

NHS England Board meeting

Paper Title: Internal Freedom to Speak Up update

Agenda item: 10 (Public session)

Report by: Richard Barker, Regional Director for North of England, Senior Responsible Owner (SRO) for internal FTSU

Paper type: For approval or discussion [delete as appropriate]

Key area: Strategy Performance Policy

Link to strategic objective(s):

Please choose as appropriate:

- Supporting integration of care and enable change
- Recovery of the health service
- Continued COVID-19 response
- Achieving long term financial sustainability
- Workforce and investment in our people
- Transformation of services
- Digital and data
- Statutory item
- Governance
- Other: please state below

Executive summary:

This paper provides the annual report on internal Freedom to Speak Up (FTSU) from our FTSU Guardians, and was considered by the NHS Executive and the People and Remuneration Committee (PRC). It sets out the key themes from the cases raised by our staff this year; the Guardians' perspective on the learning and improvement; and their recommendations for 2022/23. It follows, and updates on, the plans for the future set out in the paper to PRC and reflects how the Guardian's recommendations link to those plans.

Previously considered by:

NHS Executive and People and Remuneration Committee.

Risk(s)

Please indicate above the overall level of risk associated with the proposal and then outline in the risk sections what they are and mitigating actions taken/to be taken to address the risk(s).

High Medium Low

Action required by the Board:

The Board is asked to note this report.

Background

1. In September 2021, the NHS England and Improvement Boards received the first annual report from our FTSU Guardians, which highlighted 56 cases raised in 2020/21, with themes of recruitment and conduct of senior leaders.
2. Following the retirement of Ann Radmore, former NHS East of England Regional Director, the Senior Responsible Officer (SRO) role has passed to Richard Barker, NHS North East and Yorkshire and North West Regional Director. Non-Executive Board oversight sits with Sir Andrew Morris.

Assessment of issues, including themes and trends

Summary of developments in 2021/22

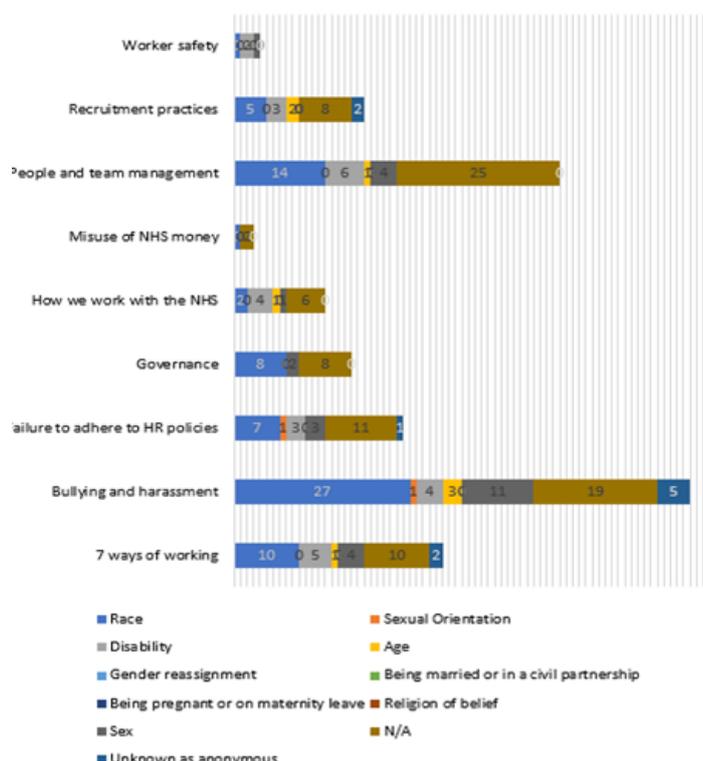
3. With the introduction of quarterly data reports, executive directors have been meeting with their Guardians and HR Business Partners (HRBPs), with a focus on cases and speaking up culture within respective regions/directorates.
4. In Quarter 3 we recruited more Guardians, increasing from 30 to 59.
5. In January 2022, we shared with staff a report of research carried out by the Guardians looking at the experiences of staff speaking up in NHS England and NHS Improvement (which particularly focused on what enabled or inhibited them from doing so) and an accompanying conversation tool for teams (these were shared with NHSEI People, Remuneration and Nomination Committee (PRN) members after the April PRN meeting).
6. In February 2022 the Executive Group agreed to make significant additional financial investment in internal FTSU, which allows the recruitment of a lead guardian, along with dedicated analytics and communications support, hosted in the Chief Delivery Officer's (CDO) Directorate. A job description for the role of the Lead Guardian has been developed and we expect recruitment to that role to commence shortly. The communications function will be incorporated into an existing role within the CDO. The data development and analytics roles are subject to ongoing discussion with the Corporate Services Team. The establishment of this team focused solely on internal FTSU has been discussed with relevant FTSU leads in Health Education England (HEE) and NHS Digital, and monthly meetings set up with those leads, to ensure alignment.
7. The number of cases received in 2021/22 (152) almost tripled in comparison to the previous year (56). The proportion of people speaking up anonymously fell from 59% to 35%. However, the proportion of people who wanted their name kept confidential rose 7% from 58% to 65%.

FTSU cases received by Guardians in 21/22			
Q1	Q2	Q3	Q4
17	33	54	48

8. It is difficult to infer too much from higher or lower numbers of cases. Higher numbers could signal a healthy confidence that staff have in speaking up as well as indicate that there are challenges. The National Guardian's Office's annual data report indicates that the number of cases received by NHS England is comparable with other organisations of a similar size.

Region/directorate	Rates of speaking up cases per 100 staff (by headcount)
North West	0.27
North East & Yorkshire	0.65
Midlands	0.84
East of England	1.56
London	0.98
South West	1.2
South East	0.96
Chair & Chief Executive's Office	0
Chief Delivery Officer	0
Chief Operating Officer	0.8
Commercial	3.4
Emergency & Elective Care	1.63
Finance	0.62
Medical	0.91
Nursing	1.3
People	2.75
Primary Care, Community Services and Strategy	2.9
Transformation	0.9
HSIB	3

Themes arising from speaking up cases received in 21/22 – highlighting whether the reporter had any protected characteristics that were relevant to the issue spoken up about (click for granular breakdown) cases?



9. The two strongest themes raised in 2021/22 relate to:
- Bullying and harassment: 60 occurrences
 - People and team management: 50 occurrences, which incorporates the following sub-themes:
 - Failure to effectively manage breakdowns in relationships within teams.
 - Failure to role model and/or support our '7 ways of working'.
 - Sanctioning, condoning, or ignoring poor team culture.

Learning identified by Guardians from FTSU cases in 2021/22

10. The Guardians identified the following themes:
- Staff want to know they are being heard: they often feel isolated by their experience, so having an opportunity to be heard is valued.
 - The importance of ensuring accurate record keeping of HR and FTSU cases so that accurate triangulation of concerns can inform robust responses to them.
 - A strong focus on leadership and management competencies: this is considered vital to developing the culture within the organisation.

- Recruitment practice: while things have improved since last year, it is important that we are following the principle of flexible working and Equality, Diversity and Inclusion (EDI) values. Job adverts should provide information about flexibility relating to work base/home working and whether flexible working/part-time hours will be considered.
11. The Guardians identified the following examples of learning from individual cases:
- Senior managers need to clearly communicate any decisions about local recruitment/secondment restrictions, and ensure that decisions on permitting or refusing secondment opportunities are made on a case-by-case basis, involving the line manager.
 - Importance of support for staff after speaking up to enable them to move forward: in the aftermath of one case, the member of staff who spoke up sought support from a Guardian external to the team, which they found valuable for their mental health and wellbeing. They also benefitted the signposting to specialist support and access to coaching.
 - Addressing poor leadership behaviour: a staff member highlighted that poor leadership behaviours were contributing to high staff turnover and causing high stress levels and low staff morale. When the Guardian raised this with the executive director, the following solutions were agreed with them and the HR business partner:
 - executive director to remind core SMT staff of our values
 - away day session on importance of staff wellbeing and behaviours
 - away day session on promoting speaking and listening up.
12. From cases handled by the Guardians last year, they have identified the following reflections on effective case handling:
- Now that processes have matured, Guardians feel more able to reflect on learning and capturing it to drive improvement, and then promote that internally to encourage others to speak up.
 - Evidence from the research into experiences of speaking up at NHSE/I indicates that a conducive environment and positive motivation enables colleagues to speak up. Improving early intervention when colleagues speak up is critical to a positive culture.
 - Being transparent about how cases are handled wherever possible and communicating that clearly makes a big difference to the experience of speaking up and helps improve outcomes, as well as breaking down barriers to speaking up.
 - Senior leaders actively engaging with FTSU cases has improved the perception in their teams of the importance of the support that Guardians provide.
13. The Guardians have identified the following necessary improvements they intend to make to the way we capture and share learning from cases for 2022/23 and beyond:
- Ensure that future FTSU research is produced in an easy read format for those with learning disabilities.
 - Feedback on learning and improvement remains limited. A new proactive approach with the larger group of guardians will help them capture changes

that occur as a result of speaking up, writing stories and sharing them across the organisation.

- Improve the way we capture, evaluate and act on feedback on the experience of speaking up to Guardians.

How FTSU is influencing wider cultural development

14. More Guardians and more promotion of FTSU and the diversity of our Guardian cohort has prompted more speaking up and more opportunities for improvement. Increasingly, our Guardians are seen as trusted figures, as evidenced by the drop in the proportion of anonymous cases.
15. The increase in speaking up has provided the organisation with opportunities to learn from their staff. One example of this is the People Directorate, which introduced directorate-wide listening events to inform the development of an improvement plan to address the issues raised through the FTSU process.
16. FTSU data is being used to understand the bigger picture, evident in:
 - The introduction of a CRM system to record cases, which has enabled us to produce quarterly thematic data reports and a live case dashboard, giving greater awareness and transparency. It also creates the opportunity for the organisation to triangulate FTSU data with other staff experience data. However, there is more work to be done to ensure the right balance between themes that are sufficiently detailed to address the issues, while protecting confidentiality.
 - The decision to invest in designated analytics support as part of the new internal FTSU team.
17. Executive Directors talking more regularly about FTSU has been a key plank of our approach:
 - FTSU has become a more regular topic at our all-staff briefings, and referenced by our Chief Executive.
 - The majority of our Executive Directors made pledge videos during Speak Up month in October 2021. This prominent endorsement of the value of speaking up has played a part in driving staff engagement – evidenced by the increase in views of our FTSU pages on the intranet.

Progress update against 21/22 recommendations

18. In 2021/22 the Freedom to Speak up Guardians suggested 12 recommendations for the year ahead; these can be found in [last year's report](#).
19. Of these 12 recommendations, some have been embedded into business-as-usual, such as quarterly mentions of FTSU within all staff briefings, executive directors actively supporting FTSU and receiving and discussing FTSU data each quarter. Other recommendations have not been systematically addressed. For example, and while NGO online training modules have been promoted on the intranet, it has not been made mandatory as the Guardians recommended. It is anticipated that this will feature in our FTSU strategy for 2022/23 and beyond.

Guardian recommendations for 2022/23

20. The following recommendations from our Guardians have been largely accepted, and will be monitored, by the NHS Executive:

- *Work with senior leaders/managers to create healthy speaking up cultures, champion listening up and tackle unacceptable working behaviour with a view to reducing/eliminating it.* This could be achieved through:
 - Reiterating and embedding the 7 ways of working and describing how those principles will be brought to life – in particular the principles around speaking up and learning from staff experience.
 - Enhanced promotion of all three modules of the HEE/NGO e learning programme on speaking up, listening up and following up.
 - Normalising conversations at team level about barriers and enablers to speaking up – using the team conversation tool.
 - Introducing a minimal level of professional development that is assessed annually via 360 feedback. On this topic, we were pleased to see a 360 feedback system being introduced for executive directors and their direct reports, partly as a result of regular feedback from the FTSU Guardians.
 - Supporting understanding of the role managers and senior leaders play in receiving and resolving speak up cases.

Organisational update on responding to these recommendations: The dedicated communications support will help address a number of the above bullets. The draft FTSU strategy also incorporates a focus on the role of leaders and managers in FTSU.

- *Closer collaborative working between FTSU Guardians and HR BPs in relation to directorate/region wide people-related initiatives eg anti bullying; civility and respect and inclusion.* This could be achieved through:
 - Regional/directorate OD improvement plans that include actions relating to the speaking up culture
 - FTSU Guardians sitting on regional/directorate wide working groups that monitor progress against these plans
 - Continuing the regular review of the themes from speak up cases with executive directors and discussing how that information informs the evolution of the regional/directorate-wide improvement plans.
 - Regular promotion of this joined up work by executive directors and senior leaders within each regions/directorate.

Guardians are in the process of having their Q1 conversations with their executive directors and HRBPs, where they can address these issues. The new Lead Guardian will be able to support these conversations in future.

- *Development and utilisation of the Guardian role.* This could be achieved by routinely involving/embedding Guardians in:
 - Local inductions and exit interviews
 - Mediation, where appropriate
 - Interview panels for roles above Band 9

Further discussions with Guardians are planned to explore the benefits and practicalities of these specific suggestions.

Next steps

21. The next few months will be focused on:
 - Appointing a Lead FTSU Guardian.
 - Finalising a FTSU strategy (after engaging with staff network chairs).
 - Develop a communications plan based on the strategy.
 - Continued engagement with HEE and NHS Digital counterparts.