



Cover Sheet

Trust Board Meeting in Public: Wednesday 8 May 2024

TB2024.38

Title: Freedom to Speak Up [FTSU] In-year Update Q1/Q2/Q3 2023/24

Status: For Information

History: TME2024.150, TB2023.103 FTSU Annual Report 2022/23

Board Lead: Chief People Officer

Presented by: Lindley Nevers, Freedom to Speak Up Lead Guardian

Authored by: Susan Polywka, Freedom to Speak Up Project Manager

Confidential: No

Key Purpose: Assurance

Executive Summary

1. This paper presents an in-year update on activity undertaken by the Freedom to Speak Up [FTSU] team at OUH, including data on cases opened in the nine-month period from 1 April to 31 December 2023, in compliance with reporting requirements of the National Guardian Office [NGO]. It also highlights relevant communications from the NGO.
2. The full report is **attached** at Appendix 1.

Recommendation

3. The Trust Board **is asked to:**
 - **Note & discuss** the in-year update ahead of submitting the full report **attached** at Appendix 1 to the Board when it meets in public on 8 May 2024.

Freedom to Speak Up [FTSU] In-year Update Q1/Q2/Q3 2023/24

1. Purpose

- 1.1. This paper presents an in-year update, **attached** at Appendix 1, on FTSU activity in the first three quarters of 2023/24, from 1 April to 31 December 2023, in compliance with reporting requirements of the NGO.

2. Update

- 2.1. Data is provided on the number of formally recorded cases that were opened after staff contact with OUH FTSU Guardians, with a breakdown of the reason(s) for contact in those cases. (**NB** Multiple reasons may be identified in relation to a single case).
- 2.2. Between 1 April and 31 December 2023, OUH FTSU Guardians opened **66 cases** after being contacted for advice and support (compared to 71 cases opened in the same period of 2022/23).
- 2.3. The number of cases opened does not represent the larger number of staff members across the Trust with whom the FTSU team has also engaged through monthly online Listening Events and other initiatives to raise awareness and remove barriers to speaking up, promoting the Trust's **#SpeakUpListenUpFollowUp** culture.
- 2.4. In the nine months from April to December 2023 inclusive 1,568 such contacts were logged by the FTSU team, in addition to which 1,007 staff dropped in at the FTSU Roadshows held on each of the four main hospital sites and OUH Cowley during national Speak Up month in October 2023.
- 2.5. In the [NHS Staff Survey 2023](#) the OUH had an overall score of **6.84 out of 10** in relation to the People Promise Element: *"We each have a voice that counts"* (relating to Raising Concerns). This is an improvement on last year's score, it is better than the national average and it is significantly better than poorly performing outliers, although with room for improvement to match the score of the best performing trusts.
- 2.6. In Q1 of 2023/24, results were published of the FTSU Guardian Survey 2023: [Listening to Guardians: FTSU Guardian Survey 2023](#) (ref 4.1 App 1)
- 2.7. In August 2023, the importance of committing to a positive speaking up culture - with effective policies and processes enabling staff to raise concerns without fear of detriment - was further reinforced in [correspondence](#) sent to all trusts by NHS England in the wake of the verdict in the trial of Lucy Letby.
- 2.8. Q2 of 2023/24 also saw publication of the [NGO Annual Report on Speaking Up Data 22/23](#) (ref 2.5 – 2.7 Appendix 1)

- 2.9. In Q3, a new FTSU Lead Guardian took up post at OUH, and in October - with strong, visible support from the Board - the whole FTSU team spearheaded another successful Speak Up Month, on the national theme of **#Removing the barriers to speaking up**.
- 2.10. Demonstrating the Trust's commitment to breaking the barriers to speaking up, and in alignment with the Trust's *Eradication of Bullying and Harassment Programme*, a project was then immediately commissioned to re-examine the case for introducing an external web-based platform for anonymous reporting of concerns, supplementary to all existing channels.
- 2.11. By the end of Q3, after full consideration and due process, [WorkInConfidence - Employee Listening & Engagement Tools](#) [WiC] was identified as the preferred provider. Work is well underway to secure funding and prepare for introduction of the WiC platform in 2024/25. If charitable funding cannot be secured, or to the extent that it may not meet the relatively small outlay required (£12,450 per annum for a minimum of two years), then support will be sought to approve the case for funding implementation of this crucial supplementary channel for speaking up.

3. Conclusion

- 3.1. The OUH FTSU team has continued to collaborate with colleagues in teams across the Trust, to consolidate improvements to the speaking up culture at OUH, underpinned by a commitment to embed a that culture throughout the organisation e.g. in the launch of the new ['Raising a concern' staff website](#), to make it easier for staff to navigate the various routes and channels available for raising concerns.
- 3.2. This collaborative approach adheres to NHS England's [updated FTSU guidance and reflection and planning tool](#) which emphasises that:

“speaking up sits within the wider context of a compassionate and inclusive culture, ... all elements of [which] are closely linked to Freedom To Speak Up, and must be implemented alongside it”
- 3.3. The reflection and planning tool will be completed during 2024/25, to identify any actions required to develop FTSU arrangements at OUH; ensuring that staff can access the support required to meet their needs in relation to raising concerns.

4. Recommendations

- 4.1. The **Trust Board is asked to**

Note & discuss the in-year update for Q1, Q2 and Q3 of 2023/24.

Appendix 1

Freedom to Speak Up – In-year Update Report Q1/Q2/Q3, 2023/24

1. Purpose

1.1. The purpose of the In-Year Update Report is to provide an overview of the work of the FTSU Guardians at OUH in the nine-month period from 1 April to 31 December 2023, highlighting relevant updates from the National Guardian Office [NGO], and providing data on contacts made.

2. Recorded staff contacts and cases opened

2.1. The number of cases formally opened after staff contact with FTSU Guardians during the period covered by this report is 66 (compared to 71 cases opened in the same period of 2022/23), with more cases opened in Q3 of 2023/24 than in Q1 and Q2 combined.

2.2. The FTSU team has also engaged with a much larger number of staff through a range of initiatives aimed at raising awareness and removing barriers to speaking up. Through online Listening Events, induction sessions, walkabouts, and other events, the FTSU team recorded **contact with 1,568** members of staff between April-December 2023 inclusive.

2.3. In addition, during national annual Speak Up month in October 2023, **1,007** staff members **dropped in on FTSU Roadshows** which were held on each of the four main hospital sites and at OUH Cowley.

2.4. Year on year data on the number of contacts giving rise to a case being opened at OUH is provided in Table 1

Year	Period covered	No of contacts	
2017/18	8 months		56
		Half year	Full year
2018/19	Q1 and Q2	39	
	Q3 and Q4	54	
	12 months		93
2019/20	Q1 and Q2	86	
	Q3 and Q4	55	
	12 months		141
2020/21	Q1 and Q2	92	
	Q3 and Q4	72	
	12 months		164
2021/22	Q1 and Q2	38	
	Q3 and Q4	78	
	12 months		116
2022/23	Q1 and Q2	37	
	Q3 and Q4	57	
	12 months		94
2023/24	Q1 and Q2	30	
	Q3		
	NB 1 Quarter only	36	

Table 1 - Number of contacts (Source: OUH Lead FtSU Guardian)

Some comparisons with national data

- 2.5. The [NGO Annual Report on Speaking Up Data 22/23](#) (published in July 2023) showed that across the country, 25,282 cases were raised with FTSU Guardians during the whole year 2022/23, representing a 25% increase on the total number of cases recorded nationally in 2021/22. In contrast, the number of FTSU cases opened at OUH has been falling since 2021/22.
- 2.6. Nationally, the most reported theme was inappropriate attitudes or behaviour, which was reported as an element in 30% of cases, and bullying and harassment was reported to be an element in a further 22% of cases.
- 2.7. The theme of staff safety or wellbeing was reported as an element in 27.4% of cases reported across the country, and 19.3% of cases nationally involved an element of patient safety and quality.
- 2.8. A comparison with the breakdown of reasons why people spoke up at OUH in Q1, Q2 and Q3 of 2023/24 is provided in Graph 1.

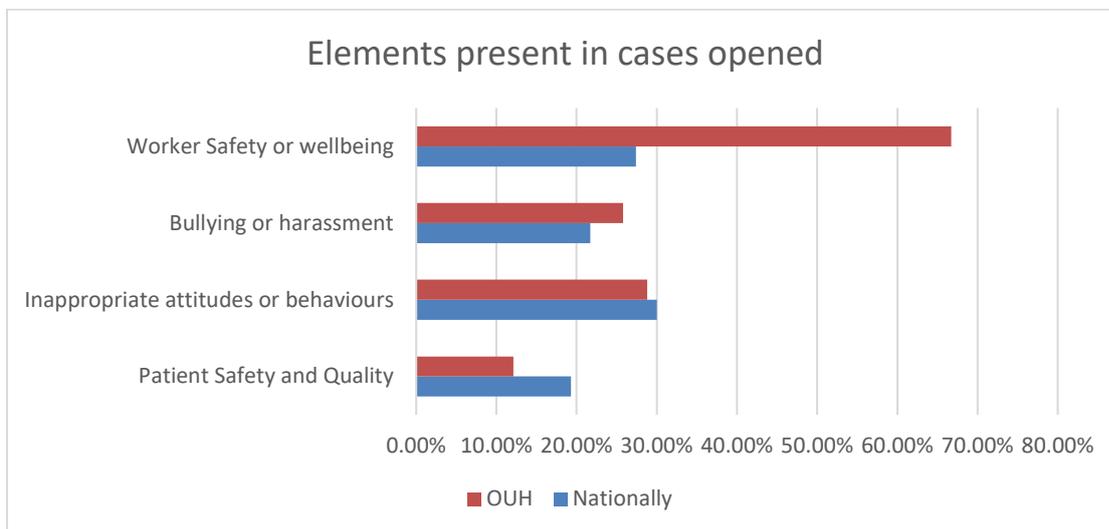


Figure 1 - Graph 1 – Comparison of the elements present in cases nationally and at OUH

(Source: [Annual Speaking Up Data Report 2022/23](#) and OUH Lead FTSU Guardian)

- 2.9. At OUH, “inappropriate attitudes or behaviour” was an element in 19 out of the total of 66 cases formally opened during Q1, Q2 and Q3 of 2023/24 (28.8% of cases).
- 2.10. Further, “bullying and harassment” was cited as the reason for contact with FTSU Guardians at OUH in 17 cases during that period (25.8% of cases)
- 2.11. At OUH, the most reported theme during Q1, Q2 and Q3 of 2023/24 was “staff safety or wellbeing”, which featured in 44 cases (66.7% of cases).
- 2.12. In the same period, at OUH only 8 cases reported on the theme of “patient safety and quality” (= 12.1% of cases).

- 2.13. Comparative data on the reasons for contacts with OUH FTSU Guardians is provided in Tables 2 and 3. (**Please remember** that multiple reasons for contact may be identified in respect of a single case).

Comparison between Previous Years and Year to Date:

Year on Year comparison	2020/21	2021/22	2022/23	Q1 23/24	Q2 23/24	Q3 23/24
Element of patient safety/quality	63	25	34	0	1	7
Behaviours incl. bullying & harassment	47	66	<i>If re-amalgamated = 49</i>	= 9	= 6	= 21
Element of bullying and harassment	<i>Categories not previously sub-divided</i>		32	3	4	10
Element of other inappropriate attitudes or behaviour	<i>Categories not previously sub-divided</i>		17	6	2	11
Element of staff safety	<i>Not reported</i>	47	<i>Category now includes staff wellbeing</i>			
Element of staff safety or wellbeing	<i>Didn't previously include staff wellbeing</i>		47	12	10	22
Reported suffering detriment	12	7	3	0	0	1

Table 2 – reasons for contacts with OUH FTSU Guardians, 2020/21 to 2023/24
(Source: OUH Lead FTSU Guardian)

Quarterly breakdown for 2022/23 and Q1, Q2 and Q3 of 2023/24:

Quarter by Quarter comparison	22/23 Q1	22/23 Q2	22/23 Q3	22/23 Q4	23/24 Q1	23/24 Q2	23/24 Q3
Element of patient safety/quality	7	3	15	9	0	1	7
Element of bullying and harassment	0	9	13	10	3	4	10
Element of other inappropriate attitudes or behaviour	2	4	14	3	6	2	11
Element of staff safety or wellbeing	6	11	17	13	12	10	22
Suffered detriment	0	1	2	0	0	0	1

Table 3 – reasons for contacts by quarter during 2022/23 and up to end of Q3 23/24
(Source: OUH Lead FTSU Guardian)

2.14. Trends in the reasons why people have spoken up at OUH over the past seven quarters are represented in Graph 2.

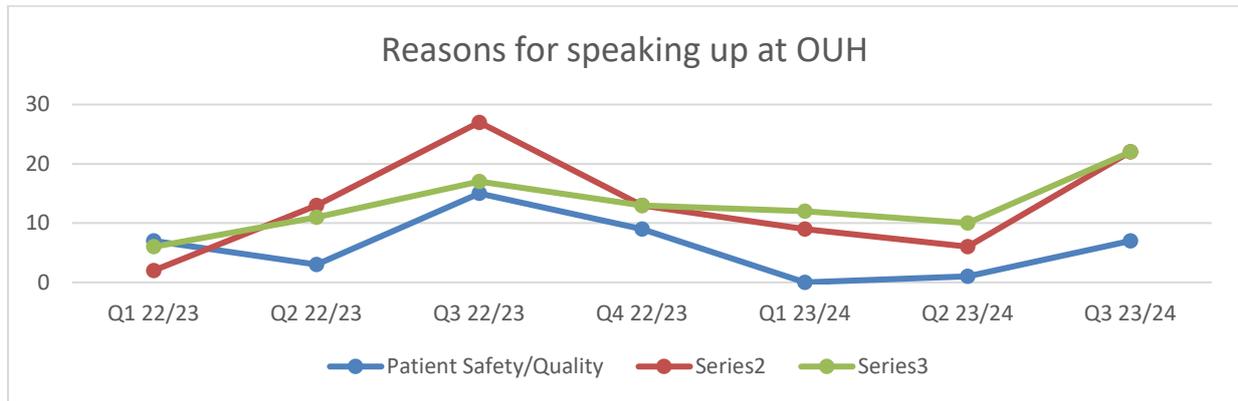


Figure 2 - Trends in the reasons why people have spoken up at OUH over the past seven quarters

Series 2: Bullying & Harassment/Other inappropriate behaviours Series 3: Staff safety/Wellbeing

Graph 2 – Reasons for speaking up at OUH 2022/23 and Q1/Q2/Q3 2023/24
(Source: OUH Lead FTSU Guardian)

Anonymous reporting

2.15. Six cases were initially raised anonymously at OUH in Q1 of 2023/24, five cases were raised anonymously in Q2, and four in Q3 (= 22.7% of all cases raised through FTSU at OUH).

2.16. This is significantly higher than the 2% of cases that were reported anonymously at OUH in 2022/23, and higher than the national average of 9.3% of cases raised anonymously in that year.

2.17. The relatively high proportion of cases that were raised anonymously at OUH in the period covered by this report includes a number of people who raised concerns about the same issue, over a prolonged period of time, each of whom wanted to remain anonymous.

Detriment

2.18. During Q1, Q2 and Q3 of 2023/24, the FTSU team at OUH recorded only one case indicating “detriment”, defined by the NGO as “disadvantageous and/or demeaning treatment for speaking up” (= 1.5% of cases at OUH, compared to a national average in 2022/23 of 3.9%).

Response times

2.19. Throughout Q1/Q2/Q3 of 2023/24, the average time taken for FTSU Guardians to provide an initial response to contact made was between 24 and 72 hours.

Feedback on the experience of speaking up

2.20. In response to the question, “Given your experience, would you speak up again?”, in Q1/Q2/Q3 of 2023/24 approximately a quarter (24.2%) of people responded, of whom:

- 69% (11 people) answered “Yes”
- 31% (5 people) answered “Maybe” (4 people) or “Don’t know” (1 person)
- Nobody answered “No”

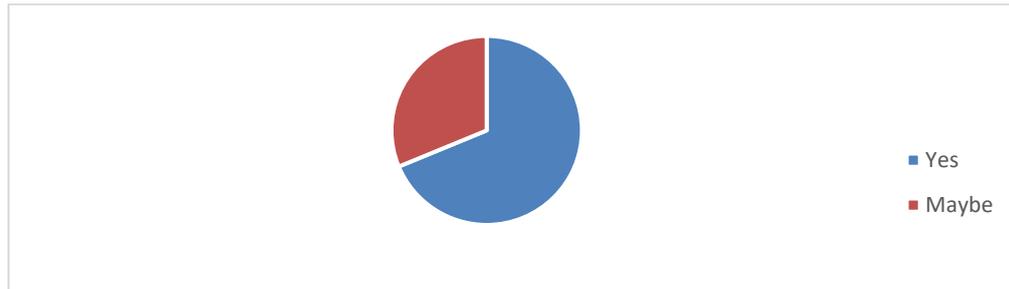


Figure 3 - Feedback on whether people will speak up again

Graph 3 – (Source: OUH Lead FTSU Guardian)

Topics and themes in concerns raised

2.21. Concerns raised in Q1, Q2 and Q3 of 2022/23 have highlighted:

- That there are some individuals who express the wish to remain anonymous when raising a concern, so that they can maintain relationships with colleagues and/or their line manager;
- That it is important to provide clear and constructive responses to anyone who raises a concern (via any of the available channels), so that they feel heard and valued; and
- That, in the several instances where a concern was raised about bullying and harassment or other inappropriate attitudes or behaviour, those who raised the concern said that what they wanted was an assurance of an impartial perspective on the situation.

3. Assessing our speaking up culture: We each have a voice that counts

3.1. Since 2021, the principal measure of the health of a trust’s speaking up culture is how well it scores in the annual NHS Staff Survey on the element of the **People Promise** that measures (out of 10) how well an organisation can demonstrate that **“We each have a voice that counts (relating to raising concerns)”**.

3.2. In the results of the [NHS Staff Survey 2023](#), the OUH had an overall score of **6.84 out of 10** in relation to the People Promise Element: “We

each have a voice that counts” (relating to Raising Concerns). This is an improvement on last year’s score, it is better than the national average and it is significantly better than poorly performing outliers, although with room for improvement to match the score of the best performing trusts.

3.3. Year on year comparison of the overall score is provided in Table 4.

				2021		2022		2023	
NHS Staff Survey National avege	(Score 1-10)			6.67		6.65		6.7	
Highest and lowest performers				Best: 7.31	Worst: 6.16	Best: 7.14	Worst: 6.16	Best: 7.16	Worst: 6.21
OUH Staff Survey Result				6.82		6.78		6.84	

Table 4 – Overall score for “We each have a voice that counts (relating to raising concerns)”

Source: NHS Staff Survey 2021 to 2023

3.4. Each trust’s score is based on responses to four key questions in the Staff Survey. In the 2023 Survey, OUH responses to all four questions had improved, and were better than the national average. The four questions are:

- “I would feel secure raising concerns about unsafe clinical practice”
 - in respect of which, OUH responses in the 2023 Survey showed improvement at 71.86% (up from 71.3% in the 2022 survey), bettering the national average of 70.24%;
- “I am confident that my organisation would address my concern”
 - in respect of which, OUH responses in the 2023 Survey showed improvement at 58.5% (up from 57.6% in the 2022 Survey), bettering the national average of 55.9%;
- “I feel safe to speak up about anything that concerns me in the organisation”
 - in respect of which, OUH responses in the 2023 Survey showed improvement at 64.07% (up from 62.6% in the 2022 Survey), bettering the national average of 60.89%; and
- “If I spoke up about something that concerned me, I am confident my organisation would address my concern”
 - in respect of which, OUH responses in the 2023 Survey showed improvement at 52.41% (up from 50.1% in the 2022 Survey), bettering the national average of 48.65%.

4. The National Guardian’s Office

4.1. In Q1, the NGO published the results of the FTSU Guardian Survey 2023: [Listening to Guardians: FTSU Guardian Survey 2023](#) , which identified:

- a sharp decline in Freedom to Speak Up guardians' perception of the improvements in the Speak Up culture of the healthcare sector; and which revealed a national picture in which
 - although more work is being done to take action on barriers to speaking up, system pressures are adding to feeling that speaking up is futile.
- 4.2. In Q2, the [NGO Annual Report on Speaking Up Data 22/23](#) was published (July 2023), showing that across the country, 25,282 cases were raised with FTSU Guardians, representing a 25% increase on the total number of cases recorded nationally in 2021/22. Further detail is provided in paragraphs 2.6 and 2.7 above.
- 4.3. In Q3, the NGO launched [National Speak Up Month 2023](#).
- 4.4. The NGO continues to produce [Case Studies from the National Guardian's Office](#), sharing stories that aim to describe the current reality of speaking up in health.

5. Learning and Improvement

- 5.1. The FTSU team continues to promote the training modules developed by Health Education England working with the NGO, which are available on *My Learning Hub*:
- Module 1 "Speak Up" ([Speak Up](#)) – available for all staff
 - Module 2 "Listen Up" ([Listen Up](#)) – for all leaders; and
 - Module 3, "Follow Up" ([Follow Up](#)) - for senior leaders including executive and non-executive directors, and governors; to be undertaken after completion of Modules 1 and 2.
- 5.2. All staff are encouraged to undertake the 'Speak Up' e-learning module and, with the support of the BAME Staff Network, take-up by its members has been particularly targeted.
- 5.3. It is strongly recommended that the Speak Up and Listen Up modules be completed by all line managers, senior Trust leaders, and senior clinical staff, so that they can then support junior and other frontline staff in raising concerns. All senior leaders are urged to undertake the 'Follow Up' module, after they have completed Modules 1 and 2.
- 5.4. This approach is intended to encourage knowledge about how to speak up in all staff groups, while particularly targeting vulnerable groups and empowering senior leaders and middle managers to support the promotion of a healthy speaking up culture.
- 5.5. All members of the FTSU team have undertaken the e-learning modules.

- 5.6. The FTSU Guardians also completed updated Guardians' training, launched by the NGO, and have regularly attended and shared learning at meetings of the Regional FTSU Network.

6. Ongoing development of FTSU arrangements at OUH

- 6.1. With the appointment of a new FTSU Lead Guardian at OUH in October 2023, priority was given to an assessment of the resources of the FTSU service, to ensure that they are appropriate to support the needs of staff in relation to raising concerns, both:
- Proactively. – continuing to remove barriers to speaking up;
 - Reactively – responding in a timely way to all contacts made, opening cases and offering support as appropriate.
- 6.2. With the aim of breaking barriers to speaking, the process has been successfully concluded to select a platform that can supplement the existing channels for speaking up anonymously – demonstrably separate from and independent of the Trust.
- 6.3. The [WorkInConfidence - Employee Listening & Engagement Tools](#) [WiC] platform for 2-way anonymous communication (and the associated consolidated case management tool) has been identified as the product that clearly best meets the key objective of giving people more confidence to speak up, through providing protection against reprisal, and facilitating constructive feedback to dispel the suspicion of futility.
- 6.4. Work is currently well underway to secure funding (including efforts to explore the scope for charitable funding to 'pump prime' a pilot) and prepare for introduction of the platform in 2024/25. If charitable funding cannot be secured, or to the extent that it may not meet the relatively small outlay required (£12,450 per annum for a minimum of two years), then support will be sought for a business case to fund implementation of this crucial supplementary channel for speaking up.

7. Conclusion

- 7.1. The OUH FTSU team has continued to collaborate with colleagues in teams across the Trust, to consolidate improvements to the speaking up culture at OUH.
- 7.2. The consolidation of improvements to the Trust's speaking up culture has been underpinned by a commitment to embed a that culture throughout the organisation e.g. in the launch of the new ['Raising a concern' staff website](#), to make it easier for staff to navigate the various routes and channels available for raising concerns.

- 7.3. This collaborative approach adheres to NHS England's [updated FTSU guidance and reflection and planning tool](#) which emphasises that:

“speaking up sits within the wider context of a compassionate and inclusive culture, ... all elements of [which] are closely linked to Freedom To Speak Up, and must be implemented alongside it” (see [pages 36-44 of the guidance 'Building widespread cultural change' - the transformational information you need for culture and behavioural change](#))”

- 7.4. The reflection and planning tool will be completed during 2024/25, to identify any actions required to develop FTSU arrangements at OUH; ensuring that staff can access the support required to meet their needs in relation to raising concerns.
- 7.5. The FTSU Lead Guardian and team will continue to work in alignment with the Trust's Strategy and the People Plan, contributing to the staff engagement programme, to help meet the on-going challenge to promote, create and sustain an open and transparent culture of speaking up, listening up and following up at OUH.

Lindley Nevers
OUH Freedom to Speak Up Lead Guardian