

# Report to the Meeting of the

# Oxford Health NHS Foundation Trust

**BOD 71/2020**  
(Agenda item: 12)

# Board of Directors

**26 November 2020**

**Freedom to Speak Up Guardian**

**For:** This report is for information regarding the activities of the Freedom to Speak up Guardian (FTSUG). The Board is asked to note the report.

**Executive Summary** Background is given to the creation and development of a Freedom to speak up Guardian for the Trust and the National picture relating to Raising concerns.

The report describes the activity of the present Guardian between November 2019 and November 2020. Themes of concerns, the number of staff raising concerns are noted with the directorates and staff groups described.

Reference is made to the National Guardians Office Guidance to Trust Boards and the launch of an e learning programme in three parts for workers, managers and Boards .

The role the Guardian has played in developing the culture of openness and safety is described. National and Regional involvement, support and the creation of inter-Trust networking is noted.

The themes of raised concerns are described and demonstrate that incivility, lack of respect and bullying behaviours are the most often raised concerns this is supported by the staff survey results.

There were no serious patient safety concerns raised. Patient safety concerns related to the level of complexity of cases and workload of the staff which is seen to result in less than best care for patients and ‘burn out’ for staff.

The need for cultural change is reiterated and the role of the Guardian in this change is explained. Challenges to achieving cultural change are described.

The decision to increase the capacity of Freedom to Speak Up role by creating the post of co-guardian is noted. The reasoning described is to allow more efficient coverage of the wide geography of the trust and appropriate time for promotion of speaking up. The development of a champions network will be part of the promotion of importance of Speaking Up.

The Board is asked to note the work undertaken across the year by the FTSUG and to seek any assurances necessary arising from the report.

**Governance Route Process**

This is an annual report which has not gone to other committees previously will be presented to the Well Led Sub-Committee Audit committee and shared with Staff Partnership, Negotiation and Consultative Committee (SPNCC)

**Statutory or Regulatory responsibilities**

In 2016-17 it became a contractual requirement for all NHS provider trusts to have a Freedom to Speak Up Guardian. Trusts are also expected to adopt a model NHS whistleblowing/raising concerns policy. OHFT has adopted the model Raising Concerns Policy. OHFT has decided against a separate Speaking up Strategy .

The Care Quality Commission assesses a Trust’s speaking up culture during inspections under the key line of enquiry (KLOE) 3 as part of the well-led question. No comments

**Recommendation**

1. The Board is asked to note the work done across the year by the FTSUG and to seek any necessary assurances arising from the report.
2. The Board is asked to note that the present structure of the Freedom to Speak Up Guardian role has been reviewed this year with particular reference to the work of the Fair treatment at work facilitators and the allocated hours for the role. The Fair treatment at Work Facilitators and the Guardian remain separate entities with close links . The allocated hours for the role of Guardian are to be extended to allow for the development of a champions network throughout the Trust

**Author and Title: Caroline Griffiths. Freedom to Speak Up Guardian**

**Lead Executive Director: Dr Nick Broughton**

1. There are no issues that need to be referred to the Trust Solicitors
2. ***Strategic Objectives***– to which this report relates
   * + 1. Deliver the best care possible

within available resources through improved safety, effective evidence-based treatments and an improved patient experience to create better outcomes for those who use our services

* + - * 1. Attract, retain and develop outstanding staff

by making Oxford health a place where people want to work, feel valued, empowered and listened to as they strive to deliver outstanding care

***MAIN BODY OF THE REPORT*** This is an annual report to the Trust Board on Freedom to Speak Up in the Trust for the 12 months up until the end of November 2020.

This paper is presented to the Board for information and to note the activity of the Freedom to Speak Up Guardian as part of the Trusts drive to create an open and transparent culture of improvement and learning where raising concerns is welcomed.

Background information on the role of the Guardian and the National Guardian office is given. Information regarding plans for 2020-21 is given

The Board is asked to note the report and seek any assurance necessary

**BACKGROUND**

The National Guardian’s Office and the role of the Freedom to Speak Up Guardian were created in response to recommendations made in Sir Robert Francis’ report “The Freedom to Speak Up” (2015). These recommendations were made as Sir Robert found that NHS culture did not always encourage or support workers to speak up, and that patients and workers suffered as a result.

**What is a Freedom to Speak Up Guardian?**

Freedom to Speak Up Guardians support workers to speak up when they feel that they are unable to do so by other routes. They ensure that people who speak up are thanked, that the issues they raise are responded to, and make sure that the person speaking up receives feedback on the actions taken. Guardians also work proactively to support their organisation to tackle barriers to speaking up. Freedom to Speak Up Guardians are appointed by the organisation that they support and abide by the guidance issued by the National Guardian’s Office (NGO) They follow the ‘[‘universal job description](https://www.nationalguardian.org.uk/wp-content/uploads/2019/10/20180213_ngo_freedom_to_speak_up_guardian_jd_march2018_v5.pdf)’ issued by the NGO.

In Oxford Health the Freedom to Speak Up Guardian is not part of the management structure of the Trust and is able to act independently in response to the concerns being raised with them. The Guardian reports directly to the Chief Executive, and has access to the executive directors of the Trust. There are two key elements to the role:

* To give independent, safe and confidential advice and support to members of staff who wish to raise concerns that have an impact on patient safety and experience. This is not just for permanent staff members but is also available for temporary or agency staff, trainees or students, volunteers and trust governors.
* To promote a culture where members of staff members feel safe to raise concerns and do not fear adverse repercussions as consequence

The present post holder was appointed in June 2018 as a fixed term post for 2 years. This has been extended for one year. The post was funded for fifteen hours per week and is now 18 hours per week.

**Summary of concerns raised and Freedom to Speak Up activities in the Trust**

Between November 2019 and November 2020 47 members of staff raised concerns. The number of concerns raised has varied over the 4 quarters . Most concerns were resolved locally: 4 individual concerns and one group concern continue to be in process.

In addition, other activities have been undertaken to raise awareness of Freedom to Speak Up and to encourage cultural change in the Trust. The Guardian has also contributed to the national and regional developments in this area. The survey feedback by staff that contacted the Guardian was positive.

**Supporting staff raising concerns**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| ***QUARTER*** | ***Number of staff contacts*** | ***TYPE*** | ***OF*** | ***ACTION*** |  | ***Number still open and comments*** |
| ***Clarifying concern*** | ***No action*** | ***Discussion and advice only*** | ***Further action required*** |  |
| November-Jan  2019-20 | 9 | 1 | 2 | 1 | 5 | 1  This concern continues to be addressed |
| *Feb-April 2020* | 8 | 0 | 1 | 2 | 5 ( 2 regarding the same concern) | 1 |
| *May-July 2020* | 13 | 2 | 0 | 1 | 10 | 3 |
| Aug-Oct 2020 | 17 | 1 | 4 | 2 | 10 | 5 |
|  |  |  |  |  |  |  |
| *Total* | 47 | 4 | 7 | 6 | 30(including 5 as part of group | 6 |

Concerns were raised by colleagues from all directorates, from students , trainees as well as flexible and permanent staff . These have included: non -registered staff ( such as health care assistants)non-clinical staff (such as administrators and drivers ,housekeeping/portering staff,) Trainees and staff employed flexibly via Staffing Solutions. Registered staff have included nurses ( community psychiatric nurses and district nurses), Social workers, Physiotherapists, Health visitors, psychologists., physiotherapist and Occupational Therapists . Some staff have been in leadership and management roles and these have included ward and team managers and service managers

The Guardian is still waiting to clarify the concerns of staff who spoke up during October.

Where there was no further action that was because the person who contacted did not want any further contact at this time, could not be contacted or had concerns which were already being addresses . The majority of staff contacted the Guardian by e-mail or telephone, but a number were direct contacts as a result of awareness raising activities, drop ins . The use of MS Teams has been vital when face to face meetings have not be possible or advisable.

All staff were offered a face-to-face or virtual meeting to discuss and clarify their concerns and agree what steps should be taken. When this was not possible, telephone or e-mail was used. In some cases, the Guardian agreed the next steps that the staff member concerned could take and had no further direct involvement. In others, the Guardian took the steps on behalf of the staff member: this was particularly so where the staff member did not want to be identified.

Services where there have been concerns raised about include:

1. *Oxfordshire & BSW Mental Health:* Adult Mental Health Teams, CAHMS
2. *Specialised Services :* Learning Disabilities, Forensic services,
3. *Community:* Out of Hours service, Single Point of access, Community Therapy Service, Children’s services, District Nursing
4. *Corporate Services:* Administration, senior leaders
5. *Buckinghamshire Mental Health:* Ward and community teams

It is not always possible to identify the services that staff came from in reports as that could result in the individuals being identified.

**Actions Taken by Guardian in relation to concerns raised.**

* Advice given about how to respond to bullying and harassment
* Confirmation of actions being taken in the Directorate
* Recommendations to contact Occupational Health and/or Employee Assistance Programme
* Recommendations to request Union advice and support
* Recommendation to ensure exit interview is carried out and information shared
* Advice sought from National Guardians office re cases
* Disciplinary panel outcomes reviewed
* Escalation to service heads to complete requested actions
* Reviews of similar cases published by National Guardians office
* Facilitated conversations between concern raiser and service leads
* Co-management of case with Guardian from another Trust
* Work with Universities when Students or trainees have raised concerns

The majority of issues raised with the Guardian were not formally investigated and therefore the categorisation of the issues of concern was based on the account given by the staff member and was not formally substantiated. The National Guardians Office (NGO) has suggested a number of categories for the types of issues (such as patient safety/quality, behaviour /relationship, senior leadership.

**The types of issues raised** in the Trust with the Guardian can be described as:

1. *Patient safety:* There have been no issues of abuse similar to those seen at Stafford Hospital raised with the Guardian. There have been patient safety issues however related to the level of demand and the expectation of quick throughput of cases and speedy discharge. Plus the expectations of shift pattern changes and redeployment due to Covid response.
2. *Demand and patient complexity:* As in previous years Teams describe increasing numbers of referrals of more complex patients and having to care for them without an increase in resources: they often had significant numbers of vacancies some covered by agency or bank staff. Often staff worked extra hours to try to meet this demand and would go home worrying about patients that they felt were at risk. This caused them stress and had an impact on their family lives. They were concerned that they could not provide care at the standard that they would like to and some felt that they were compromising their professional standards. These concerns were reported previously to the Board and Directorate Management Teams
3. *Changes due to Covid response:* No concerns were raised regarding PPE or redeployment during the months leading to the first rise in cases. In the months following April concerns have been raised about lack of care and welcome for redeployed and new staff. Lack of proper induction and the expectation that colleagues should just ‘get on with it’ was reported from three members of staff in different settings.

There are now concerns that changes which were made under the Covid plan will be left in place without proper consultation between management and the staff group involved.

1. *Bullying and harassment:* Whilst bullying may not be endemic in the Trust, it has been reported to the Guardian by staff from across the organisation from senior managers/leaders to frontline staff. Staff described distressing situations where they had been victimised by their managers. These included being shouted at, ignored, not given training opportunities, having reasonable requests refused, being treated differently than colleagues and being spoken to or about in derogatory ways. Bullying took place in 1:1 situations and in more open settings. Often staff felt very anxious about formalising bullying allegations as they were worried that the situation would be made worse for them. Generally, staff described being bullied by more senior staff or colleagues. Some managers were generally poorly supported in addressing these issues by their line managers or felt that as new managers they had to demonstrate their control of a team and therefore were reluctant to ask for support.
2. *Favoritism and partiality:* A number of concerns brought to the Guardian included elements of favouritism and the alternate to that- negative discrimination. Described as ‘ one rule for the favoured another for the rest’. This experience was variously ascribed to a manager who had friends or relations in the team or who were part of what would be seen as a clique. In the latter case whole groups of staff were described as exclusive and unwelcoming .
3. *Management style and communication:* Staff described some managers as insensitive or lacking in management and leadership knowledge and skills. Others felt that there was a lack of communication when staffing or service changes were being made. Communication formed the basis of concerns raised regarding email style and tone.Unclear requests from managers for staff members to change their ‘tone’ left staff confused about how to communicate clearly.
4. *Nonspecific concerns:* Where a concern was not the remit of the Guardian advice is offered to staff with signposting to an appropriate source of support.

The discussions with the Guardian would often lead to the individual developing strategies to address their concerns with their managers or making changes to their own practice. Their concerns about being identified or possible repercussions meant that for some the Guardian was only able to feedback or address their concerns in a general way (for example, discussing management style with the Directorate Management Teams). Changes that were made following involvement with the Guardian included:

* The importance of confidentiality relating to staff who are also carers being emphasised in Information Governance training
* Clarification of information given to staff and the routes by which this was given
* Mediation with resolution between staff members
* Review of culture in ward teams
* Increased awareness of the importance of civility in communication
* Improved support for new managers in liaison with Human resources

**Contribution to Changing the culture**

Freedom to Speak Up Guardian is a part of the whole Trusts drive to create an organisation which is transparent and where bullying behaviour is not tolerated. The activities of the Guardian are supported and complemented by the Well being agenda/strategy, Diversity Networks, Spiritual and Pastoral strategy and the Fair treatment at work Facilitator network, among others.

*Raising awareness:* Freedom to Speak Up is an important part of the patient safety agenda and staff need to know that they can safely raise concerns and how to do so. Information is provided and promoted via inductions, team briefings, intranet communications, Staff support Hub.

*Ensuring new staff know the Trust Values* : All new staff are given information about freedom to Speak Up as part of corporate induction. The Health Care Assistants, who complete the Care Certificate, receive training on the culture of the Trust and on attitudes and process regarding Raising Concerns. Those staff on preceptorship and the Flyer programme have presentations provided.

*Information: The Staff Support Hub* There is a page on the intranet with information about the role of the Guardian, how to raise concerns and sources of support for staff. There have been announcements in the weekly communications bulletin and articles on the intranet .

*Role promotion and interactions*: The Guardian has visited teams and wards and attended meetings to deliver short presentations to promote Freedom to Speak . Teams include- CMHTs in Oxfordshire, CAMHS community and Eating Disorder teams, Oxfordshire Community development leads, Forensic ward managers and clinical leads, District nurses. Community Therapists,

The Guardian has presented to student nurses and paramedics as part of their introduction to the Trust before starting placements.

The Guardian is part of the equality network in the Trust and attends the Trust’s equality groups.

As part of **SPEAK UP MONTH** – a national campaign initiated by the National Guardians office- throughout October 2020 the Guardian provided surgeries and drop in sessions virtually and in person safely distanced in, the Whiteleaf Centre, Buckinghamshire , Warneford and Littlemore Oxfordshire,

Oxford Clinic, Marlborough House Milton Keynes *,* Witney and Abingdon Community hospitals, Fiennes Centre Banbury.

*Staff development:* Unregistered care staff

can often find it harder to raise concerns but spend most time in direct contact with our patients. This continues to be addressed by the values sessions of the Care Certificate.

Contributions to the Preceptorship and Flyer programmes continue

*Influencing :* The Guardian meets with management and professional leadership teams and Quality and Safety Committee. Regular meetings are held with the Director of Human Resources and the Director responsible for Whistle Blowing/ Raising Concerns. Regular discussions with the CEO maintain a two way flow of information leading to actions.

All opportunities to meet with and speak with staff contribute to cultural change within the Trust reinforcing that cultural change is everyone’s business.

*National and Regional Developments*

The National Guardian, Dr Henrietta Hughes, came into post in October 2016 and has been developing her role and the work of the National Guardian’s Office(NGO). Training has been provided for new Guardians and guidance has been issued on recording information, case reviews and Freedom to Speak Up and CQC assessments of Trusts. There have been 3 national conferences – in October 2016, March 2017 and October 2018. From April 2017, the NGO started collecting data quarterly on the work of the Guardians which it publishes. This includes a satisfaction question that Guardians are requested to ask all staff that contact them.

There is a regional network of Freedom to Speak Up Guardians which meets quarterly in the Thames Valley and Wessex area.

The National Guardians office have updated their support for guardians to include phone in surgery, weekly bulletin updates, case studies which can be used as basis for Board seminars and regional leads.

An e-learning programme was launched by the National Guardians office ,in collaboration with Health Education England , in October 2020. The initial part is for workers and is available now , parts 2 for managers and 3 for Boards will be on line in the coming months.

**Effectiveness of Freedom to Speak Up** The Guardian is managed by the Chief Executive and has regular discussions with the Director of Finance/ whistleblowing lead about the raising concerns arrangements in the Trust and current whistleblowing concerns and possible investigations.An annual report is provided to the Trust Board and interim report to Well-Led Quality Sub-Committee. The same reports are presented to the staff side at the SPNCC. A recommendation from the Board self-assessment is to report to the Audit committee 6 monthly.

The national NHS staff survey asks two questions about staff raising clinical concerns in their trust. The 2019 staff survey showed very small changes from the 2018 survey in staff feeling secure to raise concerns about unsafe clinical practice (question 18a) in staff feeling confident that the Trust would address those concerns (question 18c). The decreases cannot be seen as significant or conclusions drawn from them. Overall staff who answered the survey were more positive about raising concerns than about being confident that the Trust would address concerns.

The number of new formal whistleblowing investigations started during the past 12 months was lower than the previous year . In the period 1 Nov 2019 – 31 Oct 2020 a total of 2 formal whistle blowing investigations commenced under the Trust’s policy & procedure. Compared to 5 the previous year. Neither case was raised via the CQC.This may reflect a rise in workers confidence to raise concerns internally but there is not evidence to be sure.

From April 2017 anonymised feedback has been requested from staff that have contacted the Guardian by asking them to complete a short survey on Survey Monkey. The majority of feedback was positive and comments included: ‘I was so grateful to talk to someone confidentially ‘and ‘I was made to feel comfortable to speak and was truly listened to and understood’ ‘ it really helped me to see my priorities’. One comment described dissatisfaction and a decision to raise the matter as a whistleblowing case.

Comments included frustration that despite reaching the highest level and being acknowledged change had not yet happened or behaviour change was not consistent.

Not enough surveys have been returned to show any trends.

The survey includes questions about equality which will enable a picture of the background of staff contacting the Guardian.

As the quarterly collections of data by the NGO develop, they may enable some benchmarking with similar Trust to be undertaken.

***Speak Up Month* Outcomes included**

* In total 153 members of staff /trainees have received presentations from FTSUG
* Information sharing and Q and A sessions in all directorates
* Visits to Malborough House MK, Witney Community Hospital, Whiteleaf Centre, Windrush House, Fiennes Centre ,Warneford Hospital, Littlemore Mental Health Centre, Unipart.
* Informal conversations during and following drop ins have allowed sharing of the Speak UP message to 46 other staff members
* Further involvement and contribution members of the Communications team who have promoted and highlighted the campaign and the FTSUG role via the Intra net social media , leaflets and posters
* Webinar with the CEO
* Recognition by the National Guardians Office of the campaign

The communication team and the guardian continue to work to reinstate older technology methods to reach workers and this forms part of the Guardians objectives for 2020-21.

The process of speaking up is working for some. Workers are speaking up if they feel that their managers are not addressing their concerns. Concerns which are raised with the guardian are heard by the relevant senior leaders who are held to account by the guardian for agreed actions. We can do more.

**Reflection of Guardian**

The Guardian has reflected upon the concerns raised and it is clear that patient safety is not the leading concern. Management behaviour and skills and inter-colleague behaviour are at the route of the concerns raised including lack confidentiality for staff, favouritism in allocation of shifts and learning opportunities, lack of respect and kindness, lack of transparency of processes, lack of knowledge of processes.

Addressing the underlying issue of management culture remains a task for leaders of the Trust. How do we develop our staff to be fit for management and support them once appointed? Do we have enough training coaching,mentoring? Do we expect managers to reflect on their style and skills and allow them to acknowledge the need for development?

Ensuring that all colleagues know the Values of the Trust and are supported to be fair and kind in their interactions with each other is an unending responsibility.

The objectives for last year included inform colleagues of the role of the Guardian as part of the whole Trust cultural development. Numbers of concerns raised is slightly higher than last year but the requests from teams and directorates for presentations and drop ins has trebled , partly because of the promotion in Speak Up Month. The Chief Executive has encouraged and supported an increase in hours for the role which will allow greater possibilities for reaching staff and the development of a network of champions across the Trust.

**The Objectives for Freedom to Speak Up Guardian 2020-21**

The objectives from 2020-21 which were agreed with the previous Chief Executive Stuart Bell and continue to be relevant have been agreed with the Chief Executive Dr Nick Broughton and new objectives added

**On Going Objectives**

* To raise awareness of the role of the Freedom to Speak Up Guardian with Trust staff. To target those staff who do not regularly use computers or see information on the Intranet. Measured using numbers contacted, numbers of concerns raised, variety of areas from which concerns arise
* To improve the confidence of managers in responding to concerns raised with them by their staff through the Freedom to Speak Up Guardian. Measured by Feedback survey comparing year on year.
* To participate in the development of the role of the Freedom to Speak Up Guardian and the Office of the National Guardian
* To include in management training specific reference to the Staff Support Hub and its importance for all staff. Partially completed.

**New objectives**

* Increase the capacity of the role to permit the development of a network of champions and greater scope for reaching all staff members across the Trust . Measured by the creation of a network and numbers of staff and the variety of backgrounds and ethnicity of staff raising concerns.
* Publicise and use via induction and promotion the National Guardians Office E learning package of awareness training for workers, managers and Boards.

**Recommendation**

1. The Board is asked to note the work done across the year by the FTSUG and to seek any necessary assurances arising from the report.
2. The Board is asked to note that the present capacity of the Freedom to Speak Up Guardian role will be increased to permit development of a network of champions and to allow for greater coverage of the Trust staff groups.

**Caroline Griffiths November 2020**