

Integrated Care Board

Date of meeting	13 September 2023
Title of paper	Freedom to Speak Up Annual Report
Presented by	Dr David Levy, Medical Director
Author	Emma Davies, Director of Workforce Delivery
Agenda item	15
Confidential	No

Executive summary

This paper provides an overview of the developments so far in relation to the establishment of NHS Lancashire and South Cumbria Integrated Care Board's (LSC ICB) raising concerns processes and the role of the Freedom to Speak Up (FTSU) Guardians and Freedom to Speak Up Champions, which is part of the work to develop an open, transparent culture and continually improve care.

It also outlines the ICB's intention to undertake a self-assessment using a new reflection and planning tool, which was published by the National Guardian's Office in June 2022 and the implementation of any recommendations (see appendix 1), as a consequence of the Lucy Letby trial verdict.

The LSC ICB is continuing to establish and embed a robust FTSU process in line with NHS England and National Guardian's office guidance. This will ensure speaking up routes are available for all workers in NHS healthcare providers across the ICS, as well as ensuring ICB staff feel safe and confident to raise a concern.

Recommendations

The ICB Board is asked to:

1. Note the contents of the report and in particular the timescales around the system-wide remit.
2. Endorse the decision to report into the People Board on a quarterly basis.
3. Note that a further paper will come to the Board by January 2024 to report on progress against the new assurance template and the ICB three-year plan.

Which Strategic Objective/s does the report relate to:		Tick
SO1	Improve quality, including safety, clinical outcomes, and patient experience	✓
SO2	To equalise opportunities and clinical outcomes across the area	✓
SO3	Make working in Lancashire and South Cumbria an attractive and desirable option for existing and potential employees	✓
SO4	Meet financial targets and deliver improved productivity	
SO5	Meet national and locally determined performance standards and targets	

SO6	To develop and implement ambitious, deliverable strategies			✓
Implications				
	Yes	No	N/A	Comments
Associated risks			✓	
Are associated risks detailed on the ICB Risk Register?			✓	
Financial Implications		✓		
Where paper has been discussed (list other committees/forums that have discussed this paper)				
Meeting	Date		Outcomes	
ICB Executive Directors' Meeting	29 August 2023		Paper to be presented at ICB Board and ICB People Board meetings in September for further discussion.	
Conflicts of interest associated with this report				
Not applicable.				
Impact assessments				
	Yes	No	N/A	Comments
Quality impact assessment completed			✓	
Equality impact assessment completed			✓	
Data privacy impact assessment completed			✓	

Report authorised by:	Dr David Levy, Medical Director
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ICB Board – 13 September

Freedom to Speak Up Annual Report

1. Introduction

- 1.1 NHS England (NHSE) has mandated that Integrated Care Boards (ICBs) must ensure that their own ICB staff have access to routes for speaking up including Freedom to Speak Up (FTSU) guidance and associated arrangements by 30 January 2024. Furthermore, ICBs are expected to adopt the new national policy and use the guide and improvement tool to map the plan for the next three years.
- 1.2 ICBs also have to consider how primary care and other workers across the ICB have access to routes for speaking up, including access to a FTSU Guardian(s) who is registered with and trained by the National Guardian's Office, noting any guidance published by NHSE following work being carried out with a small number of ICBs to address this.
- 1.3 In relation to the broader Integrated Care System (ICS), ICBs are expected to consider how they will gain assurance that all NHS Organisations across the ICS have accessible speaking up arrangements, in line with the guidance and policy recently published, considering the different barriers that workers face when speaking up and actions to reduce those barriers. NHS England has asked that all NHS trusts adopt the policy and apply the guide and improvement tool over the next 18 months and have provided assurance to their public boards by the end of January 2024. ICBs need to consider how they might share good practice and learning across the ICS about speaking up culture improvements and the systems they will put in place to capture and measure speaking up data.
- 1.4 Based on the above, NHSE and the National Guardian's Office plan to share further information by 31 March 2024 about the precise expectations of ICBs in regard to Freedom to Speak Up for primary care workers and across their system.

2. Background

- 2.1 Since its inception in July 2022, LSC ICB has established and continues to embed a robust freedom to speak up (FTSU) process that ensures ICB staff feel safe and confident to raise a concern as well as ensuring that speaking up routes are available for all workers in NHS healthcare providers across the ICS.
- 2.2 The ICB is keen to embed a culture that encourages all colleagues to be open and honest about their experience of working in the ICB and the wider system. Speaking

up should become business as usual and valued as an opportunity to engage, learn and improve.

- 2.3 The ICB FTSU policy has previously been endorsed by the LSC People Board. The Chief People Officer, has been confirmed as the executive director lead and Jane O'Brien the non-executive lead, with project co-ordination support from a senior communications and engagement manager.
- 2.4 Following their recent appointment, three ICB FTSU Guardians have since completed their training through the National Guardian's Office, which ensures that they have a solid understanding of the background and expectations of this unique and far-reaching role from the start and as they progress in their leadership journey. To date, the ICB has also recruited two FTSU Champions, with work continuing to increase this number.
- 2.5 A comprehensive communications and engagement plan has been developed to promote the guardians and the speaking up process across the ICB.

3. System-wide remit

- 3.1 Work is already underway to establish a FTSU network across Lancashire and South Cumbria, working with the NW FTSU regional team, and to agree how the ICB will gain assurance that all NHS organisations across the ICS have accessible speaking up arrangements in line with the initial national guidance. The new Improvement and Assurance meetings with the Trusts have been an opportunity to gain assurance from our larger providers.
- 3.2 Work is also being carried out in conjunction with ICB Primary Care colleagues to understand what the LSC primary care FTSU offer will look like.
- 3.3 As we agree on ICS-level outcomes for all organisations in the ICS, it's important to think about how freedom to speak up will support the delivery of those outcomes in terms of worker voice, worker experience and patient safety. ICBs have a great opportunity to ensure speaking up routes are available for all workers in NHS healthcare providers across the ICS. NHS England has directed the following:
 - 3.4 Freedom to speak up across the ICS over the next 18 months:
 - 3.4.1 ICBs should start to think about:
 - How they will gain assurance that all NHS organisations across the ICS have accessible speaking up arrangements.
 - NHS England has asked all NHS Trusts to adopt the policy and apply the guide and improvement tool over the next 18 months. They must have provided

assurance to their public Boards that this has been achieved by the end of January 2024.

- How they might share good practice and learning across the ICS about speaking up culture improvements.
- The systems they will put in place to capture and measure speaking up data.

3.4.2 Current position:

- Work is underway to map the current state of freedom to speak up arrangements across Lancashire and South Cumbria and to agree future system reporting arrangements. A L&SC FTSU network will be developed to enable shared learning, best practice and resilience.
- This will also involve connecting with the executive and non-executive freedom to speak up leads and guardians within the Trusts across Lancashire and South Cumbria.

3.5 Freedom to speak up for primary care workers over the next 18 months:

3.5.1 ICBs should think about primary care workers across the ICS having access to routes for speaking up, including access to a freedom to speak up guardian(s) who is registered with and trained by the National Guardian's Office.

3.5.2 Current position:

- Work is also being carried out in conjunction with ICB Primary Care colleagues to understand what the LSC primary care FTSU offer will look like.
- Conversations are being had with senior leaders within primary care to understand what freedom to speak up currently looks like within primary care.

3.6 *Freedom to speak up for ICB workers by 30 January 2024:*

3.6.1 ICBs must ensure their own ICB staff have access to routes for speaking up including freedom to speak up guardian(s), and associated arrangements.

3.6.2 Current position:

- The ICB now has three trained FTSU Guardians in post and an agreed freedom to speak up process in place, whilst acknowledging the need to review this in light of any recommendations and guidance published nationally. The ICB will meet this requirement this well in advance of January 2024.

4. Recruitment

4.1 Freedom to speak up guardians.

4.1.1 Throughout April and May, ICB staff were invited to express an interest in the freedom to speak up guardian role. Following a successful process lead by the executive and non-executive leads, three guardians were appointed: Rachel Holyhead, Maria Luca and Sarah Mattocks.

4.1.2 It has been agreed that each guardian will have ringfenced time of two days per month (under continual review and formally reviewed every 12 months) to allow them to carry out their role.

4.2 Freedom to speak up champions.

4.2.1 Running parallel to the guardian recruitment was the freedom to speak up champion recruitment. Two members of staff have so far undergone the necessary training (three National Guardian's Office e-learning modules) to become a champion, with at least four more signalling an intention to complete the training. Growing a network of representative and diverse champions will be a continued area of focus for the ICB.

5. Establishing robust reporting mechanisms within the ICB

5.1 *Raising a concern*

5.1.1 A dedicated freedom to speak up email address has been created, which staff will be encouraged to use if they would like to raise a concern, or alternatively offer any positive feedback on things which are working well. This inbox will be monitored solely by the three guardians.

5.1.2 Plans for regular freedom to speak up drop-in sessions at County Hall and other locations are also being developed. This will give ICB staff face to face access to the guardians should they wish to have either a formal or informal conversation.

5.1.3 Plans are also being developed to establish an ICB panel comprising the FTSU Guardian(s), Medical Director and Chief People Officer representation, to review concerns raised to ensure sufficient level of review and investigation of those concerns through the most appropriate process.

5.2 *Recording and reporting data*

5.2.1 FTSU guardians must record all cases that are raised to them or when they become involved in an ongoing case. Ulysses will be used to do this as a system, which is already being used within the ICB (for example by customer care).

5.2.2 The FTSU guardians will report to the People Board every quarter, providing data and insights from cases, as well as submitting quarterly data to the National

Guardian’s Office. In time, the report will also cover Lancashire and South Cumbria wide data (as discussed later in the paper under system wide remit).

5.2.3 To ensure confidentiality and anonymity where needed, a shared mailbox and teams channel/SharePoint have been created, allowing access only to those who require it.

5.2.4 To date three concerns have been raised to the ICB FTSU team. Two from primary care and another from a non-ICB member of staff.

5.3 FTSU steering group

5.3.1 An ICB FTSU steering group is being established and will meet every month to manage reporting and compliance with National Guardian’s Office guidance. This will be managed by the guardians, with support from the Medical Director and People Team with Jane O’Brien in attendance.

5.3.2 The group will bring together information about absences, complaints, recruitment and retention, staff wellbeing survey (as examples) to identify patterns, trends and potential areas of concern, and to understand how potential themes in speaking-up cases link with other data information across the ICB.

5.3.3 This intelligence can be used to identify ‘hotspots’ and to identify what aspects of worker well-being and culture need attention. The guardians are currently scoping out this piece of work.

5.3.4 Information, themes and trends captured from the steering group will also be fed into the People Board reports.

6. Raising awareness within the ICB

6.1 Comprehensive communications and engagement with staff across the ICB has been put in place to promote the guardians and the speaking up process. Mechanisms such as all staff briefings, the intranet, staff newsletter, senior manager briefings will be utilised throughout the year. Further external-facing communications will also be developed in the next few months.

6.2 The speaking up process (below) will be shared with staff to show them what happens when they speak up:

We will	Steps towards resolution	Outcomes	Escalation
Thank you for speaking up • Help you identify the	Engagement with relevant senior managers (where appropriate)	The outcomes will be shared with you wherever possible, along with learning	If resolution has not been achieved, or you are not satisfied with the outcome,

<p>options for resolution</p> <ul style="list-style-type: none"> • Signpost you to health and wellbeing support • Confirm what information you have provided and consent to share • Support you with any further next steps and keep in touch with you 	<ul style="list-style-type: none"> • Referral to HR process (where appropriate) • Referral to patient safety process (where appropriate) • Other type of appropriate investigation, mediation, etc 	<p>and improvement identified</p>	<p>you can escalate the matter to the senior lead for FTSU or the non-executive lead for FTSU.</p> <ul style="list-style-type: none"> • Alternatively, if you think there are good reasons not to use internal routes, speak up to an external body, such as the CQC or NHS England
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7. Recommendations

7.1 The ICB Board is asked to:

1. Note the contents of the report and in particular the timescales around the system-wide remit.
2. Endorse the decision to report into the People Board on a quarterly basis.

Emma Davies
Director of Workforce Delivery
September 2023