

## Integrated Governance Committee

<b>Meeting Date:</b>	18.09.2019	<b>Agenda Item:</b> 13
<b>Subject:</b>	Freedom to Speak Up Update Report (1 <sup>st</sup> April – 31 <sup>st</sup> August 2019)	<b>For Publication:</b> TBC
<b>Authors:</b>	Kevin Hallahan, Freedom to Speak Up Guardian (FTSUG)	<b>Approved by:</b> Dr Jane Padmore, Executive Director of Quality and Safety (Chief Nurse)
<b>Presented by:</b>	Kevin Hallahan, Freedom to Speak Up Guardian (FTSUG)	

### Purpose of the report:

To provide IGC with the bi - annual Speak Up report that details the activity and learning in relation to Freedom to Speak Up (FTSU) cases and CQC concerns from 1<sup>st</sup> April 2019 – 31<sup>st</sup> August 2019.

### Action required:

The Committee is asked to consider and note the contents of the report and discuss any point requiring clarification. The Committee is also asked to receive assurance of the governance process for the Freedom to Speak Up Service.

### Summary and recommendations:

#### 1. Introduction

All Speak Up concerns are securely stored on the Datix system with restricted access.

Following the departure of the Deputy Director of Safer Care and Standards an interim chair for the Speak up Strategy Group is being sought. In the interim the FTSUG is meeting monthly with the Director of Quality and Safety to escalate any matters of concern.

A monthly sub group has been formed outside the Speak Up Strategy Group for the purposes of decision making regarding cases received into the Speaking Up process to ensure the correct pathway is chosen in a timely manner and that the cases are kept as confidential as possible. The Strategy Group Terms of Reference will change to one of oversight, scrutiny following conclusion of cases to review for learning and agreeing learning outcomes at an organisational level.

The CQC inspection report of May 2019 referenced Freedom to Speak Up and provided the following assurance:

*“Staff knew how to raise concerns about disrespectful, discriminatory or abusive behaviour or attitudes without fear of the consequences and knew this would be acted upon. We saw evidence that staff were increasingly raising concerns openly and incidents of anonymous contacts to the freedom to speak up guardian had reduced. This evidenced an open and transparent culture was fully embedded.”*

*“The trust appointed a new freedom to speak up guardian in August 2018. Staff spoke positively about this role and confidence in the role was demonstrated by increasing numbers of referrals no longer anonymised. The trust applied the duty of candour appropriately”.*

Throughout the year the FTSUG and the Risk and Compliance team have actively promoted throughout the trust the role of the Guardian and how to access them and raise concerns. This has included visits to sites, attending the Big Listen and taking part in induction. A new addition to the process is that the FTSUG can now be contacted directly via their mobile.

Loyola Weeks continues as the Trusts Non-Executive Director Speak Up Champion.

## 2. Speak Up Concerns

- To Date (02/09/2019) a total of 14 speak up cases have been raised, of these cases only 3 were raised anonymously.
- Bullying and Harassment has emerged as a theme, however this could be due to the Trusts measures around promoting measures to counter this behaviour and encouraging people come forward.
- Learning Disabilities and Forensics has emerged as an area that has raised 7 concerns in this period.

## 3. Priorities for Q3 and Q4 of this Financial Year

Investigate and undertake steps to implement guidance from the National Guardians office on Training for all staff related to Freedom to Speak Up

To develop and Draft a Freedom to Speak Up Vision and Strategy in collaboration with Staff Representatives.

The Trust continues to report Data Quarterly to the Freedom to Speak Up National Guardians Office, however they are currently undergoing procurement for the platform in which this has been done in the past and have requested that this data is not sent in as yet.

## 4. CQC Concerns

The Trust has received 13 concerns so far this year, 12 of which have been investigated and closed. The CQC concerns have been linked to the following services:

- 5x Adult Community Services
- 2x Lexden Inpatient Unit
- 2x Seward Lodge

(Other units received 1 concern or less)

### **Relationship with the Strategy (objective no.), Business Plan (priority) & Assurance Framework (Risks, Controls & Assurance):**

#### **Relation to the Trust Risk Register:** (Specific risks)

Risk 657 Workforce: The Trust is unable to retain sufficient staff in key posts to be able to deliver safe services

#### **Relation to the BAF:** (Strategic objectives)

1. We will provide **safe** services, so that people feel safe and are protected from avoidable harm.

2. We will deliver a great **experience** of our services, so that those who need to receive our support feel positively about their experience
3. We will improve the health of our service users & support recovery through the delivery of **effective** evidence based practice
4. We will attract, retain and develop **people** with the right skills and values to deliver consistently great care, support and treatment
5. We will **improve, innovate and transform** our services to provide the most effective, productive and high quality care

**Summary of Financial, Staffing, and IT & Legal Implications (please show £/No's associated):**

None

**Equality & Diversity and Public, Service User and Carer Involvement Implications:**

N/A

**Evidence for Registration; CNST/RPST; Information Governance Standards, other key targets/standards:**

Health and Social Care Act 2008 (Regulated Activities) Regulations 2014

Regulation 12: Safe care and treatment

There must be policies and procedures in place for anyone to raise concerns about their own care and treatment or the care and treatment of people they care for or represent. The policies and procedures must be in line with current legislation and guidance, and staff must follow them.

Regulation 13: Safeguarding service users from abuse and improper treatment

As part of their induction, staff must receive safeguarding training that is relevant, and at a suitable level for their role. Training should be updated at appropriate intervals and should keep staff up to date and enable them to recognise different types of abuse and the ways they can report concerns.

Staff should raise any concerns with the provider about their ability to provide planned care. When concerns are raised, the provider should respond appropriately and without delay.

CQC Well Led W3: Staff at all levels are actively encouraged to speak up and raise concerns, and all policies and procedures positively support this process

**Seen by the following committee(s) on date:**

IGC 18<sup>th</sup> September 2019

## Executive Summary

This year has started on high for the Trust, achieving Outstanding from the recent CQC inspection but also for the Freedom to Speak Up initiative within the Trust, having been favourably mentioned in the final Report.

*“Staff knew how to raise concerns about disrespectful, discriminatory or abusive behaviour or attitudes without fear of the consequences and knew this would be acted upon. We saw evidence that staff were increasingly raising concerns openly and incidents of anonymous contacts to the freedom to speak up guardian had reduced. This evidenced an open and transparent culture was fully embedded.”*

*“The trust appointed a new freedom to speak up guardian in August 2018. Staff spoke positively about this role and confidence in the role was demonstrated by increasing numbers of referrals no longer anonymised. The trust applied the duty of candour appropriately”.*

This year has seen the Freedom to Speak Up Guardian take on a role within the Trust induction Marketplace on a monthly basis ensuring that all new starters are welcomed with the message of Speak Up and the open culture is instilled right at the start of new staff journeys. There has been significant promotion of the role within the Trust. There is a significant programme of events planned for October this year which is ‘Speak Up Month’ supported by the National Guardians Office #Speakuptome.

From 1<sup>st</sup> of April 2019 to time of writing 2<sup>nd</sup> of September 2019, a total of 14 cases have been raised to the Freedom to Speak Up Guardian. Of these Cases, 3 were reported anonymously, one of these anonymous cases was reported through the CQC who provided feedback to the Trust to allow investigation.

For contrast in 2018/19, 18 FTSU concerns were raised (20 in 2017/18). Since the new FTSU Guardian has been in post the number of anonymous concerns has reduced; this was noted by the CQC in their inspection report and noted as this is an indication of greater confidence in the processes and allows concerns to be investigated thoroughly. Outcomes can be fed back to staff.

The 6 monthly data shows a steady increase in contacts with the Freedom to Speak Up Guardian, however this is to be expected due to the increased promotion of the role, the visibility of the role and also the Trusts commitment to the role and ethos.

The West Strategic Business Unit (SBU) received 2 concerns relating to two different service areas. Concerns are listed below and related to both in-patient and community services:

- One related to a safety issue regarding observations
- One related to Bullying and Harassment

The East & North Strategic Business Unit (SBU) did not receive any concerns during this period.

The Learning Disability & Forensic Strategic Business Unit (SBU) received 8 concerns to 7 different service areas. 3 concerns received from this SBU were anonymous. Concerns are listed below and related to both in-patient and community services:

- One related to rota management and inappropriate staff behaviour towards other staff members.
- Two anonymous concerns received for this SBU related to alleged bullying and harassment and values and behaviours, this is currently still being reviewed.
- One related to front line staff being placed in danger due to decisions from senior management.
- One related to Inpatient services, an allegation of Bullying and Harassment.
- One related across the sector, related to Bullying and Harassment from one individual source, this is being reviewed with senior leaders at present.
- One related to inpatient rehab services regarding quality of care and practice, this is being investigated.

The Essex and Improved Access to Psychological Therapies (IAPT) Strategic Business Unit (SBU) received 2 concerns to 2 different services. Concerns are listed below and are related to community services:

- One case was related to Bullying and Harassment alleged from a member of staff, to a member of staff, this was investigated and not substantiated.
- One was related to potential Fraud in relation to time management, this was investigated with the team manager who was aware of individual issue and supporting them.

Corporate services received 2 concerns in total this period. Concerns are listed below and related to both in-patient and community services:

- One related to an external alleged received regarding Bullying and Harassment, this was reviewed, investigated robustly and no substance to these allegations could be found.
- One related to behaviour of a staff member not in keeping with the values and behaviours of the trust, this is currently being reviewed with senior leaders.

Concerns are recorded on Datix and categorised by theme. The most common themes have been staff making allegations against other staff in relation to bullying and harassment, poor practice, quality of care and fraud and confidentiality issues.

During the year the FTSUG attended a number of trust events and visited services around the trust, including, monthly trust induction and The Big Listen. The Freedom to Speak Up Guardian also attended National events including the National Guardians Conference and the Regional Guardian Network meetings, collaborating and liaising with other Guardians around the community, The Freedom to Speak Up Guardian has also worked with Guardians within Hertfordshire to establish a Guardian Supervision Network.

The Speak Up priorities for the remainder of the financial year are as follows:

- Investigate and undertake steps to implement guidance from the National Guardians office on Training for all staff related to Freedom to Speak Up

- To develop and draft a Freedom to Speak Up Vision and Strategy in collaboration with Staff Representatives.
- Continue to engage with staff and teams about how to raise concerns.
- To engage in the October Speak Up Month with a programme of events to further raise the profile for Speak Up initiative.
- To under a GAP analysis of the Trust against multiple case reviews published by the National Guardians office identifying areas for potential improvement.
- To continue to build relationships with Staff representatives, to triangulate data and hotspot areas for potential targeting for drop in clinics and events.

## **Speak Up Annual Report 1st April 2019 – 3rd September 2019**

### **1. Introduction**

1.1 This report focuses on concerns made through the Speak Up process received from 1<sup>st</sup> April 2019 – 03rd September 2019. The report provides information on themes, learning and actions taken by the trust's Freedom to Speak Up Guardian (FTSUG) in response to the concerns raised. The report also provides information on the engagement work of FTSUG in 2019. The report also provides information relating to individual concerns raised by CQC.

### **2. The CQC Inspection 2019**

2.1 Following the CQC inspection of the Trust in March / April 2019, with the report published in May 2019, the trust was recognised as having made significant improvements in the Speak Up arrangements. The Trust was noted for being able to evidence an open and transparent culture was fully embedded, due to the reduction in Anonymous concerns being raised.

2.2 The CQC inspection report of May 2019 referenced Freedom to Speak Up and Improvements.

“Staff knew how to raise concerns about disrespectful, discriminatory or abusive behaviour or attitudes without fear of the consequences and knew this would be acted upon. We saw evidence that staff were increasingly raising concerns openly and incidents of anonymous contacts to the freedom to speak up guardian had reduced. This evidenced an open and transparent culture was fully embedded.”

“The trust appointed a new freedom to speak up guardian in August 2018. Staff spoke positively about this role and confidence in the role was demonstrated by increasing numbers of referrals no longer anonymised. The trust applied the duty of candour appropriately”.

### **3. Freedom to Speak Up Governance**

3.1 The FTSU process ensures the anonymity of those raising a concern, if this is their preferred method. However, where possible staff are encouraged to share their details, so that concerns can be robustly investigated. There is a high level of confidentiality, with a restricted number of people able to see details about concerns.

3.2 The FTSU Strategy group meets quarterly and reports to the Integrated Governance Committee six monthly.

3.3 The FTSU guardian receives monthly supervision and meets the Trust CEO on a regular basis. The Trust also submits Speaking Up data to the national guardian's office quarterly.

3.4 The Board should have a clear vision for the speaking up culture within the trust that links the importance of encouraging workers to speak up with patient safety,

staff experience and continuous improvement. This vision is supported by a strategy that has been developed in collaboration with staff representative and executive sponsors.

3.5 The board will have an understanding of the impact their behaviour can have on a trust's culture and therefore how important it is that they reflect on whether their behaviour may inhibit or encourage someone speaking up, by Completing the self-review tool and developing an improvement action plan will help trusts to reflect on their current speaking up culture as part of their overall strategy and create a coherent narrative for their patients, workforce and oversight bodies.

#### 4. Speak Up Concerns and Learning 2019/20

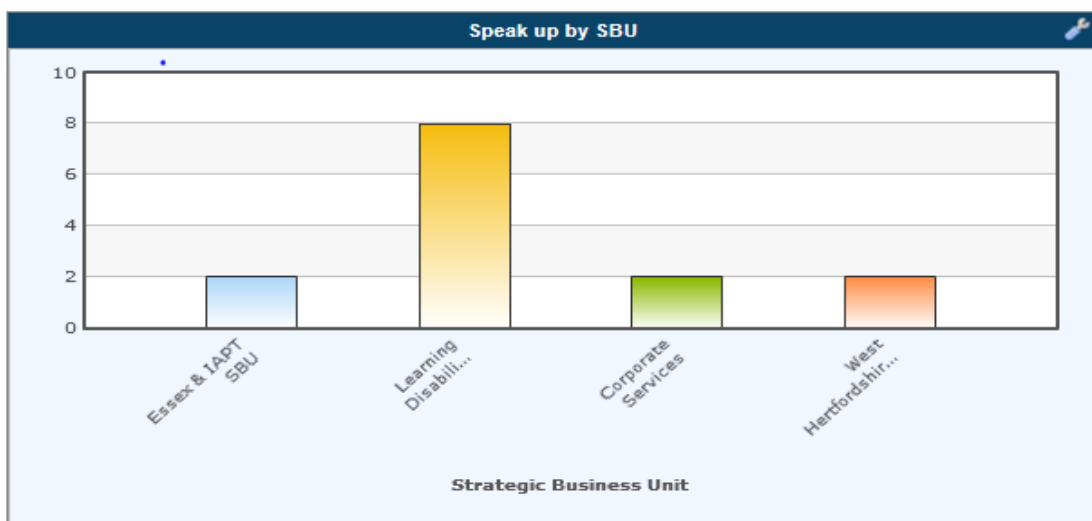
4.1 A total of 14 Speak Up concerns were received in this reporting period. This is compared with 18 concerns for the Financial Year 2018/2019 and compared to 20 in the previous year this has not differed significantly since 2014, when this reporting commenced. With the current level of concerns this is indicative of the further promotion of the role and Organisations commitment to Speaking Up and supporting staff to have a voice and for it to be heard.

4.2 When considering how this compares nationally, it is reported that, for any Trust with up to 5000 staff, the average number of concerns was previously 25. This was based on Data published by the National Guardians Office in 2018, however the NGO have yet to publish any new data reports in order for the Trust to continue to benchmark.

4.3 As part of the improvements being made to the Speak Up Process, this is done via review of Case Studies published by the National Guardians office with comprehensive recommendations but also in review of the appropriate guidance, going forward the executive leave for Freedom to Speak Up will write a letter to Thank staff speaking up. This will be completed in practice by the end of Quarter 3.

4.4 The Trust reviews the number (Table1) and type from each SBU and considers themes.

**Table 1– The number of cases received by Strategic Business Units**





4.5 The West SBU received 2 concerns relating to two different service areas. There were no themes identified but concerns raised included: Safety and Practice Issues around observations and Bullying and Harassment issues.

4.6 The East & North SBU did not receive any concerns to date.

4.7 The Learning Disability & Forensic SBU received 8 concerns to 7 different service areas. 3 concerns received from this SBU were anonymous. Concerns related mainly to Inpatient services. One Theme has emerged regarding perception of Staff in relation to Bullying and Harassment. The Trust should undertake some work in this area to better understand staff difficulties and challenges around this in two specific areas, Warren Court and Specialist Residential Services for People with Learning Disabilities.

4.8 The Essex and IAPT SBU received 2 concerns to 2 different services. There were no themes identified but concerns raised included: Bullying and Harassment concerns in an IAPT service and punctuality and time keeping in another service.

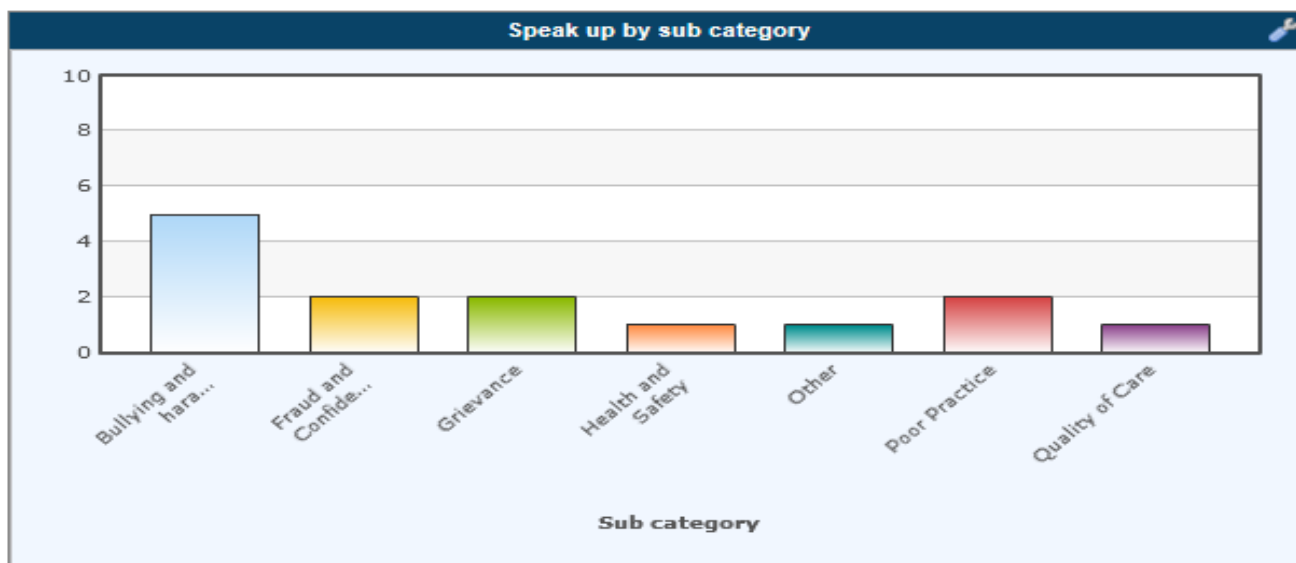
4.9 Corporate Services received 2 concerns to different services. There were no themes identified but concerns raised included: Bullying and Harassment concerns and behaviour and practice of staff who held a leadership position.

It can be seen that there is a variety of reasons for staff raising concerns; as far as possible concerns are managed by facilitation and discussion with the parties involved. Where learning is identified this is shared in a general way through the normal learning routes for the trust, e.g. team meetings, learning notes. A more robust way to cascade recommendations has been agreed, Speak Up will now produce a Quarterly report to bring to QRMC in order for actions to be cascaded down if there is general learning to be achieved. Feedback is given to staff regarding outcomes, when the concern is not anonymous.

## **5. Themes**

5.1 Concerns are recorded on Datix and categorised by theme. The most common theme this reporting period is Bullying and Harassment, then follows, Grievance, Poor Practice and Fraud and Confidentiality. The National Guardians Office has recently updated their guidance to boards and it is important to note that the organisation will be demonstrating commitment to developing the organisations Speaking Up Culture, in tandem with the organisation's focus on areas of reduction of bullying and harassment and incivility, ensuring clear and concise messages regarding non tolerance of victimisation for those who have spoken up.

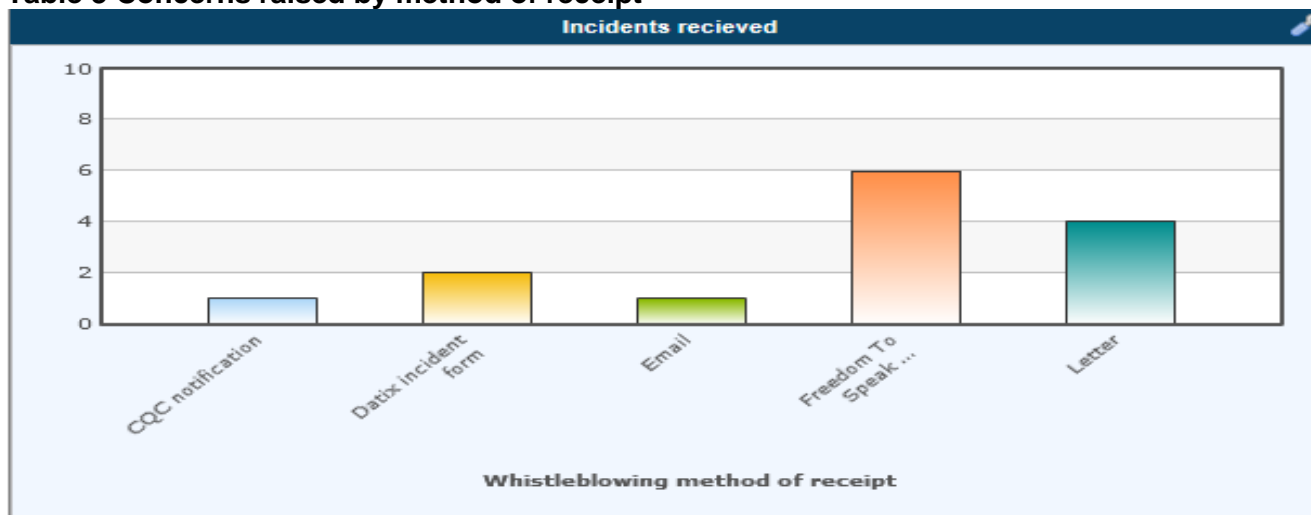
**Table 2 Speak Up Concerns by sub category April 2019 -September 2019**



## 6. Method of raising a concern

6.1 The trust has a number of mechanisms by which concerns can be raised (Table 3). One of the aims of this Financial Year was to continue to prompt the Freedom to Speak Up Guardians profile so as to further reduce the anonymous concerns being received, but also review the response to anonymous concerns in a more robust and considered way to encourage as much as possible opportunities for people to put their names to concerns so as feedback can be provided.

**Table 3 Concerns raised by method of receipt**



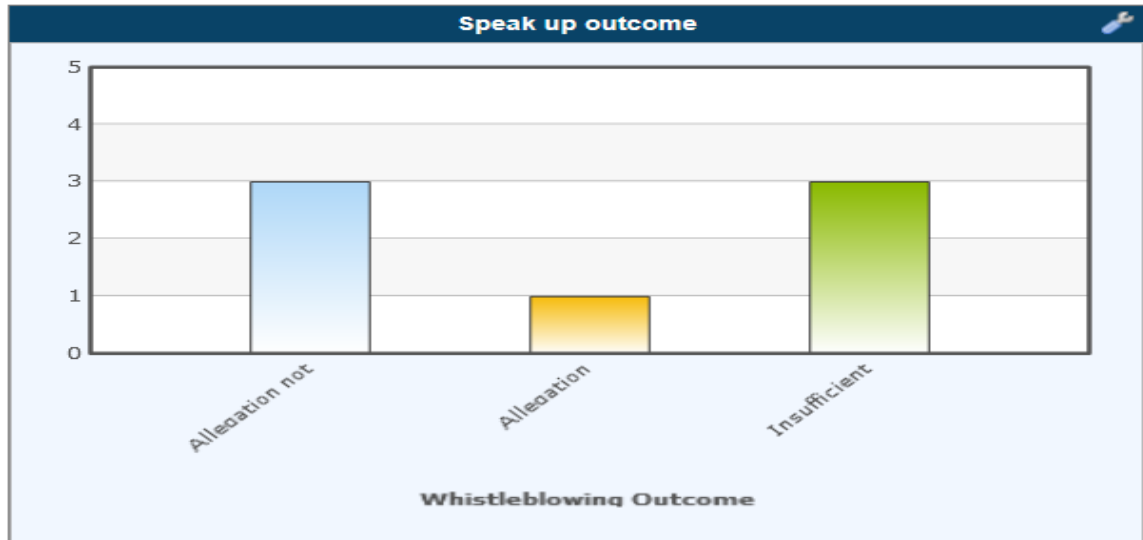
## 7. Speak Up Investigations and Outcomes

7.1 During this reporting period, 7 concerns have been investigated and closed

- In 3 cases the allegation was upheld
- In 3 cases there was a lack of information to take the concern forward
- In 1 case the allegation was partly upheld

7.2 The Trust is asked to review the Guardian Resourcing to ensure it is in line with expectations of the NHS Improvement and National Guardians Office recommendations, this includes robust ring fenced time to completed the task required for the role to robustly assure the board of both the reactive elements but also improve of the proactive elements, looking at barriers to speaking up and working in partnership to help reduce them, communicating the role, ensuring there is appropriate training on speaking up.

**Table 4 – Speak Up concerns outcomes (for the cases investigated)**



## 8. Freedom to Speak Up Guardian (FTSUG) and staff Engagement

8.1 Since the new FTSU Guardian has been in post, time has been dedicated to engaging with staff, including student and staff induction days. The FTSUG has also attended The Big listen. October 2019 is Speak Up month, a national promotion by the National Guardians office, the Guardian has a programme of events planned in order to further capitalise on staff engagement, including site visits, attending the Big Listen and also seek staff co-production in the development of the Speak Up vision and Strategy.

## 9. Priorities for remainder of 2019/ 2020

9.1 Investigate and undertake steps to implement guidance from the National Guardians office on Training for all staff related to Freedom to Speak Up

9.2 To develop and Draft a Freedom to Speak Up Vision and Strategy in collaboration with Staff Representatives.

9.3 The Trust continues to report Data Quarterly to the Freedom to Speak Up National Guardians Office, however they are currently undergoing procurement for the platform in which this has been done in the past and have requested that this data is not sent in as yet.

9.4 Continue to develop the FTSU Champion role and increase visibility.

## **10 Care Quality Commission (CQC) Concerns**

10.1 The CQC receive concerns directly from the public, service user, carers or staff. Although not formerly FTSU concerns, they are included in this report so that they are considered as a whole. The CQC shares the concern and the trust acts on the information provided. The Trust investigated and provided a response on the concerns raised to the CQC. These are discussed at the quarterly relationship meeting with the CQC.

10.1 The following concerns were received:

- Adult Community (x5) – Housing, historical allegation, care coordination, depot, personality disorder pathway.
- Lexden Inpatient (x2) – Self Harm, relationship with acute hospital, safeguarding.
- Seward Lodge (x2) – Zonal Observations, Violence and Aggression and Safeguarding
- Essex Learning Disability (x1) – General care/treatment of a service user.
- Robin Ward (X1) – Observations
- Wellbeing Service (x1) – Gender Identify referral

## **11 Conclusion**

11.1 There has been no significant change in the number of speaking up cases being reported but since the appointment of the new FTSU Guardian there continues to be a significant reduction in the number of anonymous cases being raised. In July 2019 the National Guardians office has produce updated guidelines for Boards on responsibilities to Speak Up and also Guidance to Trusts in relation to developing and implementing Freedom to Speak Up Training.

11.2 The most common themes are bullying and harassment, however it is not yet clear as to if this is due to genuine behaviours of staff members or results of management of poor practice and performance, further work needs to be done around triangulating data from various sources, conducting analysis of this data to further inform the board of these trends so the suitable action can be taken.