

To The Board

For meeting on: 12 December 2018

Agenda item: 6

Report by: Dr Henrietta Hughes, National Guardian

Report on: National Guardian's Office – Annual Report

Summary

1. This paper presents the National Guardian's Office Annual Report and summarises some of the key developments from the last 12 months.

Background

2. The National Guardian's Office was established in April 2016 and has the remit of:
 - developing, leading and supporting a network of Freedom to Speak Up Guardians in provider organisations subject to the NHS standard contract
 - carrying out case reviews where there are instances of speaking up not being handled according to best practice
 - challenging and supporting the system on all matters related to speaking up
3. The office is funded by CQC, NHS Improvement and NHS England but is functionally independent.
4. The National Guardian has now been in post for two years and publishes her second Annual Report in November.

Progress to date

Freedom to Speak Up Guardians

5. There are now over 700 guardians, or those in a supporting role, in provider organisations with over 100 in other organisations that have decided to adopt the model, including NHS England, NHS Improvement and CQC.
6. The office provides training, guidance and 1-2-1 support for guardians and has established 10 regional networks and 2 cross-regional networks to provide peer support and a platform for learning and sharing, as well as a network for the guardians in Arm's-Length bodies.
7. During the last financial year, guardians dealt with over 7,000 cases and the number of cases they are dealing with is increasing quarter on quarter. 45% of cases had an element of bullying and harassment and 32% of cases an element of risk to patient safety.

Case Reviews

8. Three case review reports have been published, covering 11 cases. A total of 60 recommendations have been made as part of these reviews, both to trusts and other bodies including CQC, DHSC and a law firm.
9. The initial pilot of the case review process has been completed and externally evaluated. Plans are being made for the next phase with a view to enabling the NGO to provide a more bespoke response to cases that are raised, and process more cases.

Key Developments during the year

10. The NGO has published **trust-level data** on the number of cases being handled by guardians, and its first annual summary of this data set. This is proving to be a valuable measure of the effectiveness of the guardian route for speaking up. Feedback received by guardians is proving to be very positive with 87% of those who gave feedback saying they would speak up again. NHS Improvement takes a particular interest in the few trusts that have not submitted data.
11. Bullying and harassment is a prevalent theme which mirrors the results of the NHS staff survey. The NGO has therefore been active in working with partner organisations that are taking action in this area. With the Royal College of Surgeons of Edinburgh the National Guardian co-chaired a **new alliance of health organisations** across the four nations of the United Kingdom, with the commitment to sharing resources and supporting all workers across the NHS. The alliance includes DHSC, NHS Improvement, Royal Colleges, GMC, BMA, RCN, RCM and NHS Scotland.
12. The NGO's **case review recommendations** appear to be making an impact across providers – with 80% of guardians reading the reports. We are encouraging guardians to use them to produce a gap analysis to assess their own arrangements. We are grateful to NHS Improvement for publicising the reports as this helps to provide traction in trusts. NHS Improvement are also supporting trusts to develop and monitor action plans after a case review.

13. The **CQC well-led inspection** reports have continued to include Freedom to Speak Up, leading to enforcement activity where necessary do not meet the standard.
14. We are working in partnership with NHS Employers, law firms, NHS Improvement and DHSC on the development of guidance and information around **settlement agreements** to ensure that these do not prohibit speaking up and that workers are able to get the support that they need.
15. A growing guardian network, including a significant number of individuals with increasing expertise, requires support. To that end the NGO has produced an **'Education and Training Guide'** for guardians and will shortly be trialling its first **'Development Day'** for 50 guardians. The National Conference, regular network meetings, and other opportunities to engage and network continue to be welcomed by guardians.
16. Our **2018 survey** showed that over 40% of guardians do not have any ring-fenced time. We have called on all organisations to ensure that their guardians have sufficient time to perform their important role. This is backed by our survey findings which clearly show that those without ring-fenced time are less likely to carry out some of the basic elements of the role such as presenting their board reports in person, having direct access to their Chief Executive, attending training or network meetings, or gathering feedback.
17. Progress is also being made outside trusts and the NGO is particularly pleased to support a growing **network of guardians in non-provider organisations** including NHS England, NHS Improvement and the CQC. This is a particularly welcome sign of leadership by example. Our annual survey again notes that perceptions of freedom to speak up culture in trusts appears to be correlated with the overall CQC rating. The perception of guardians in non-providers may show that there is room for improvement in the speaking up culture of these organisations. We will offer the opportunity for guardians in these organisations to link with guardians in trusts for support and to share learning.
18. The NGO's **Pan-Sector network** continues to grow and has over 50 public and private sector organisations represented. The NGO chairs and provides the secretariat for the meetings. The network continues to learn and share from the experience, and its members have started hosting meetings, including at the Royal Military Academy Sandhurst. The National Guardian has also spoken at external events, including events arranged by MOD and DfE.
19. The NGO's **Advisory Working Group** has provided advice and guidance on the future of case reviews, and members have given evidence to the Kark Review on Fit and Proper Persons. Members have presented on suggested reforms to the Public Interest Disclosure Act and learning from incidents.

Next Steps

20. The NGO is planning three key developments over the coming year:

- to support the expanding network of guardians, the NGO will need to expand. To this end two new posts have recently been filled
- in developing the second phase of case reviews, the NGO aims to develop a process that will enable more cases to be evaluated and responded to. As part of the process the NGO intends to both look at the learning that can be taken from each individual case, whilst identifying common themes that would benefit from wider consideration
- the NGO will be supporting primary care providers in implementing NHS England's guidance on Freedom to Speak Up in primary care. This is a significant expansion of the NGO's remit and a sizeable task. So that progress can be made at a manageable pace, the NGO will develop an integrated approach, supported by local integration plans that bring together primary and secondary providers, and commissioners, at the local level. This approach will require the NGO to expand further and develop a regional presence, moving from its current 10 region model to 7 regions that are co-terminus with the NHS Improvement / NHS England regions. The NGO is working with vanguard organisations including large GP providers, an LMC, a CSU and the Defence Medical Services to develop options for primary care models of speaking up.

National Guardian
Freedom to Speak Up



National Guardian's Office
Annual Report 2018



National Guardian's Office **Annual Report 2018**



(Left to right) Freedom To Speak Up Guardian Ade Dosunmu, and Ambassadors Swallay Bandhoo, Kemi Adeleye, Emma Terry and Rowena Wasyliv at East London NHS Foundation Trust.

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The National Guardian's Office

The National Guardian's Office is an independent body funded by the CQC, NHS England and NHS Improvement. It was created to support positive cultural change across the NHS so that speaking up becomes business as usual.

Dr Henrietta Hughes, the National Guardian for the NHS, and her office provide leadership and support for the national network of Freedom to Speak Up Guardians appointed in NHS organisations. Guardians support workers to speak up about a range of issues including patient safety and quality of care, so that, staff experiences so that they can help foster a culture in the NHS where issues raised by workers are acted upon.

The office also publishes case reviews and challenges the system to improve the speaking up culture in the NHS.

"Anyone with a concern should speak up as it improves the quality of patient care and the experiences of everyone working in the health service."

"NHS England will continue to support the National Guardian's Office, and Freedom to Speak Up Guardians across England as we work together to develop a culture where speaking up is business as usual, people who do so are thanked and the matters they raise used as an opportunity to learn and improve."

**Simon Stevens, Chief Executive,
NHS England**



"Everyone in healthcare should feel safe to speak up about the services they provide. This is why speaking up is a key indicator of how well-led an organisation is and an integral part of our Well-Led inspections."

"We will follow up on concerns raised by those speaking up and be receptive to feedback about how we can make things better."

**Ian Trenholm, Chief Executive,
Care Quality Commission**



"It is vital that Boards show their commitment to speaking up and ensure that it makes a difference to the lives of patients and staff."

"NHS Improvement will take action when speaking up arrangements are not working. Trusts with an open culture will provide safer care for patients and be a better place to work for all staff."

**Ian Dalton, Chief Executive,
NHS Improvement**



Welcome to the Annual Report

We have seen significant changes in the speaking up process across NHS trusts and foundation trusts in England over the last year. Freedom to Speak Up is an unstoppable social movement with positive agents for change making a difference across England.

Over 7,000 cases were raised through Freedom to Speak Up Guardians in trusts, and there are now over 800 guardians and champions in trusts, independent sector organisations and some arm's-length bodies. Nearly a third of the cases raised to guardians in trusts had an element of patient safety, ranging from a patient incorrectly put on an end of life care pathway, to the uncovering of a human trafficking and modern slavery ring.

Worryingly, nearly half of the cases had an element of bullying and harassment, which is endemic in the NHS. The NHS England annual staff survey 2017 showed nearly a quarter of all staff describing being bullied or harassed.¹ This is a latent patient safety issue which, left unchecked, can lead to significant harm both to patients and those who care for them.

The tragedy at Gosport has brought suppression of speaking up back into the national conversation, and the #metoo campaign has had international prominence. The tide is turning and people expect to be taken seriously when they speak up, as I found when I gave evidence to the Women and Equalities House of Commons Select Committee.²

Sadly, the learning from Gosport, Mid Staffs, and other high-profile cases has still not become embedded into all organisations, as evidenced by our [data report](#), which shows that over 360 workers perceived detriment after speaking up.



1 <http://www.nhsstaffsurveys.com/Page/1064/Latest-Results/2017-Results/>

2 <https://parliamentlive.tv/Event/Index/7d8730bb-e08b-43a7-ac22-34a08fa1f7c9>

It is concerning that six trusts sent us no data or reported that they had received no speaking up cases. Leaders need to attend to the culture of their organisations without delay, ensuring that workers are thanked, listened to, that their confidentiality is protected, that the right investigations are carried out and the right actions taken as a result. Feedback to the worker that has spoken up, with a guarantee that they will not be victimised as a result, are key to ensuring that some of the barriers to speaking up are removed for good.

The case reviews we have published this year show that there is still progress to be made in a number of key areas. The better trusts are already picking up on the recommendations that we have made, using these to do a gap analysis so that they can build speaking up into their continuous improvement.

I call upon all the organisations with responsibility for caring for patients, the regulators and commissioners of care to play their part in this. The inclusion of speaking up in the CQC Well Led Inspection, the work that NHS England are leading on conflict of interest and the interest in the reform of the Public Interest Disclosure Act are all signs of positive change to support workers to deliver the best care to their patients and service users.

Dr Henrietta Hughes
National Guardian for the NHS

Secretary of State for Health and Social Care

One of my top priorities as Secretary of State is the incredible workforce that make up the health service and ensuring they can provide the best quality care for us, our family and friends in times of need. The nation's health is determined by the health of its workforce, the strength of their values, and dedicated sense of professional duty.

NHS workers cannot be expected to deliver world-class care if they suffer as a result of speaking up about concerns they have about patient safety and the lives of their colleagues. These workers speak up because of their exceptional sense of public service. They want to ensure that we receive the best possible care and that the NHS is the safest healthcare system in the world.

We need to ensure that everyone feels equally able to speak up if we want to maintain the safest care for patients and to do this, we need to protect workers in the health service who speak up. The culture is changing and the NHS will be the better for it. I am determined to lead this change, ensuring that every possible avenue is open to those who wish to raise concerns.

So I welcome this annual report from the National Guardian. It highlights the excellent progress being made by her office and the national network of guardians to provide leadership, support and challenge to the health system so that speaking up becomes business as usual.

In order to create an effective speaking up culture, I'm calling on every part of the health and care system to play its part and lead by example. There are now over 800

workers in a speaking up role in NHS trusts, independent providers, arm's-length bodies and the Department of Health and Social Care.

Speaking up saves lives, improves the experiences of our colleagues and helps keep our loved ones safe.

Rt Hon Matt Hancock MP
Secretary of State for Health and Social Care



Governance

The National Guardian's Office is funded by the Care Quality Commission (CQC), NHS Improvement and NHS England and senior representatives from each of these organisations form the Accountability and Liaison Board (ALB).

Current Board members are:

- Sir Robert Francis, QC
- Dame Moira Gibb, DBE
- Sir Andrew Morris, OBE



Previous Board members in 2017/18 included Kate Moore and Sarah Harkness from NHS Improvement

The ALB meets four times a year and is responsible for:

- Acting as a critical friend and sounding board on strategic developments
- Strengthening the relationship with, and acting as a liaison point between, the National Guardian's Office and sponsor organisations
- Acting as an independent reviewer of complaints

The office presents a report to the Boards of the CQC, NHS Improvement and NHS England once a year.

The National Guardian's Office has developed an Advisory Working Group (AWG). Individuals and organisations take part in regular AWG meetings to ensure that expertise and experience from a wide range of backgrounds and interests can be harnessed and used to inform the development of the National Guardian Office's work.

Structure

When fully staffed, the National Guardian is supported by a team of 10.

Finances

The total budget for the National Guardian's Office for 2017/18 was £992,409 (actual spend was £886,141).

Prescribed Body

The National Guardian's Office is a prescribed body and reports on qualifying disclosures made to it annually.

Learning



Caption??

Freedom to Speak Up Guardians

Over **800** Freedom to Speak Up Guardians, Champions and Ambassadors in England

The varied professional background and seniority of those in a Freedom to Speak Up role brings strength to the national network of guardians. Many trusts have developed local networks of champions and ambassadors increasing reach and visibility and broadening the diversity of the guardian network.

NHS trusts,
arm's-length
bodies and
independent
sector



61% guardians
in post for more
than 12 months

Range of seniority



Range of
professional
background

National Freedom to Speak Up Guardian Conference

In March 2018 we held our first National Freedom to Speak Up Guardian Conference at the Emirates Stadium in North London. Over 300 delegates from all over England attended the event. It included keynote speeches from the then Secretary of State for Health Rt Hon Jeremy Hunt MP, Chief Executive of NHS England Simon Stevens and the then Chief Executive of the Care Quality Commission Sir David Behan.

The conference not only brought together Freedom to Speak Up Guardians from trusts, but members of our Advisory Working Group, our Pan Sector Network and representatives from the independent sector, arm's-length bodies and stakeholder organisations.

In addition to the support the conference received from our sponsor organisations and the Department of Health and Social Care, there were also inspirational sessions delivered by Michael West, Head of Thought Leadership at the King's Fund and Martin Bromiley, Chair of the Clinical Human Factors Group.

The conference included an interactive debate and an opportunity for delegates to offer and ask for help. This, along with time set aside for networking, allowed plenty of new relationships to flourish and good practice to be shared.





Training

We offer regular information sessions throughout the year. These act as foundation training for new guardians and are open to others with an interest in the guardian role and speaking up.

Over 500 people have attended these sessions since June 2017, and we consistently receive excellent feedback:

"Inspirational and engaging."

"Great location, top notch speakers, well-paced, plenty of empathy and networking opportunities."

"... all relevant and useful. It all worked well. Excellent programme."

"Good session. I can't think of anything to improve."

In order to increase our capacity to train the expanding network of guardians, and those supporting them, we have also trained 27 experienced guardians to deliver training sessions locally.

We were pleased to work with Health Education England and the NHS Leadership Academy to co-produce the 'Guardian Education and Training Guide', published in April 2018. Guardians come from a wide range of professional backgrounds and while many have skills and experience in their other roles, they may have areas for personal and professional development. The guide aims to provide this support by aligning with the 'Freedom to Speak Up

Guardian Job Description', published in March 2018 to help describe the skills and competencies required to be effective in the role. It is a tool for personal reflection to identify learning and development strengths and needs.

As part of the self-assessment process, guardians who identify that they are fully capable and confident with advanced knowledge about an aspect of the role are encouraged to pass on their knowledge and skills to other guardians.



CASE STUDY: Providing feedback and looking for opportunities to improve

At Sussex Partnership NHS Foundation Trust, a worker spoke up about poor practice when cleaning up spilt body fluids.

The worker told Freedom to Speak Up Guardian Lynn Richardson that several attempts had been made by various members of the unit staff over the previous 24 hours to clean up, but inappropriately without disinfection.

The worker speaking up told Lynn that they had completed additional training to ensure that their team followed the trust's infection control policies. However, they were concerned that some other workers were not following the policy.

After checking with the Infection Control Team, Lynn immediately raised the issue with the lead for nursing practice and asked them to review the concern and ensure all staff knew their responsibilities. Within one week, communications had been developed and a formal alert had been raised across the organisation. Courses were also adjusted to ensure this issue was fully covered at training.

Lynn said, "I was pleased to hear how supported the worker felt when they spoke up. They welcomed the updates and the final response by management and told me how pleased they were with the result.

"They told me they would definitely speak up again, which is the result we are all seeking."

Lynn also praised how promptly management acted upon the concern and the improvements made to tackle the issues highlighted.

She said, "When I revisited the department they confirmed they had been working hard to ensure all workers were following the correct procedure."



Empathy



Freedom to Speak Up Guardian Survey

Our second Freedom to Speak Up Guardian Survey published in November 2018 included responses from guardians and those in a supporting role in trusts, arm's-length bodies, regulators and other non-provider organisations.

We have made recommendations to improve how the guardian role is being implemented, and to provide additional support to those in the role. These include:

- Refresher training every 12 months
- Guardians to assess possible conflicts of interest in their role and take action to address them
- Organisations should make an assessment of any groups that face particular barriers to speaking up and take action to ensure those barriers are tackled
- Organisations should make an assessment of the time required by a guardian to carry out their role effectively and provide the necessary ring-fenced time
- Time is provided to ensure that all organisations are represented at regional meetings.

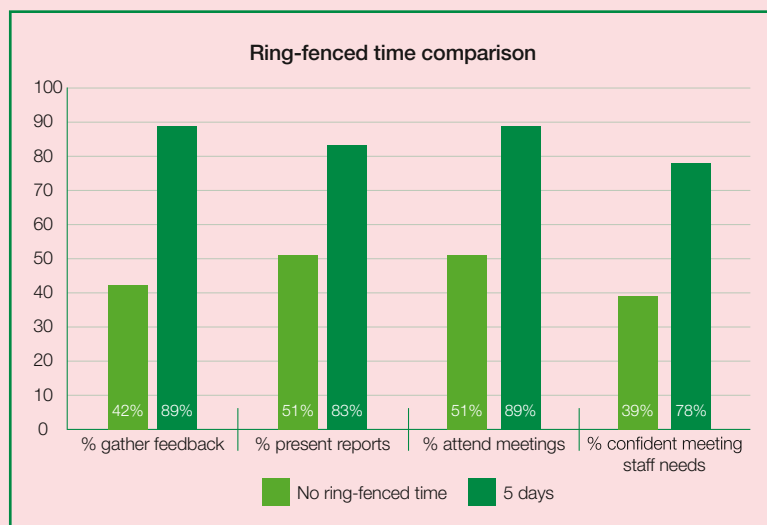
The lack of necessary ring-fenced time for guardians, and those in a supporting role, to carry out their responsibilities properly was highlighted in the survey. This echoes feedback we frequently hear from guardians and is a situation that must change. We ask all organisations to make a full and fair assessment of what is required.

Our survey also highlights the apparent correlation between perceptions of speaking up and CQC ratings. This should provide additional impetus to ensure that organisations work to create a healthy speaking up culture by ensuring effective processes and appropriate resources are in place.

For the first time, we have been able to compare responses from provider organisations and non-provider organisations, such as arm's-length bodies. We recognise arm's-length bodies would benefit from learning from best practice in the NHS and will be working to bring them together to share that learning.



2018 Guardian Survey



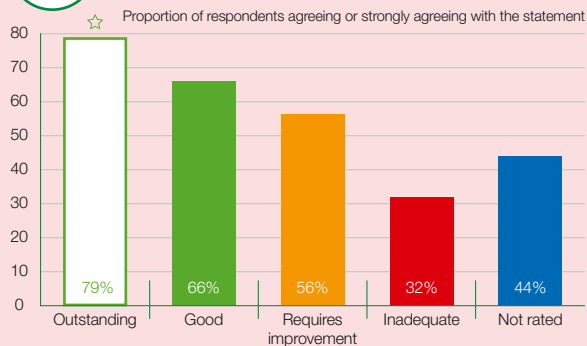
Responding to the findings of this year's survey the National Guardian's Office has developed a set of core recommendations. Ring-fenced time appears to be the key to guardians fulfilling our expectations. Any organisation where ring-fenced time for the guardian role has not been allocated falls short of demonstrating the qualities of a well-led organisation.

2018 Guardian Survey

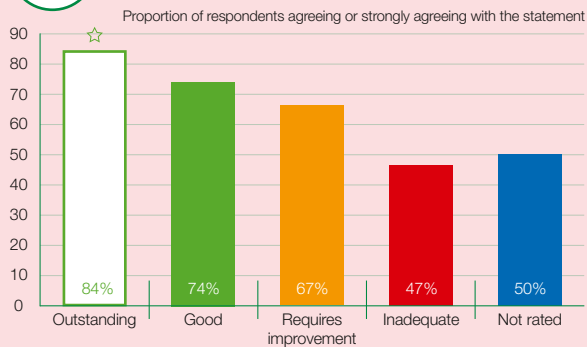
As observed in last year's survey, there appears to be a correlation between overall CQC rating and guardian perceptions of speaking up culture. This indicates the powerful role leadership has to play in Freedom to Speak Up. For the first time, this year's survey includes responses from guardians appointed by independent providers and arm's-length bodies including health regulators. Responses to the survey enable a comparison to be made between non-rated organisations and provider organisations.



"Managers support staff to speak up"

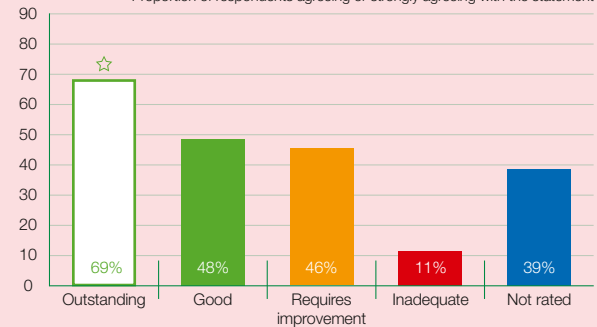


"Senior leaders support staff to speak up"



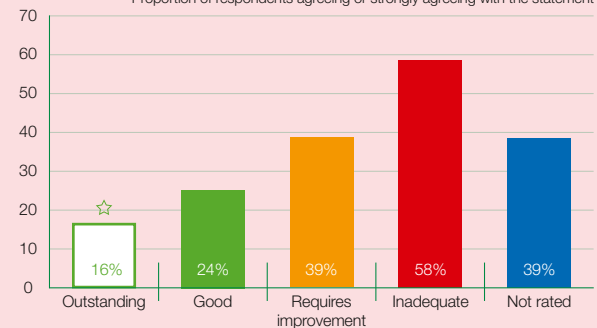
"My organisation has a positive culture of speaking up"

Proportion of respondents agreeing or strongly agreeing with the statement



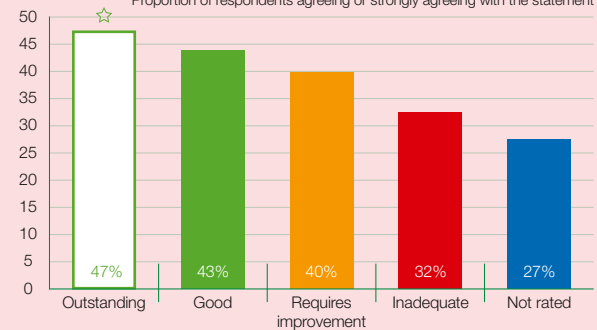
"There are significant barriers to speaking up in my organisation"

Proportion of respondents agreeing or strongly agreeing with the statement



"People in my organisation do not suffer detriment as a result of speaking up"

Proportion of respondents agreeing or strongly agreeing with the statement



Regions and networks

Freedom to Speak Up Guardians work across organisational boundaries to share best practice across England. They meet regularly within their ten geographical regions, as well as nationally as part of the National Ambulance Network and the Community, Mental Health and Learning Disability Network.

Since their inception in 2016, these networks have developed into vibrant communities for sharing and learning, acting as a source of peer support and development. The 'Guardian Education and Training Guide' allows networks to assess their collective strengths and learning needs. There are many excellent examples of guardians providing training to upskill their colleagues locally and nationally. Learning activities have included sessions looking at unconscious bias and mental health first aid training.

Strong links have been forged with bodies such as the Regional NHS Leadership Academy and GMC Regional Liaison Service, which has led to innovative training and coaching opportunities.

Networks are also making use of other opportunities such as peer supervision sets and trialling platforms for sharing resources. The richness of experience in the networks is helping to shape and describe good practice, and events are being planned to foster wider engagement with leaders

and workers. These activities are helping to drive this powerful social movement.

In our experience when an issue is identified in one organisation the learning and improvement can be valuable to many other organisations. In this spirit, the National Ambulance Network has committed that learning gained in one ambulance provider will be shared and incorporated into all ambulance providers.



Raising awareness and recognition

In October 2018 we launched our first Speak Up Month to raise awareness and promote speaking up. It is important that workers are aware of Freedom to Speak Up Guardians and how to speak up to them.

Trusts across England embraced the campaign through a wide range of different activities, including the use of the #speakuptome hashtag on Twitter. Over 100 events took place. Activities included a show by a performance poet, films, media interviews and the invention of a board game, GOSHOPOLY.

In addition to the work that went on in trusts throughout October, we also saw many stakeholder organisations join in the campaign to raise awareness.

The National Guardian travelled the length and breadth of England visiting trusts, regional meetings and speaking at events. The month culminated in an event at the House of Commons attended by over 100 guardians and stakeholders.

To recognise the importance of speaking up the National Guardian's Office has sponsored a new HSJ Award 'Creating a Supportive Staff Culture'. This award, due to be presented in November 2018, was open to all organisations that could demonstrate they had taken steps to enable staff to speak up freely, with confidence and without fear of negative consequences.



CASE STUDY: Listening well and acting with sensitivity

Northamptonshire Healthcare NHS Foundation Trust delivers healthcare services to seven prisons in the Midlands.

Freedom to Speak Up Guardian Matt Asbrey, and Chief Executive Angela Hillery, received several speaking up cases from workers at these services. Although at different prisons it was clear there was an emerging theme requiring further investigation.

Matt brought together representatives from Human Resources, Operations, Quality and the directors of the sites to form a working group to discuss these issues.

The working group identified that, due to the distance from the main trust sites, the prison services' connection with the wider trust was not sufficiently strong or robust. This included the understanding of the trust's policies, procedures and expectations. It was agreed that investing in the prison leadership teams would improve their connection with the trust.

Matt said, "When our colleagues spoke up, it became clear how important it was to foster partnerships across the organisation, including with leaders working with vulnerable groups. We needed to come together, listen to the needs of our workers and take the right actions."

Leaders in these services attended a tailored version of the trust's 'Leadership Matters' programme, focusing on the trust's leadership behaviours, key HR appraisals and skills in negotiation and courageous conversations.

Clinical Manager Debbie Leach said, "The training helped me understand leadership behaviours and the need for me to focus on nurturing and supporting staff at an informal level and encouraging open, safe communication."

The programme was supported by regular visits to the prisons by members of the trust's board and corporate teams, including HR, audit and patient safety. They reported improved working relationships with each of the prisons.

Chief Executive Angela Hillery said, "I would like to thank our colleagues for speaking up and our leadership team for listening and acting sensitively about these matters. Speaking up improves professional relationships, reminds workers of our vision and brings us together to improve the care we provide patients and our colleagues."



Impartiality



Sharing knowledge and learning

Learning is an essential ingredient of Freedom to Speak Up. By nurturing their curiosity, and being proactive to learn, individuals help break down barriers to speaking up. They welcome the giving and receiving of feedback as an opportunity to improve.

In this spirit of learning, we set-up the **Advisory Working Group** last year to bring together and listen to the views of a range of stakeholders, including workers who have experience of speaking up. The group, which has a one-year membership, has met on three occasions and has been an invaluable source of feedback on our work including, most recently, the evaluation of the case review pilot.

We have also established a **Pan Sector Network**, which has gone from strength to strength, since it was initiated. We know that the health sector has a lot to learn from other areas of the economy, all of which are on their own journeys to create an environment where their workers feel free to speak up.

At the same time, other industries have much to learn from the innovative steps being taken in the health sector to support speaking up. To facilitate this cross-sector learning, we bring together representatives from different sectors to discuss challenges and share good practice.

The network has expanded rapidly over the last year, with over 50 organisations now affiliated. These include

the Civil Aviation Authority, English Institute of Sport, Institute of Business Ethics, Lloyds Banking Group, the Royal Military Academy Sandhurst and Surrey Police. When it has met, the network has discussed key issues including Just Culture, independence and timeliness of investigations into speaking up cases and interventions to reduce harassment.

The network's last meeting was kindly hosted by the Royal Military Academy Sandhurst and future meetings will be hosted by other members of the network.



Universal Job Description and Board Guidance

In January 2018 the NHS standard contract strengthened the requirements around organisations' speaking up arrangements, obliging organisations to comply with National Guardian's Office guidance about the guardian role and its implementation.

We produced a new universal '[Freedom to Speak Up Guardian Job Description](#)' in March 2018. This reflects the fact we believe that the values and speaking up principles at the heart of the guardian role apply across a range of other settings, including independent providers of NHS services and arm's-length bodies.

The universal job description emphasises both the proactive and reactive elements of the guardian role. Underpinning it all is the commitment to improve care for patients and the environment and experience of NHS workers.

We worked in partnership with NHS Improvement in their production of '[Guidance for NHS trust and NHS foundation trust boards on Freedom to Speak Up](#)', published in May 2018. This document recognises the fact that speaking up is only part of the solution. An organisation's responsibility to listen and respond well, to take the right actions and feedback appropriately is crucial to creating an open, supportive and learning environment.

The guidance is there to describe the role of boards and individual responsibilities in relation to speaking up. It helps boards determine how their arrangements compare with good practise and supports the development of effective speaking up arrangements. These are an indicator of a well-led trust.

Boards are expected to be knowledgeable and fully engaged in integrating speaking up into their overall strategy.



Speaking up data

In September 2018 we published our first report on the cases handled by Freedom to Speak Up Guardians in 2017/18.

Over 7,000 cases were brought to Freedom to Speak Up Guardians and others in speaking up roles. Notably, the number of cases increased quarter on quarter.

The number of cases is not necessarily reflective of the speaking up culture in an organisation. There are many existing routes for workers to raise matters such as incident reporting mechanisms, educational supervisor, or to an executive or non-executive director.

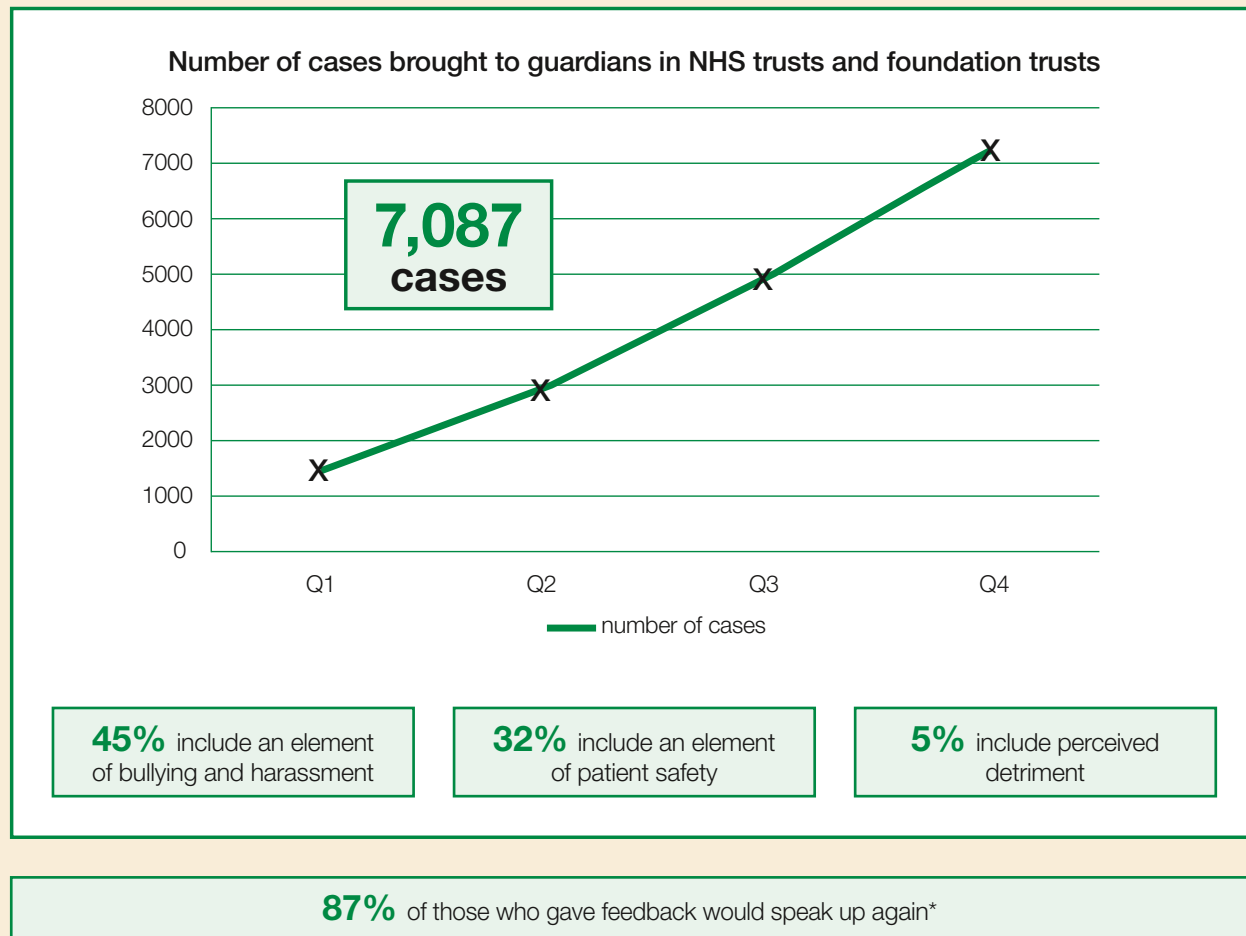
However, there may be occasions where none of these routes are suitable or there are concerns about whether confidentiality will be maintained. Where those circumstances exist guardians act as an alternative route.

When a case is raised with a Freedom to Speak Up Guardian the worker can be assured that actions will be taken and they will receive feedback. This is in marked contrast to the experience of many workers in the past, highlighting the positive difference that this alternative route brings. However, some workers are raising cases to guardians because they have been victimised after speaking up. This type of behaviour has to stop.

Six trusts either submitted no data or reported no cases of speaking up throughout the whole of last year. Far from suggesting reassurance, we would see this as a mark of ineffective speaking up arrangements. This is also a concern to the regulators. [Further detail can be found in our Speaking Up Data Report 2017/18.](#)



Speaking up data



*the percentage is based on how many of the 2,407 people who gave feedback answered 'Yes' to the question "Given your experience, would you speak up again?"

Visible leadership

Visible leadership is a key part of creating and supporting an open culture where speaking up is well received. As well as board executives and non-executives being highly visible and approachable, we expect Freedom to Speak Up Guardians to have reach and visibility across their organisations.

We recognise that for some trusts, spread over very wide geographies, this can be a challenge. We have seen excellent practice where trusts have appointed networks of champions to address this, linking in with other networks that exist in the organisation such as dignity at work ambassadors, staff governors and champions nominated from each division in the trust.

In some trusts the executives record and discuss which areas of the trust they are planning to visit, ensuring that each month every leader visits each area of the organisation. Many board members now wear the Freedom to Speak Up green lanyard to endorse and publicise the service available to workers.

We have, conversely, visited trusts where workers were unaware of and did not recognise senior leaders. In one organisation the executive corridor was known as 'the bunker' and in others executives and non-executives were reluctant to meet and engage with their workforce.

The National Guardian's Office wants to mirror the good practice we have seen as part of visible leadership. We know there is no substitute for seeing best practice in situ. The National Guardian and other members of her team have attended events at over 100 trusts, network meetings and speaking engagements over the course of the year. We publish a regular newsletter and, using social and other media, engage in the national conversation about speaking up.



CASE STUDY: Speaking Up across boundaries

An NHS worker spoke up with concerns about a patient with learning disabilities. This led to North East London NHS Foundation Trust Freedom to Speak Up Guardian Kevin Sole escalating the case to Barking and Dagenham Council.

Kevin and the local health leadership team for the area believed the issue should be investigated as a Safeguarding Adult Review, which was agreed by the Safeguarding Adults Board. What followed was a comprehensive multiagency investigation into a modern slavery and human trafficking ring.

Kevin said, "The safety of our patients is paramount. Where appropriate, speaking up cases may need to be referred to external partners, such as local authorities and the police. It is vital that our resources are used holistically to protect the most vulnerable members of the community."

The Safeguarding Adults Board published the report, titled "Drina", regarding the care and safeguarding interventions provided to the patient who was suspected to be a victim of modern slavery. Without the concerns being raised and acted on, this safeguarding issue would have remained undetected, putting patients at risk of harm. [The report](#) is available on the council's website.

The report made a number of recommendations for improving safeguarding arrangements for social care, public protection and healthcare organisations.

One of the recommendations for the multi-agency partners included the development of a modern slavery and human trafficking learning event, which was led by the Safeguarding Adults Board in May 2018.

The outcome demonstrated how Freedom to Speak Up Guardian roles can work across boundaries, leading to a successful outcome. These results can lead to improved practise and knowledge and ensure systems are changed to prevent a recurrence.



Courage



Case reviews

We completed a 12 month pilot of the case review process in June 2018.

Case reviews are carried out where there is evidence speaking up cases have not followed good practise in order to identify learning and to make recommendations on improving speaking up culture, policies and procedures.

To date, we have reviewed 13 cases in four trusts and published four reports. We have made 73 improvement recommendations, including around issues relating to bullying and harassment, conflicts of interest, investigations and Fit and Proper Persons assessments. These are not only for the trusts where the reviews took place, but also for external bodies responsible for supporting workers to speak up, including DHSC, CQC and a law firm.

We expect trusts across England to use our reports as opportunities to review their own arrangements and to make improvements, which is in line with NHS Improvement guidance and of interest to CQC as part of their well-led domain inspections.

We are currently evaluating the effectiveness of the pilot with a view to updating the process in 2019.

13 case reviews

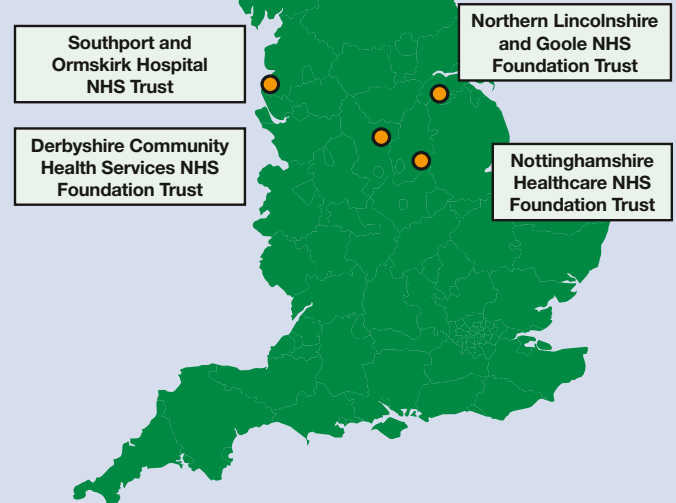
across 4 organisations

73 recommendations
to trusts, CQC, DHSC,
and a law firm.

National uptake of
recommendations

80%

of guardians have
read reports



Working in partnership

The only way that culture change across the NHS will become established is for all partners to work together and play their part.

We work tirelessly with our partners to influence and drive positive culture change. Examples of this include:

- Giving evidence to the Women and Equalities House of Commons Select Committee on sexual harassment in the workplace and the Kark Review of the Fit and Proper Persons Requirement
- Contributing to an update of GMC's revalidation governance handbook
- Contributing to academic research projects
- Co-producing e-learning material with Health Education England and NHS England
- Forging regional links with guardian networks and regional NHS Leadership Academies
- Working in partnership with NHS Employers, NHS Improvement, DHSC and legal service providers to revise guidance on the content and use of settlement agreements.

In September 2018 we co-chaired a meeting with the Royal College of Surgeons of Edinburgh to bring together organisations from across healthcare engaged in addressing bullying throughout the NHS. Along with others we agreed to form a growing collaborative alliance to coordinate activity and share best practise and resources on an ongoing basis.



Future priorities and challenges

Looking ahead, we broadly see three challenges:

- continuing to support and improve the growing guardian network in organisations where the role has already been implemented
- supporting the growth of the guardian role in primary care, with additional funding from NHS England
- developing a post-pilot case review process that continues to support learning across the system

Continued investment in the learning and development of guardians is a crucial element of support for the growing network. We will respond to this by investing further in our newly created network of guardians trained to deliver foundation training and continuing to encourage the use of the [Guardian Education and Training Guide](#).

We will continue to provide national opportunities for further training, development, learning and sharing, and encourage local collaboration to address regional needs. We will produce a range of communication materials that guardians can use to promote their work, and explain the guardian role, and good speaking up practice, in a consistent way.

Supporting the growth of freedom to speak up and the implementation of the guardian role in primary care represents a substantial change in our remit. Working with NHS England, who have agreed to provide further funding

for this expansion, we will increase our regional presence, with a view to developing an integrated approach to speaking up across the patient pathway.

We are evaluating the pilot of the case review process and will reflect on the findings. Our ambition is to develop a process that will consider individuals' experience and wider themes that are emerging as barriers to speaking up across the system. This is in order to generate system-wide change with maximum impact on the speaking up culture in the NHS.



CASE STUDY: Speaking up to make a difference

At Salford Royal NHS Foundation Trust the Freedom to Speak Up team was approached by a worker in a surgical laboratory.

Issues were raised regarding the safety of the lab environment, which potentially could impact on the safety of patients and workers.

Recurrent leaks of sewerage water had occurred in this department. These incidents were always reported, resulting in decontamination of the area and unblocking of the pipes above the department. However, the root of the problem had never been addressed.

Patient appointments were delayed and equipment made in the lab needed to be destroyed. The department also had to be evacuated while the area was fully decontaminated.

The situation was escalated by the Freedom to Speak Up Guardian to senior managers and a group was brought together to devise a definitive action plan.

Guardian Karen Hawley said, "It was important that we were accessible to all frontline staff so we could quickly escalate matters and challenge appropriately so safety issues were acted upon."

"The safety of the work environment is absolutely vital to the safety and quality of care we provide."

A full risk assessment of the department was carried out, surveys of the building were arranged and contractors brought in to conduct camera investigations and installation of new pipework.

Ongoing monitoring of delays in patient care took place and service continuity plans were implemented while the works were taking place resulting in a cleaner, safer environment.



