



National Guardian

Freedom to Speak Up

NHS England and NHS Improvement Board meetings held in common

Paper Title: National Guardian's Office update and priorities for 2022/2023

Agenda item: 8 (Public session)

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Paper type: For discussion

Organisation Objective:

NHS Mandate from Government	<input type="checkbox"/>	Statutory item	<input type="checkbox"/>
NHS Long Term Plan	<input type="checkbox"/>	Governance	<input type="checkbox"/>
NHS People Plan	<input type="checkbox"/>		

Executive summary:

Board members are asked to note and discuss progress made by the National Guardian's Office and priorities for this financial year.

Background

1. The National Guardian's Office was set up in October 2016 as part of recommendations from the Francis Freedom to Speak Up Review (2015). Dr Hughes stepped down from her role as National Guardian in September 2021 and Dr Jayne Chidgey-Clark was appointed and accepted the role in December 2021.
2. The Office leads, trains and supports a network of Freedom to Speak Up Guardians in England and conducts reviews of organisations when that speaking up has not been handled according to best practice. The National Guardian's Office also provides challenge and learning to the healthcare system as part of its remit.
3. Progress continues to be made to improve the speak up culture across a range of organisations, systems, and processes across the health sector. Since the National Guardian Office last update to the Board in March 2021, there are now more than 820 Freedom to Speak Up Guardians¹ supporting thousands of

¹ As of March 2022.

organisations across the healthcare sector, who have handled nearly 70,000 speak up cases to date², allowing workers to speak up who might otherwise not be heard. In the early days of implementation of the Freedom to Speak Up role, most of the Freedom to Speak Up Guardians were supporting NHS Trusts. However, now, nearly half support other organisations, including primary care services, independent health care, hospices, and national bodies. Workers continue to speak up to Freedom to Speak Up Guardians about a range of issues, including patient safety, worker safety and bullying and harassment. Freedom to Speak Up Guardians have listened to them, thanked them, and sought to ensure.

4. The National Guardian lays an annual report before Parliament each year, and reports to the Boards of its funding partners a minimum of annually. The National Guardian will bring the 2021/2022 annual report to NHSEI Boards in common later in the year. This report provides highlights of progress and priorities for this year.

Funding

5. The National Guardian Office's was originally funded by a three-way arrangement with CQC, NHS Improvement and NHS England, now by CQC and NHSEI. The current memorandum of understanding between CQC, Department of Health and Social Care and NHSEI covers April 2019 – March 2023 and the National Guardian Office has an annual budget of £1.66m. This year we will be collaborating with partners to develop a further memorandum of understanding for the next three years to agree a new budget.

Highlights of progress since March 2021 report

6. The National Guardian Office published its strategic framework in July 2021, outlining the four pillars of work to support improving speak up culture across the NHS: Workers, Freedom to Speak Up Guardians, Leadership and Healthcare Systems.
7. Freedom to Speak Up Guardian network. There are now over 820 trained Freedom to Speak Up Guardians in the National Guardian Office's network and included on the published directory. The variety of organisations represented has also expanded with Freedom to Speak Up Guardian being appointed in:
 - NHS Trusts and Foundation Trusts
 - Primary care providers including GP practices and dentistry services
 - Independent providers of healthcare including hospices and diagnostic services
 - Arm's length bodies, national organisations, and regulators

² This figure refers to cases received up to and including Q3 2021/22. However, please note that the figures for Qs 1 – 3 2021/22 are unreconciled and may change when the reconciliation exercise closes in May 2022.

8. Organisations in other sectors, including education and financial services, have also sought to learn from and implement the Freedom to Speak Up Guardians model.
9. Cases dealt with by Freedom to Speak Up Guardians has increased:
 - i. In Trusts and Foundation Trusts the number of cases dealt with by Freedom to Speak Up Guardians has increased by 23% from 16,199 in 2019/20 to 20,388 in 2020/21.
 - ii. The reporting of anonymised data about the speaking up cases raised with Freedom to Speak Up Guardians is embedded in NHS trusts and is also increasingly happening with Freedom to Speak Up Guardians supporting other types of organisations, including independent healthcare providers.
 - iii. Some of the themes from the data submitted are consistent:
 - around a third of cases involve an element of bullying and harassment
 - around a fifth of involve an element of patient safety
 - worryingly, there has been a steady increase in the proportion of cases where detriment for speaking up is indicated – up from 2.7% before the pandemic to 4.7% in Q3 2021/22. We are working closely with CQC to strengthen the Well Led inspection so that issues around detriment can be picked up. We will be working with Freedom to Speak Up Guardians over the coming year to understand more about the actions that are taken when detriment is reported.
 - iv. Data collection for Q4 2021/22 will close on 18th May 2022 and a summary of information on cases reported to Freedom to Speak Up Guardians in 2021/22 will be published in Q2 2022/23.
 - v. Please click [here](#) for our latest annual speaking up data report, published in July 2021, covering cases raised with FTSU Guardians in 2021/22.
10. Implementation of the Freedom to Speak Up Guardians role continues to vary and perceptions of speak up culture show signs of deterioration:
 - i. How Freedom to Speak Up Guardians are appointed and the amount of ring-fenced time that Freedom to Speak Up Guardians are allocated varies and continues to be a source of concerns. Over a third (34.4%) of those who responded to our annual survey of Freedom to Speak Up Guardians that they did not have any ring-fenced time for the role.³ We do not believe that this is acceptable. We are hoping the soon to be published refreshed universal policy and guidance for Freedom to Speak Up - that we have collaborated with NHSEI on - will provide an opportunity for organisations to reset and

³ National Guardian's Office, 2021 [Freedom to Speak Up Guardian Survey Report](#), March 2022

refresh their speak up arrangements, including the Freedom to Speak Up Guardian role.

- ii. Freedom to Speak Up Guardians responding to our latest survey shared their perceptions of leadership support for their role and speaking up generally. In some areas, the results were encouraging. For instance, 81.3% of respondents said they reported to their Boards (or equivalent) in person, up 3.8 % from the previous year. In other areas, however, the results suggested a decline in support from leaders:
 - 70.8% said senior leaders supported workers to speak up, down 10-percentage points (80.2%, 2020)
 - 81.9% said they had direct access to the non-executive director (or equivalent) with speaking up as part of their portfolio, down five percentage points (87.7%, 2020)
 - 83.1% said they had sufficient access to the Board, down 11-percentage points (94.0%, 2020)
11. These results are concerning, and we will continue to work with leaders across the health system to support and challenge around speak up culture and behaviours. We have launched a leadership campaign this month alongside the launch of the "Follow Up" leadership training module developed with Health Education England to support greater engagement with leaders at all levels.
 12. The report summarising the latest survey of Freedom to Speak Up Guardians, looking at how the role is implemented and perceptions of speaking up amongst Freedom to Speak Up Guardians, was published in March 2022 and can be found here: [2021 FTSU Guardian Survey - National Guardian's Office](#).
 13. We are continuing to improve understanding of the speaking up landscape:
 - i. We are working with NHSEI on the inclusion of effective speak up questions in the NHS Staff Survey.
 - ii. We are also supporting colleagues in NHSEI with the development and promotion of the culture and engagement compartment of the Model Health System to reflect the increasingly integrated approach to healthcare.
 - iii. We are working with CQC around the development of their new Regulatory Platform, including speak up components of the Single Assessment Framework, development of a Quality Statement and updating guides for inspectors related to speaking up, including primary care.
 14. Learning from Reviews:
 - i. The National Guardian's Office has carried out case reviews across a range of trusts in England in response to information that speaking up had not been

handled in accordance with good practice. Where we found that good practice had not been followed, we recommended remedial action.

- ii. To date, we have published nine case review reports containing over 130 recommendations and findings. The latest report, published in October 2021, encapsulates our reviews at Blackpool Teaching Hospitals NHS Foundation Trust⁴. Blackpool's report highlighted that there has been a disproportionate impact of the pandemic on Black and minority ethnic health workers which has highlighted how vital inclusion is for worker safety and wellbeing.
- iii. We expect that all organisations follow the joint guidance for Boards that we have written with NHS Improvement and use them to conduct a 'gap analysis' to identify areas for improvement in their own speaking up cultures. We work with others to carry out reviews and promote and embed the learning.
- iv. In December 2021, we collated the recommendations realised from these reviews and grouped them thematically. We published a tool that Freedom to Speak Up Guardians and leaders responsible for speaking up in their organisations can use to review arrangements and develop actions for improvement.
- v. As included in the last Board report, the National Guardian's Office is implementing a new approach to Case Reviews called Speak Up Reviews. Speak up reviews seek to identify learning, recognise innovation, and support improvement, and, ultimately, improve the experience of workers, patients, and the public.
- vi. Whereas case reviews were typically triggered by individual referrals, speak up reviews seek to give as many workers as possible a voice in what we decide to review by looking at a range of indicators to inform decisions about what we review.
- vii. The new method of identifying learning in Speak-Up Culture is being tested in the first Speak Up Review of Ambulance Trusts. It was identified that they perform comparatively less well than other trust types in the Freedom to Speak Up (FTSU) Index (2021). While the FTSU Index suggests a positive speaking up culture is associated with higher-performing organisations rated by the Care Quality Commission, this correlation is less apparent with Ambulance Trusts. We have just received an agreement from all ten Ambulance Trusts to carry out the review, and work began in May 2022. A report will be published later in the year.

⁴ [Blackpool Teaching Hospitals NHS Foundation Trust - National Guardian's Office](#)

Universal Principles of Advance Care Planning

15. The National Guardian's Office was allocated lead responsible body for the recommendation in the CQC Report 'Protect, Respect, Connect – decisions about living and dying well during COVID-19': "Health and social care providers must ensure that all workers understand how to speak up, feel confident to speak up and are supported and listened to when they speak up. To do this, providers must follow national guidance to foster positive learning cultures and ensure consistency and clarity of speaking up arrangements across the patient pathway."
16. We attend the Ministerial Oversight Group, have contributed to the working group and are encouraged to see the final published principles include speaking up in principle 10⁵. We continue to be involved with Department of Health and Social Care, CQC and NHSEI with oversight of the implementation of this recommendation.

Training

17. Training workers, managers and leaders is an important part of embedding speak up culture in organisations. A training programme based on our national guidance has been developed with Health Education England. Speak Up training for workers was launched in December 2020, Listen Up training for managers was launched in January 2021 and Follow Up training for senior leaders was launched in April 2022. Many organisations are incorporating these into their mandatory training packages. I hope that the Board of NHSEI will complete this third training module and use alongside the refreshed national policy and guidance when published, and the results of the NHS Staff Survey and the latest Freedom to Speak Up Guardian survey to support improvement discussions for the organisation. Links to all three modules can be found here: [Training - National Guardian's Office](#)

Primary medical services and integrated care systems

18. In June 2021 the National Guardian Office's published a report into primary care and freedom to speak up⁶. The complexities of primary medical services, including general practice, dentistry, pharmacy, and optometry were outlined. We have undertaken a Primary Care Freedom to Speak Up Guardians census against the National Guardian Office's Directory. We continue to work closely with NHS England/Improvement and the Care Quality Commission to develop and embed speak up routes, including how Freedom to Speak Up Guardian roles can be implemented effectively in primary medical services and integrated care system settings. The new refreshed universal policy and guidance on Freedom to speak up in the NHS (to be published shortly) will be an important stimulus for developing more robust speak up mechanisms in these areas.

Adult Social Care

⁵ [NHS England » Universal Principles for Advance Care Planning \(ACP\)](#)

⁶ [Exploring-Freedom-to-Speak-Up-Primary-Care-Integrated-Settings.pdf \(nationalguardian.org.uk\)](#)

19. Workers in Adult Social Care do not have this additional speaking up route of Freedom to Speak Up Guardians. The Department of Health and Social Care made a commitment in the White Paper on Adult Social Care in December 2021 to work with the National Guardian Office to understand how the Freedom to Speak Up Guardian role can be implemented in adult social care. We are waiting confirmation of funding and looking forward to starting this important work. With the development of integrated care systems it is vital that all workers in health and care have consistent and supportive routes to speak up about matters that get in the way of them doing their jobs, support safety for people who use services and support worker wellbeing.

Communications and engagement

20. The theme of October 2021's Speak Up Month was Speak Up, Listen Up, Follow Up. The campaign saw workers, managers and leaders sharing their Speak Up Pledges from hundreds of organisations, including primary care, national bodies, NHS Trusts, hospices, independent sector providers and the pan-sector network.
21. Case studies, blogs and 100 Voices stories from workers who have spoken up have been shared in our new monthly newsletter for stakeholders, and a programme of webinars throughout the year has continued to complement our regular bulletins for sharing of information across the Freedom to Speak Up Guardian network.
22. We continue to develop our communications and engagement strategy, including our annual speak up month, series of webinars, series of podcasts on leadership and delivery of the annual report.

Reflections

23. Despite progress in work to implement the Freedom to Speak Up Guardian role and the wider work on culture and behaviours in the NHS workers do not consistently feel safe to speak up or that the right actions will be taken as a consequence. The picture that Freedom to Speak Up Guardians paint of speaking up in a sector still experiencing the effects of the pandemic is a complex one. Positively, many guardians who responded to our survey thought that speaking up culture had improved in the healthcare sector (72.8%) and in the organisations they support (74.3%) in the last 12 months. However, there was a fall in the percentage of Freedom to Speak Up Guardians who responded to the National Guardian's Office survey who said that their organisation had a positive culture of speaking up. This has dropped five percentage points from 2020 to 62.8%. Findings echoed by the 2022 NHS Staff Survey. The proportion of staff who said they felt safe speaking up about anything that concerns them in their organisation also fell to 62.0%, down more than three percentage points (2020: 65.6%). These figures are a warning that we all need to take action.

24. We know that organisations with Freedom to Speak up Guardians do not all consistently follow guidance from the National Guardian's Office. In addition, there are variable responses when workers speak up in and to national bodies. We continue to work with the Speak Up Partnership Group to promote greater consistency across national bodies and that remains a priority this year.
25. The results of our 2021 Freedom to Speak Up Guardian survey show that the Freedom to Speak Up Guardian network improvements in some organisations but also highlight where there are inconsistencies in implementation of the Guardian role and the support provided for Guardians to do their role effectively.
26. I am concerned that not all leaders are following national guidance consistently. Leaders need to focus on improving their speaking up arrangements, ensuring the workforce have confidence and support to speak up when they need, and to ensure that their Freedom to Speak Up Guardians are appropriately resourced and well supported. We are hearing from Guardians that the role can have an impact on Guardian wellbeing, and we need to work together to ensure Guardians have the support they need to carry out their roles effectively.
27. The need for leadership commitment to improving speaking up culture at all levels and through all channels has never been more important for leaders of provider organisations and all national bodies, regulators, and professional bodies. As the pressures in the health and care sector continue we need to be able to ensure we are hearing the voices of our workers who have so much valuable information to improve both services and worker wellbeing.

Conclusion and Next Steps

28. The work of the National Guardian's Office and Freedom to Speak Up Guardians continues to support thousands of workers having a voice about matters that get in the way of them doing a good job. Since I took up post at the end of 2021, there have been a series of high-profile reports indicating not all workers get a consistent high-quality response to the matters they raise, sometimes with serious consequence. There is so much more for leaders to do to ensure that speak up culture improves in every part of every organisation and to make speaking up business as usual.
29. All of the key areas identified in this progress report continue to be priorities for 2022/23. Our work programme and business plan will focus on:
 - Continuing support and development for Freedom to Speak Up Guardians, including
 - Revised training for new Guardians
 - Refresher training for existing Guardians
 - Refreshed of the Network Chair Role in 2022

- A new role introduced - Mentors appointed to support Freedom to Speak Up Guardians to conduct their role more effectively
- Work with NHSE/I and CQC supporting implementation of the new Universal Freedom to Speak Up policy and guidance. Proposals for implementation of the new guidance including:
 - Work to support NHSEI in developing the role of Integrated Care Systems and Boards in speak up culture
 - The National Guardian Office's is advocating pilots in some ICS to understand different models, but this is still in discussion
- Developing our knowledge of Primary Medical Services including:
 - Improving the National Guardian Office's classification system for organisations with Guardians
 - Develop and agree engagement strategy for Guardians and Leaders in Primary Care
- Develop Adult Social Care business case and Invitation to Tender for proposed research into Freedom to Speak Up in Adult Social Care
- Work with partners to develop a joined-up approach to enable providers to meet National Guardian Office's expectations in a practical and sustained way through:
- Further work to strengthen consistency in responses from national bodies and regulators when workers speak up to them through the Speak Up Partnership Group
- Working with NHSEI to support development of WRES - Race Equality Training to Freedom to Speak Up Guardians (in support of People Plan implementation)
- Strengthening National Guardian Office Governance, including:
 - Develop an integrated speaking up policy and process for the National Guardian Office's including feedback mechanisms which are reported on to support continuous improvement
 - Revise and strengthen Board structure