

NHSBT Board

27th September 2022

Status	Official Sensitive
Paper Title:	Freedom to Speak Up Annual Report
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Executive Sponsor:	Deb McKenzie, Chief People Officer
NED Sponsor (if applicable):	Phil Huggon, NED for Whistleblowing
Executive Summary:	<p>We believe the service could be used more extensively given the evidence of the number of people who report experiencing bullying, discrimination and harassment through Our Voice results.</p> <p>In some instances managers have not been equipped with the knowledge and tools they need to manage and support their people, and consequently we fail to create a psychologically safe environment everywhere.</p> <p>The development of the FTSU service is therefore required to enable staff to be heard and leaders to listen and follow up.</p>
Previously reported at and any associated decisions	Quarterly FTSU reports have been shared with the ET throughout 2021-22
Financial impact	Cost is 1 x WTE FTSU Guardian band 8a - £61,477
Stakeholder engagement	The quarterly reports are shared via SPC and the Colindale Taskforce, with feedback and suggestions considered, alongside the information shared with the Guardian via individual concerns, taken into account in the writing of this report.
Link to Risk Strategic Priority or Regulatory Requirement	There is a requirement for NHS organisations to provide an effective Freedom to Speak Up service (the Frances Report, 2015)
Equality, Diversity and Inclusion Impact	The provision of a FTSU service which only provides one Guardian severely limits the accessibility of the service (see section 2.4)
Ask of the Board:	<p>The Board are asked to</p> <ol style="list-style-type: none"> 1. Be aware of the intention to expand the Guardian provision by 1 WTE bd 8a (2 x 0.5 WTE) as part of the People directorate restructure

1. Background

Freedom to Speak Up Guardians were introduced from 2016 across many NHS services following the Frances Report (2015) recommendations. NHSBT introduced the role in September 2019. The role became full-time and permanent in January 2022, following a competitive recruitment process.

The main purpose of the FTSU Guardian role is to support and encourage a culture where raising concerns reliably results in colleagues being thanked for speaking up, listened to, and seeing positive action being taken.

Guardians are recommended to build a network of FTSU Champions, whose role it is to promote and encourage speaking up, signpost colleagues to channels of support, and support colleagues who want to or have spoken up.

This first Annual Report will show emerging trends found in NHSBT Speak Up data, highlight continuing areas of concern, and make recommendations for service improvement.

2. Data Trends [see Additional Information slides]

A number of standard measures are used by the National Guardian's Office (NGO) to monitor national trends in speaking up, and NHSBT data gathering mirrors the NGO data sets.

2.1 Number of concerns raised: 20-21 to 21-22 shows a variable use of the service. *Benchmarking:* In 21-22, Avon and Wiltshire Mental Health Partnership NHS Trust recorded 157 concerns; Birmingham Women's and Children's NHS Trust over 300. Given our understanding of the current challenges in our organisation, it would be a positive step to see more concerns being raised through FTSU, as a measure of how safe people feel to speak up.

2.2 Safety in raising concerns: slight increase in anonymity from 20-21 to 21-22

- Our current rate of anonymity is 19%, up from 17%
- The goal is to substantially improve trust, both in the FTSU system and in the organisation's support of those that speak up
- An initial target is to reduce the current rate by 2 percentage points

2.3 Types of concerns raised

- Safety/wellbeing concerns dropped following end of pandemic
- Risks to patient/donor safety are raised directly with managers/QA, indicating a general confidence in speaking up about safety concerns
- Most policy concerns relate to poor recruitment practices, where managers are believed to have pre-selected candidates
- Behaviour has shifted in seriousness
 - Decrease in 'Inappropriate attitudes & behaviours' from 20-21 to 21-22 (41% to 27%)
 - Increase in bullying & harassment from 20-21 to 21-22 (17% to 33%)

2.4 Concerns from colleagues with protected characteristics

2.4.1 Disability

- Colleagues requiring support in getting reasonable adjustments in place are often supported by the Health & Wellbeing team.

- Some colleagues do feel able to use the FTSU service to raise concerns about disability concerns, usually relating to the refusal of managers to make reasonable adjustments to support them.
- A lack of diversity provided by the availability of one Guardian may be a barrier to disabled colleagues speaking up

2.4.2 **LGBTQ+**

- A small number of colleagues have used the FTSU service to raise concerns about homophobic bullying and harassment.
- A lack of diversity provided by the availability of one Guardian may be a barrier to LGBTQ+ colleagues speaking up

2.4.3 **Ethnicity**

- The percentage of people who raised concerns via FTSU who are black, Asian, or of an ethnic minority is 20% (17). A further 26% were either anonymous or their ethnicity is unknown.
- Of the 17 concerns raised by BAME colleagues, 8 were concerned about bullying harassment or other inappropriate behaviours; 5 and 3 respectively.
 - 53% (27) of the concerns raised by white colleagues related to conduct issues; 12 bullying and harassment, 15 inappropriate behaviours.
- Research commissioned by the NGO in 2021 found that 40% of BME respondents felt that they would be more likely to speak up to a Freedom to Speak Up Guardian who was of the same ethnicity (Roger Kline and Ghiyas Somra (2021) DIFFERENCE MATTERS: THE IMPACT OF ETHNICITY ON SPEAKING UP).
- A lack of diversity provided by the availability of one Guardian may be a barrier to BAME colleagues speaking up

2.4.4 **Gender**

- 56% (48) of concerns raised were from women; of which
 - 58% (28) relate to bullying, harassment, or other inappropriate behaviours; 16 citing bullying/harassment, 12 inappropriate behaviours.
 - 53% (10) of the concerns raised by men related to conduct issues; 7 citing bullying/harassment, 3 inappropriate behaviours.
- There is a growing willingness among women at NHSBT to speak up about sexual harassment at work.
- Offenders are sometimes put back in the same team as their victim following a disciplinary process.
- A lack of diversity provided by the availability of one Guardian may be a barrier to colleagues speaking up due to the gender of the Guardian

2.5 **Speaking Up Data National Guardian Office Vs NHSBT 21-22**

The table below shows that, when adjusting for the fact that NHSBT colleagues find it much easier to speak up about patient and staff safety directly with managers in contrast to other organisations, our number of reported concerns are broadly in line with the national average. However, we know that the numbers of concerns raised are not reflective of the current cultural, behavioural and inclusion challenges in the organisation.

	No. cases raised in the year	No. cases raised anonymously	No. cases with an element of patient safety/quality	No. cases related to behaviours, including bullying/harassment	No. cases where people indicating detriment as a result of speaking up	Number of cases with an element of worker safety/wellbeing
NHS Medium-sized Organisations (5k-10k staff)	9,835	1143	1845	3,028	425	1327
Average across 89 orgs (those who submitted data)	111	11.6%	18.8%	30.8%	4.30%	13.5%
NHSBT	85	18.8%	2.4%	45.9%	0%	3.5%
Difference:	-26	+7.2%	-16.4%	+15.1%	-4.30%	-10.0%

NB The NGO do not currently collect data relating to protected characteristics

If you net off the cases with a patient safety/quality aspect from other organisations then we have approx. the same number of cases relative to our size.

3. Findings

- 3.1. In general, NHSBT employees feel safe to raise concerns about staff, patient and donor safety, and do so directly through their manager or other appropriate internal systems
- 3.2. Colleagues using the speak up service do not report suffering detriment as a result of speaking up. However, fear of recrimination is known to be a major cause of fear in raising concerns at NHSBT and one of the greatest barriers.
- 3.3. Many of our managers at NHSBT are highly skilled at managing and leading their teams, creating an inclusive and psychologically safe environment for colleagues to thrive in. However, at the heart of the majority of cases raised through FTSU is the failure of some managers to know about, or understand, their responsibilities as per their job description, in law (e.g. the Equality Act 2010 and the Human Rights Act 1998), in our Code of Conduct, and in our policies and procedures. Managers are very often best placed to support colleagues when things go wrong; sadly, some choose not to do so, do not know how to, or are themselves the person directly causing the problem. At times, colleagues feel bullied when a manager begins a poor performance process, but does so in such a way as to make the person feels blamed, criticised and vulnerable.
- 3.4. The Freedom to Speak Up service could be more widely used, we believe that more people would come forward if there was a small team of Guardians representing a wider range of experience than one person can do. Those that provide feedback indicate their full satisfaction with the service they received.

4. Recommendations

4.1 Build the Freedom to Speak Up service

- We currently have 1 x WTE Guardian
 - The Guardian's role to manage concerns raised via FTSU
- and 5 FTSU Champions (no protected time)
 - role is to promote the speak up service and signpost colleagues to support services

- Benchmark - NHS England & NHS Improvement have 42 days per week of Guardian time; the equivalent of 8.4 WTE Guardians. HEE have 30 Guardians, each with 0.5 days per week; 3 WTE Guardians.

With **an additional two FTSU Guardians (2 x 0.5 WTE)** plus an increase of FTSU Champions (50 in total with one day per month protected time – approved by the ET on 07/09/22), the deliverables are expected to be:

FTSU

- A diverse team of Guardians, reflective of the community they serve
- Building trust among our workforce
- More in-person engagement visits to teams all over the country
- In-person listening 'clinics'
- Staff are encouraged to speak up to their manager at an early stage
- 'Listen Up' training sessions for managers on how to respond when someone tells them of a concern
- Joining SMT meetings to update leaders about themes being raised in their directorate
- A significant increase in service use
- A dedicated resource to help build an open, safe, speak up, listen up, follow up culture
- Reduced risk of public whistleblowing

Champion Network

- Speak Up service promotion across all centres
- Effective signposting colleagues to appropriate services (Guardian, EAP, HS&W, HR, TUs etc)
- Champion oversight (training, support, guidance) shared between Guardians
- Network oversight and strategy – Lead Guardian

The risks of not growing the FTSU service are

- Continued under-utilisation of Speak Up service
- Some colleagues with protected characteristics will continue to feel unable to use the service
- Continued risk of public/external whistle blowing
- Increased/potentially unmanageable workload for one Guardian

Sign off:

This paper will be presented to the September Board.

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