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Bwrdd Iechyd Prifysgol
Bae Abertawe
Swansea Bay University
Health Board



Meeting Date	12 November 2020	Agenda Item	2.5
Report Title	The Guardian Service Ltd. End of Year Report		
Report Author	Julie Lloyd, Staff Experience & OD Manager		
Report Sponsor	Kathryn Jones, Interim Director of Workforce & OD		
Presented by	Kathryn Jones, Interim Director of Workforce & OD		
Freedom of Information	Open		
Purpose of the Report	The purpose of this report is to provide Audit Committee with an end of year report from The Guardian Service Ltd, to continue to provide assurance that feedback from staff relating to bullying has and continues to be listened to through a suite of initiatives aimed to support cultural change, outline the commitment and actions planned to improve partnership working and confirm the decision to contract with the independent provider for a further 12 months.		
Key Issues	<p>Since The Guardian Service launched as part of a suite of initiatives to support cultural change in SBUHB on 13th May 2019 there had been 96 contacts raising concerns (up until the 30th April 2020 with a further 37 contacts since the end of year report was produced). Importantly, 61 contacts had been also been resolved/closed, with 72 contacts remaining outstanding (as at the end of September 2020). The number of contacts speaking up had increased tenfold from the number previously received by the Staff Experience & OD Manager, under the former internal process available.</p> <p>A copy of the End of Year report (May 19 to April 20) from the Guardian Service is provided in appendix 1 and appendix 2 is a copy of September's cumulative activity report. Appendix 3 provides an outline of the user feedback that has been provided by some of the contacts within SBUHB using the service.</p> <p>The original contract of 12-months was due to come to an end at the height of first wave of the pandemic in May and so a decision had to be taken to extend for 6-months until November 2020 to ensure staff and volunteers continued to be supported. Following presenting the end of year report (retrospectively due to the pandemic) to HB Partnership</p>		

	<p>Forum on 22nd September 2020, a formal request was made for the Health Board to stop contracting with the Guardian Service Ltd. However, due to the significant risks identified with stopping this service; for staff, patients and the organisation, as we enter into a second wave of the pandemic, in addition to winter pressures, Senior Leadership Team have taken the decision to contract for a further 12 months.</p> <p>We have listened to and acknowledge the concerns raised by our union colleagues, and in response will invite Trade Union colleagues to work in collaboration for the benefit of all by jointly developing a partnership working improvement plan. To strengthen this, there will be a nominated Exec and Independent Member identified for Trade Union colleagues to go directly to when it is required.</p>			
Specific Action Required <i>(please choose one only)</i>	Information	Discussion	Assurance	Approval
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Recommendations	<p>Members are asked to:</p> <ul style="list-style-type: none"> • Take assurance that feedback from staff relating to bullying have been and continue to be listened to, through the continued action the Health Board has taken. • Note the development and implementation of a partnership working improvement plan • Note the up-date and recommendations detailed in the End of Year Report from The Guardian Service • Note the decision to contract for a further 12 months with the Guardian Service to ensure staff and volunteers continue to be supported during the adverse circumstances presented by the COVID-19 crisis. 			

The Guardian Service Ltd. End of Year Report

1. INTRODUCTION

The purpose of this report is to provide Audit Committee with an end of year report from The Guardian Service Ltd, to continue to provide assurance that feedback from staff relating to bullying has and continues to be listened to through a suite of initiatives aimed to support cultural change, outline the commitment and actions planned to improve partnership working and confirm the decision to contract with the independent provider for a further 12 months.

2. BACKGROUND

The NHS Wales Staff Survey 2018 results highlighted the need to focus on addressing bullying within the Health Board, with **20%** of respondents confirming that they have experienced harassment, bullying or abuse at work from their manager/team leader or other colleagues (an increase of 4% since 2016). Whilst this increase was reported across NHS Wales, the Health Board reported higher than the national overall score of 18%. Reviewing the qualitative comments that accompanied the staff survey results, of 959 comments and feedback provided in the free-text section, 59 (**6%** of the overall qualitative data) referred specifically to the term 'bullying' at work from manager/team leader or colleagues.

Subsequent blogs issued by the Chief Executive and Director of Workforce & OD resulted in numerous comments from staff around the need to take action which will enable staff to speak up in a confidential way and the importance of resolution. The Director of Workforce & OD has kept staff up to date through regular intranet blogs on how our thinking was developing in responding to concerns around bullying. This resulted in useful data which shaped and informed the organisation's thinking about what was important to staff. In listening to staff feedback, important features of a raising concerns service included impartiality, independence, accessibility and responsiveness. With only 22% of Staff Survey respondents in the Health Board believing that the organisation would take action, the Executive Team have been fully committed to taking decisive and timely action to support staff and act on their feedback.

We sought experience and best practice in NHS England where **Freedom to Speak up** is mandated. This enabled us to design the service specification and test the market for a provider via the tender process. In response to the tender submission process, a multi-disciplinary panel, including Board trade union representation, awarded the contract to **The Guardian Service Ltd**. The contract was awarded for one year as a pilot and the service was launched on **13th May 2019** for Bae Abertawe / Swansea Bay Health Board and has since been subject to continual monitoring and review.

As a reminder, the commissioning of The Guardian Service was part of an overarching suite of initiatives and the #ShapingSBUHB movement, aimed to support cultural change. This has included the commissioning of ACAS to run workshops for

managers, HR and Trade Unions in addressing inappropriate behaviours at work, including bullying, extending our offering of behaviour based Leadership Development Programmes, appointment of an HR investigations team, investment in operational HR teams and processes and the launch of the #LivingOurValues campaign.

The original contract of 12-months was due to come to an end at the height of first wave of the pandemic in May 2020 and so a decision had to be taken to extend for 6-months until November 2020 to ensure staff and volunteers continued to be supported during the adverse circumstances presented by the COVID-19 crisis.

2. Position to Date

Since The Guardian Service launched there have been **over 100 awareness sessions/stands** delivered to promote the service and these sessions are now offered virtually on-line to individuals and teams in light of the current circumstances. Up to 30th April 2020, **96 contacts** had raised concerns via the service (with an additional **37 contacts** since the report was produced). Importantly, **61 contacts** had been also been resolved/closed, with **72 contacts** remaining outstanding (as at the end of September 2020). **It is important to note that there has been a delay in closing cases due to the current Covid-19 situation, as staff have been redeployed to other areas/duties, but it is aimed that there will be a clear focus in this area when the situation allows and is appropriate.**

The number of contacts speaking up increased tenfold than those previously received by The Staff Experience & OD Manager, under the former internal process available.

As a reminder of that process; the 'Procedure for NHS Staff to Raise Concerns' is an all Wales procedure adopted by the Health Board Partnership Forum in January 2018. Within the Health Board, staff previously raised concerns via the following email address, but there was no infrastructure in place to monitor, respond or support staff (abm.raisingconcerns@wales.nhs.uk). This created risk to staff, patients and the organisation and was not a sustainable solution. Between November 2018 and May 2019, **5** contacts were received via the internal process. Of those contacts, 2 agreed to meet to discuss their concerns, which were subsequently resolved/closed, 1 was transferred to the Patient Feedback Team and 2 did not respond when the offer of meeting/calling to discuss was provided.

In presenting the 6-month up-date report to the Board at the end of November 2019, the Board was supportive of the continuation of an independent service for staff to raise concerns safely and confidentially. A copy of the End of Year Report from the Guardian Service is provided in appendix 1 and appendix 2 provides September's cumulative activity. Appendix 3 provides an outline of the user feedback that has been provided by some of the contacts within SBUHB using the service. It is planned that further work will be done on the data triangulation that was started prior to pandemic as part of continued evaluation of the service, however reflecting on our experience of the Guardian Service Ltd, the following points should be noted in what it has provided/delivered:

- Provision of an independent, safe, confidential service for staff to raise any work-related concerns
- Available **24/7, 365 days** a year - majority of contacts want to meet outside of work hours
- As a Health Board, we **listened** to staff and **delivered** what they asked for
- The number of staff raising concerns and speaking up has significantly **increased** (from the former internal process)
- Number of concerns raised aligned to the 100 projected for the size of the organisation (**96** by the end of the 12 months) and we are projected to have the same number of concerns this year (see Table 1 below)
- **133 staff** listened to/spoken up and or sign posted in confidence (to date – September 2020)
- Provides an infrastructure to support and deliver the All Wales ‘**Procedure for NHS Staff to Raise Concerns**’

Table 1.

Month	Contacts per month 2019	Contacts per month 2020
May	2	5
June	7	8
July	6	4
August	10	10
September	6	5
Total for period	31	32

The following provides a summary of the feedback from the sub-group of the All Wales Partnership Forum focusing on Freedom to Speak Up on 14th January 2020 that was attended by the Staff Experience & OD Manager for SBUHB. This national group and the project is yet to be re-established since COVID-19.

- Overall the meeting was positive and everyone agreed that whatever is decided/taken forward needs to be the right thing for staff and patients, with staff feeling they can speak up and that they feel valued.
- There are to be clear links with the Quality and Safety Plan for NHS Wales due to be published

- Professor Aled Jones, School of Healthcare Sciences, Cardiff University shared the findings of his research to date on FTSU in NHS England and the Guardian Role, which is based on the majority having internal FTSU Guardians / advocates, which shouldn't be confused with the independent Guardians that we have appointed in Swansea Bay. His research supports the benefits of having an independent service as he made reference to capacity issues of those that are internal, the ability to be totally independent, Guardians feeling overwhelmed and feeling tarnished by becoming involved in toxic relationship cases. He found there were no consistent guardians and no guidance on how the internal guardian role is implemented, such as minimum number of hours, who carries out the role etc.

2.1 Health Board Partnership Forum

Following presenting the end of year report (retrospectively due to the pandemic), detailing the contract extension and proposals to contract for a further 12 months to HB Partnership Forum on 22nd September 2020, a formal request was made for the Health Board to stop contracting with the Guardian Service Ltd.

Health Board Partnership Forum have since formally raised the following key concerns:

- It undermines and debilitates each Union's ability to recruit and retain members
- It is not value for money; the money would be better spent on facilities or increasing the number of psychologists
- It contradicts the partnership agreement

Due to the significant risks identified with stopping this service; for staff, patients and the organisation, as we enter into a second wave of the pandemic, in addition to winter pressures, Senior Leadership Team have taken the decision to contract for a further 12 months. We have listened to and acknowledge the concerns raised by our union colleagues and in response, we plan to invite Trade Union colleagues to work in collaboration for the benefit of all by jointly developing a partnership working improvement plan. To strengthen this, there will be a nominated Exec and Independent Member identified for Trade Union colleagues to go directly to when it is required.

Part of this will involve key representatives attending monthly Guardian Service reporting and monitoring meetings, exchanging of data between Unions and The Guardian Service to further support monitoring and evaluation of the service and equal promotion of services, which will start with the revised virtual Induction programme and staff handbook being developed for new starters. Working in collaboration will be essential as part of us successfully delivering cultural change under the national Healthier Working Relationships agenda, a 'Just' Culture and operating under the new All Wales Respect & Resolution policy. As we progress both the partnership working improvement plan and work on the 'Just' model and Healthier Working Relationships agenda together, this will support us to work outside of formal process. It is aimed that this new way of operating together will in turn, lead to us not needing to renew the contract with The Guardian Service going forward.

In support of this improvement work, it is also planned that the results of the impending NHS Wales Staff Survey (to be launched 4th November 2020) will be used as a mechanism to engage with staff wider on their views and whether they value the Guardian Service and we will test staff opinion on The Guardian Service at 9 months into the new contract.

3 GOVERNANCE AND RISK ISSUES

The following points outline the risks of not contracting with The Guardian Service Ltd for a further 12 months:

- The organisation will be seen by its staff to be removing its main option of out-of-hours support, during the most adverse time that they have ever experienced. It will not demonstrate that we are listening to or valuing our staff.
- Where staff experience and concerns are not raised and/or addressed, not only does this impact on staff, research confirms it impacts on patients and their care/experience.
- Patient and staff-related concerns are at risk of not being raised, heard or addressed.
- There will be 79 on-going contacts left requiring another confidential option to listen / take forward their concern.
- There will be no effective infrastructure in place to deliver the All Wales 'Procedure for NHS Staff to Raise Concerns' or respond to the demand of at least 100 staff speaking up (over 12 months).
- It will impede the cultural change we are trying to effect, where staff feeling able to speak up safely and confidentially and alignment to the national Healthier Working Relationships, a 'Just' Culture and movement to the All Wales Respect and Resolution Policy.
- It goes against our own Health Board Values, as does not demonstrate Caring for Each Other when we are removing one of staff's support mechanisms ahead of the busiest Winter our staff will have ever experienced. It will also go against Always Improving and Working Together, in line with the partnership working improvement plan mentioned earlier and our transition to a 'Just' Culture as part of the Healthier Working Relationships movement.

4 RECOMMENDATION

Members are asked to:

- Take assurance that feedback from staff relating to bullying have been and continue to be listened to, through the continued action the Health Board has taken.
- Note the development and implementation of a partnership working improvement plan
- Note the up-date and recommendations detailed in the End of Year Report from The Guardian Service

- Note the decision to contract for a further 12 months with the Guardian Service to ensure staff and volunteers continue to be supported during the adverse circumstances presented by the COVID-19 crisis.

Governance and Assurance		
Link to Enabling Objectives (please choose)	Supporting better health and wellbeing by actively promoting and empowering people to live well in resilient communities	
	Partnerships for Improving Health and Wellbeing	<input checked="" type="checkbox"/>
	Co-Production and Health Literacy	<input type="checkbox"/>
	Digitally Enabled Health and Wellbeing	<input type="checkbox"/>
	Deliver better care through excellent health and care services achieving the outcomes that matter most to people	
	Best Value Outcomes and High Quality Care	<input type="checkbox"/>
	Partnerships for Care	<input type="checkbox"/>
	Excellent Staff	<input checked="" type="checkbox"/>
	Digitally Enabled Care	<input type="checkbox"/>
	Outstanding Research, Innovation, Education and Learning	<input type="checkbox"/>
Health and Care Standards		
(please choose)	Staying Healthy	<input type="checkbox"/>
	Safe Care	<input type="checkbox"/>
	Effective Care	<input type="checkbox"/>
	Dignified Care	<input type="checkbox"/>
	Timely Care	<input type="checkbox"/>
	Individual Care	<input type="checkbox"/>
	Staff and Resources	<input checked="" type="checkbox"/>
Quality, Safety and Patient Experience		
<p>The Guardian Service aims to improve staff experience through helping to create a culture of openness and honesty and demonstrate we are listening by responding to what staff asked for. The direct correlation between patient experience and staff experience is well documented.</p> <p>The previous Raising concerns process with no dedicated pathway or infrastructure to support staff creates risk to staff, patients and the wider organisation.</p>		
Legal Implications (including equality and diversity assessment)		
<p>It is important to consider the internal policies and the legislation which are linked to the provision of a confidential, safe and effective pathway and process for staff to raise concerns.</p> <p>Internal policies include but are not limited to –</p> <ul style="list-style-type: none"> -Grievance Policy -Disciplinary Policy -Dignity at Work Policy -Raising Concerns Policy <p>Public Interest Disclosure Act 1998</p> <p>If workers bring information about a wrongdoing to the attention of their employers or a relevant organisation, they are protected in certain circumstances under the Public Interest Disclosure Act 1998. This is commonly referred to as 'blowing the whistle'. The law that protects whistle-blowers is for the public interest - so people can speak out if they find malpractice in an organisation. Blowing the whistle is more formally known as 'making a disclosure in the public interest'.</p>		

Staffing Implications	
Consideration continues to need to be given for the time and resource required for roll-out of the Guardian service and continued education and collaboration with stakeholders i.e. Union representatives, HR, Staff Experience Team, Wellbeing, Communications, Patient Feedback Team and PALS, Executive and Non-Executive Lead.	
Long Term Implications (including the impact of the Well-being of Future Generations (Wales) Act 2015)	
Briefly identify how the paper will have an impact of the “The Well-being of Future Generations (Wales) Act 2015”, 5 ways of working.	
The paper impacts on the Well-being of Future Generations (Wales) Act 2015 as it will impact on the long-term culture and behaviours of the organisation and its staff now and in the future. It aims to support staff, through working together to improve staff wellbeing and improve the quality of patient care and outcomes through early intervention and nipping concerns in the bud before they escalate.	
Report History	<ul style="list-style-type: none"> • Presented to Partnership Forum, 18th March 2019 - Addressing concerns around bullying in ABMU – Freedom to Speak up Service & ACAS Training • Presented to Executive Team, 3rd April 2019 - Enhanced Raising Concerns – Appointment of The Guardian Service Ltd • Presented to Partnership Forum, 3rd June 2019 - #LivingOurValues campaign • Presented to Audit Committee – 15th July 2019 – Raising Concerns Report • Presentation from The Guardian Service Lt, Dr Simon McRory, Founder/Director - 16th July 2019, Special Partnership Forum • Presented to Partnership Forum, 24th September 2019 - #LivingOurValues & Guardian Service Up-date • Presented to Senior Leadership Team, 2nd October 2019 - #LivingOurValues & Guardian Service Up-date • Presented to Local Negotiating Committee, 7th November 2019 – Guardian Service Up-date & #LivingOurValues • Presented to WOD Forum, 14th November 2019 - Guardian Service up-date & #LivingOurValues • Presented to Audit Committee, 21st November 2019, Guardian Service & #ShapingSBUHB • Presented to Senior Leadership Team, 4th December 2019 – Retendering of an independent service for Staff to Raise Work-related Concerns • Presented to IBG, 19th December 2019 - Retendering of an independent service for Staff to Raise Work-related Concerns

	<ul style="list-style-type: none"> • Presented to Partnership Forum, 13th March 2020 - #LivingOurValues & The Guardian Service Up-date • Presented to Partnership Forum, 22nd October 2020 - The Guardian Service Ltd. End of Year Report • Presented to SLT, 4th November 2020 – The Guardian Service Ltd. End of Year Report and Decision to Contract
Appendices	1, 2, 3