours of particular individuals despite been the subject of previous FTSU concerns and trust processes.
- 4.10 As with all categories, the focus should be on the perception of the person raising the concern. There is often the mindset of ‘the person behind the complaint’. As a Trust we need to recognise the value in the information provided to us when people raise concerns and make the shift to ‘the person with the lived experience’.

5. Learning from FTSU

- 5.1 As part of the improvements we are making to the FTSU service, at YAS we are always looking to establish opportunities for improvements from concerns raised and to embed these improvements into our organisation.
- 5.2 **360 Assurance** – Guardians have identified areas for improvement in the current process for raising concerns in relation to fraud. Plans in place to work collaboratively with Human Resources and the new 360 Assurance Counter Fraud Specialist for YAS to refine process.
- 5.3 **Triangulation of Data** – Some cases highlighted concerns held in multiple areas i.e. Datix/FTSU/Local Management which were all being dealt with in silo. This emphasised the need to strengthen data triangulation across the Trust.
- 5.4 **Relationship at Work Policy** – The outcome of concerns raised, highlighted a need for a full review of the relationship at work policy.
- 5.5 **Welfare Support** – Welfare support to be considered for complainant, perpetrator and relevant manager during Trust processes.
- 5.6 **Strengthening of interview process** – A review following concerns raised identified the need to strengthen the interview process, recruitment practices, and undertake necessary training.
- 5.7 **Additional application question** – Identified the need to include an additional question in application process as an early indicator of previous employment with YAS, triggering the need for further pre-employment checks and verification.
- 5.8 **SME Consideration** – Concerns raised through FTSU have highlighted situations where workers have spoken up via alternative routes in the organisation and specialist advice has not been sought (i.e. safeguarding not consulted).

6. Future plans/developments to FTSU at YAS

- 6.1 **Secondment Model** – YAS are currently one of the last ambulance trusts to be operating on a secondment model for the Guardian role. Other trusts have moved

away from seconding the role for multiple reasons, one of the most significant of those being the need to rebuild trust with workers and Guardians through every secondment cycle. This has been demonstrated during current Guardians secondment journey. In initial stages there were a multitude of low-level concerns raised (i.e. cracked floor tiles which had not been fixed for a significant amount of time) which should have been a local level resolution. More recently, Guardians have received significant, complex concerns, raised by senior leaders and clinicians within the organisation.

- 6.2 **Increased Capacity** – Consideration to be given to the NGO review into ambulance trusts in Feb 23, which outlined a recommendation of 3.0 WTE Guardians. Although capacity increased from 0.6 WTE to 1.8 WTE July 2023, YAS are still not meeting the recommendation. Due to current complex caseloads, strategic demands and geographical reach of YAS, Guardians are struggling to actively engage face to face with staff in most areas.
- 6.3 **University Visits** – Agreements have been made with YAS Academy to reach out to university students in year 1. Site visits to be arranged soon.
- 6.4 **Board Development Session** – National Guardian Jayne Chidgey-Clark is due to attend a board meeting. This was meant to be on 29 Feb 24 however had to be postponed. Guardians are looking to re-arrange this for autumn time.
- 6.5 **FTSU Ambassadors** – Plans to refresh the current memorandum of understanding to align with Trust commitment to role, updated guidance from the NGO and Guardians expectations. Due to the significant changes to the Ambassador role (they are now required to signpost, engage with staff and raise awareness, under no circumstances should an Ambassador be taking on their own cases) this is going to be a larger piece of work which will need stakeholder involvement.
- 6.6 **Training Needs Analysis** – Guardians have identified further roles in YAS which would benefit from the knowledge provided in the ‘Listen Up’ and ‘Follow Up’ E-learning modules. Currently under review by Guardians and area leads.
- 6.7 **Power BI Dashboard** – Now that the new concern recording mechanism is fully implemented – next steps are to integrate this into an interactive dashboard through Power BI. This will enable the FTSU team to bring non identifiable data to team management conversations and work proactively with these teams on how to respond to and understand concerns/themes in their areas.
- 6.8 **RAG Rating concerns** – Guardians considering the implementation of RAG status for concerns as used by colleagues in the National Ambulance Network, and what this means for the wider trust. Define clear timeframes for resolution dependant on priority of case and consider escalation process for each stage.
- 6.9 **Leadership Awareness Sessions** – Tailored sessions (approx. 1 hour) for leadership groups across the organisation, highlighting the importance of speaking up, how we can work collaboratively to create a culture whereby all workers feel safe

to raise concerns, and how we can effectively learn from the outcomes of concerns raised.

7. Conclusion

- 7.1 Although much has been achieved in the development of the FTSU resource at YAS, there is more to do as outlined above. The FTSU team seek the support of the Board to identify, develop and support Speaking Up over the course of this year.

8. Recommendations

- 8.1 The Board is asked to continue in their support of speaking up at YAS and encouraging learning from concerns.

The Board is asked to commit to supporting the future plans/developments with a view to strengthening the speak up provisions within YAS.