



## NHS England Board meeting

**Paper Title:** National Guardian's Office update and priorities for 2023/2024

**Agenda item:** 7 (Public session)

**Report by:** Dr Jayne Chidgey-Clark, PhD, RGN, National Guardian for the NHS

**Paper type:** For discussion

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### Organisation Objective:

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

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### Executive summary:

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

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### 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 commenced 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 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 on 14 December 2022, there are now 1007 Freedom to Speak Up Guardians<sup>1</sup> supporting thousands of organisations across the healthcare sector, who have handled nearly 75,000 speak up cases to date<sup>2</sup>, allowing workers to speak up who might otherwise not be heard.

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<sup>1</sup> As of March 2023.

<sup>2</sup> As of March 2023

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. Due to parliamentary delays the NGO's Annual Report 2021/22 was laid on 12 January 2023, some six months after it was drafted. The Annual Report can be found [here](#). The report shares intelligence and learning collated by the National Guardian's Office, including speaking up data shared by Freedom to Speak Up guardians of the cases they receive. Over 20,000 cases have been brought to them last year, remaining at the record level set in 2020/21 (20,362, compared with 20,388 in 2020/21).
5. The report also features case studies from across England and different healthcare providers, sharing the experiences of people who have spoken up and the difference Freedom to Speak Up guardians are making. In the words of one group of workers, "It finally felt that we were being listened to and our opinions and thoughts mattered."
6. The National Guardian will bring the 2022/23 annual report to the NHSE Board later in the year. This report provides highlights of progress and priorities for this year.

## Funding

7. The National Guardian Office's was originally funded by a three-way arrangement with the Care Quality Commission (CQC), NHS Improvement and NHS England (NHSE), now by CQC and NHSE. A memorandum of understanding was agreed between CQC, Department of Health and Social Care and NHSE and NHS Improvement covering April 2019 – March 2023 with an annual budget for the National Guardian Office of £1.66m.
8. A new memorandum of understanding has been agreed for 2023 – 2026 between CQC, Department of Health and Social Care and NHSE. For the next three years the National Guardian's Office's budget has been reduced by 5% to £1.58m. A business plan has been developed based on the reduced budget.

## Governance

9. The National Guardian's Office has appointed Suzanne McCarthy as the Independent Chair of the Accountability and Liaison Board. Suzanne took up her role on 2 May. The Accountability and Liaison Board seeks assurance and gives strategic advice to the National Guardian to promote her mission to make speaking up business as usual throughout healthcare. Members of the Accountability and Liaison Board are representatives of the funding bodies of the National Guardian's Office. As the work of the National Guardian has developed, the Board wished to appoint an Independent Chair in line with good corporate governance. The role of the Independent Chair is to provide leadership of the Board, and to bring together the views of each of the individual members.

## Highlights of progress since May 2023 report

### Freedom to Speak Up Guardian network

10. There are now over 1000 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 Guardians being appointed in:
  - i. NHS trusts and foundation trusts
  - ii. Primary care providers including GP practices, dentistry, optometry, and pharmacy services
  - iii. Independent providers of healthcare including hospices and diagnostic services
  - iv. Arm's length bodies, national organisations, and regulators
11. Organisations in other sectors, including education and financial services, have also sought to learn from and implement the Freedom to Speak Up Guardians model.
12. We have continued to collect anonymised data about the speaking up cases raised with Freedom to Speak Up Guardians. This information shows that:
  - i. the number of cases raised through the Freedom to Speak Up Guardian route has increased. In the first three quarters of 2022/23, 17,772 cases were raised with Freedom to Speak Up Guardians. In comparison, 15,010 cases were brought to Freedom to Speak Up Guardians over the same period in the previous year (Q1 – 3, 2021/22).
  - ii. Workers were speaking up to their Freedom to Speak Up Guardians about various issues, including worker safety and wellbeing, patient safety, bullying and harassment and other inappropriate behaviours.
  - iii. The percentage of cases raised with Freedom to Speak Up Guardians in which detriment is reported has steadily increased since Q2 2020/21, when it stood at 2.6%. In Q3 2022/23, detriment was reported in 4.8% of cases.
13. We continue to work with NHSE and other stakeholders to improve understanding of the speaking up landscape in healthcare, including through the NHS Staff Survey and the pilot Bank Survey. The results of the 2022 NHS Staff Survey showed:
  - i. A decline against all measures relating to raising concerns, both relating to raising concerns about clinical safety and speaking up more generally.
  - ii. Nearly sixty-two per cent (61.5%) of respondents said they felt safe to speak up about anything that concerns them in their organisation, down from 62.1% in 2021.
  - iii. The biggest deterioration in staff perceptions of the speaking up culture was in the percentage of respondents who felt secure raising concerns about unsafe clinical practice. This measure declined by 3.1 percentage points from 75.0% to 71.9%. There was also a decline the proportion of respondents who were confident that their organisation would address their concern if they were to speak up about unsafe clinical practice, down from 59.5% in 2021 to 56.7% in 2022.

## Speak Up Reviews

14. The National Guardian's Office has implemented 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. 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 those decisions.
15. Our inaugural [Speak Up review into NHS ambulance trusts](#) in England was published in February 2023. We proposed this review in response to consistent findings that, despite their inspection ratings, the speaking up culture in NHS Ambulance Trusts tended to be more challenged compared to other trust types.
16. Our objectives in carrying out this review were:
  - i. To describe the speaking up culture in ambulance trusts – including key challenges – and to understand why regulatory ratings did not seem to reflect the perceptions of ambulance trust workers.
  - ii. To identify areas for improvement for ambulance trusts and make recommendations which can also be applied to all organisations supported by Freedom to Speak Up guardians.
  - iii. To identify key areas for improvement to the regulatory and inspection regime.
17. Our report, Listening to Workers: a Speak Up review of ambulance trusts in England, sets out the five key themes which emerged from our review:
  - i. The culture in ambulance trusts is having a negative impact on workers' ability to speak up. We heard from some ambulance workers experiencing bullying, harassment and discrimination. Workers spoke about cliques between directors, managers and workers which was stopping people feel able to speak up.
  - ii. We heard many examples of workers having poor experiences when speaking up, including experiencing detriment, lack of regard for confidentiality and where some cases had not been handled in a timely manner or in accordance with policies and good practice.
  - iii. There was significant variation among leadership and management in their support and understanding of speaking up and the Freedom to Speak Up Guardian role.
  - iv. We found different approaches to the implementation of the Freedom to Speak Up guardian role which did not follow National Guardian's Office guidance, with insufficient time and resource given for the role to be effective.
  - v. There was a lack of alignment between workers' perceptions of the speaking up culture and CQC's ratings – Workers told us about CQC inspections; they felt the "red carpet is pulled out" and that workers' views are not captured on inspection or in the published reports.

18. The report makes four recommendations, which if actioned in full will be reflected in improved speaking up culture within the next three years:
  - i. Review broader cultural matters in ambulance trusts
  - ii. Make speaking up in ambulance trusts business as usual
  - iii. Effectively regulate, inspect and support the improvement of speaking up culture in ambulance trusts
  - iv. Implement the Freedom to Speak Up Guardian role in accordance with national guidance to meet the needs of workers
19. In June 2023, a Steering group, made up of key stakeholders, will be convened to oversee the implementation of the recommendations. Designed to meet quarterly, the group together with the National Guardian's Office will update on progress against plan.
20. In addition to the Steering group the National Guardian has written to all Ambulance Trust Chief Executives with an offer to support Board development sessions to support Ambulance Trust leaders to deepen their understanding of their impact as leaders on Freedom to Speak Up and what mechanisms they can put in place to be curious and understand what Speak Up culture is like across their organisations. This support has been welcomed and sessions will be held over the coming months.

## **Working with our Partners**

21. Speak Up Partnership Group: The NGO leads the Speak Up Partnership Group, made up of several national bodies with its purpose to improve the consistency and quality of responses to workers speaking up to national bodies. The group work through agreed principles, sharing knowledge, challenges, and approaches to improvement with members who are working to improve their approach to receiving and acting on matters that workers bring to them.
22. We continue to bring together national bodies to support the development of an aligned, consistent and supportive response when workers speak up to them. We are refreshing the group's terms of reference, frequency and agendas to support greater engagement and action from the group. We will be including listening to workers with lived experiences of speaking up to national bodies, aiming to increase understanding of the impact on workers and promote further improvements.
23. Kark Review: The NGO has been part of the wider Kark implementation working group and has shared our views on how the recommendations of the Kark review can be implemented in practice.
24. Hewitt Review: The NGO inputted into the Hewitt Review and whilst the review focused broadly on the oversight and governance of integrated care systems (ICSs) and although there is no direct reference to Freedom to Speak Up or Speak Up culture there was a clear mandate for CQC to be assessing psychological safety which we have welcomed.

25. Being Fair 2: In June 2022, the NGO contributed to an NHS Resolution workshop to discuss the importance of instilling a healthy workplace culture that is psychologically safe, compassionate and meets the basic needs of staff. Following on from the workshop the NGO has inputted into the recently published Being Fair 2 guidance which aims to promote the value of a person-centred workplace that is compassionate, safe and fair.

### **Primary medical services and integrated care systems**

26. We continue to work closely with NHSE and the CQC 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.

### **Adult Social Care**

27. The Department of Health and Social Care have confirmed that the white paper commitment to pilot Freedom to Speak Up Guardians in Adult Social Care has been postponed. The National Guardian's Office have voiced our disappointment in the decision however we remain ready to work on Adult Social Care should the opportunity arise in the future, recognising the importance of the integration of health and social care through the work of ICSs.

### **Guardian Support**

#### 28. Training:

- i. The Freedom to Speak Up Guardian role is complex and their work is constantly evolving. The National Guardian's Office have developed an annual Refresher module to support guardians' learning and development needs on changes and updates to the Freedom to Speak Up landscape. To date 142 have completed the training with a further 65 in progress.
- ii. The National Guardian's Office will revise the module on an annual basis to ensure the information, learning and reflections are supportive and relevant to the guardian role. On launching the module, guardians are given a six-month completion period. Failure to complete the training within this timeframe will result in the NGO notifying CQC and NHSE of non-compliance. We will also reach out to the organisation to ensure the guardians are getting the support they need to fulfil the requirements. Non-compliance may result in the guardian being removed off the directory.

#### 29. Guardian Development:

- i. The National Guardian's Office has revised and refreshed the Guardian Development Guide. The guide helps guardians self-assess against a competency framework to support their leadership development.

- ii. The guide contains links to resources which support self-development where necessary and opportunities for sharing knowledge to other Freedom to Speak Up Guardians in their organisations, regions or networks.

## **Communications and engagement**

- 30. The theme of October 2022's Speak Up Month was Freedom to Speak Up for Everyone. The aim of the campaign was to highlight the impact which speaking up can bring for patient safety, inclusion and worker wellbeing. We saw workers, managers and leaders turn the NHS green to show their visible support for speaking up on "Wear Green Wednesdays" along with multiple activities in NHS organisations to highlight their work in improving speak up culture. We shared blogs and case studies in support of the month's theme on our website from a wide variety of organisations.
- 31. The impact of the month can be seen in the 65% increase of visitors to the 'Find My Guardian' page on the NGO website (October 22: 19,062 compared to September 22: 11,500). This is also reflected in the increased number of cases brought to guardians in Q3 2022.
- 32. The National Guardian's Office has launched a podcast: Speak Up, Listen Up, Follow Up. So far 11 episodes have been recorded featuring leaders from across the sector which to date have received over 1,000 listens.
- 33. Case studies showcasing good practice, blogs from leaders and stakeholders and 100 Voices stories from workers who have spoken up have been published on our website. These are also shared in our monthly newsletter for stakeholders, which is also received by nearly 2,000 people who have signed up via our website.
- 34. We continue to support Freedom to Speak Up guardians with communications resources to help them in their role and our fortnightly bulletins share information across the Freedom to Speak Up Guardian network. We produce a programme of webinars throughout the year which complements our annual conference for Freedom to Speak Up guardians. In March we held our first hybrid conference for which over 500 people registered - 368 attended virtually and 168 in person and more are able to watch the sessions as they are available on our YouTube channel.
- 35. We continue to develop our communications and engagement in addition to the above, including support of National Guardian's Office reviews, reports and guidance, delivery of the annual report and a stakeholder engagement strategy.
- 36. Engagements:
  - i. **International recruitment** – The NGO are working with Chief Nursing Officer's International Recruitment Advisor and the NMC to support work to improve understanding and expectations regarding speaking up culture for new registrants in nursing and midwifery.

- ii. **NGO Mental Health roundtable** – following the Edenfield disclosures the NGO held two roundtable discussions with guardians working in mental health settings to support guardians working in those settings. The National Clinical Director for Mental Health NHSE, joined the second roundtable to discuss plans for NHSE led improvement work, recognising the valuable role guardians have as the additional safety route for speaking up. The National Clinical Director has reminded Mental Health leaders of the important role of guardians in supporting improving speaking up culture in their organisations.
- iii. **NGO Primary Medical Services roundtable** – As part of our work with NHSE in Primary Medical Services the NGO will host a Primary Medical Services roundtables to discuss how the NGO can better support guardians in Primary Medical Services.

## Conclusion and Next Steps

- 37. Progress to improve organisational Speak Up culture continues for many organisations. However, despite the high profile of the importance of improving wider culture and behaviours across the NHS and in national bodies, challenges remain. As the Freedom to Speak Up Guardian role becomes further embedded, guardians are telling us that not all workers feel safe to speak up or confident that appropriate actions will be taken as a result.
- 38. With the publication of a refreshed universal speak up policy from NHSE last summer, and joint guidance from NHSE and the National Guardian Office, there is an opportunity for every organisation to reset and refresh their plans to improve their speak up culture. Similarly, the formalisation of Integrated Care Systems and Integrated Care Boards, brings an opportunity for greater collaboration and sharing of learning to improve culture and behaviours. Closer working with social care and the voluntary sector through integrated care systems also brings opportunities to improve speak up culture in those areas. Improving speak up culture, including greater access to Freedom to Speak Up Guardians, across primary medical services (including pharmacy, optometry, dentistry and general practice) remains an important area for the coming year, working in collaboration with our partners.
- 39. This year, further high-profile reports and incidents have been published (for example, the Kirkup report 'Reading the Signals: maternity and neonatal services in East Kent; BBC Panorama investigation into mental health services at the Edenfield Centre, Manchester; The Berwick Report, University Hospitals Birmingham). These underlined what Freedom to Speak Up guardians and the NHS Staff Survey are telling us: that not all workers feel safe enough to raise matters of concern or get a consistent high-quality response to the matters they raise, sometimes with serious consequences.
- 40. Since our last report, the Being Fair 2 and Hewitt reports have been published. Two quite different reports, however I welcome their focus on improving psychological safety for workers and that there is a sense that speak up culture remains a priority across all areas of healthcare.



## Next Steps

All of the key areas identified in this progress report continue to be priorities for 2023/24. Our work programme and business plan will focus on:

41. Continuing support and development for Freedom to Speak Up Guardians, including
  - i. Internal review of the Universal Job Description
  - ii. Reviewing and updating our existing guidance:
    - Guidance on FTSU training in Health Sector in England
    - Reporting and Recording Guidance
    - Revised Guidance for FTSU Champions and Ambassadors
    - Published guidance on Speaking Up investigations
  - iii. Publication of 'How to' Factsheets to support guardians with their role.
  
42. Speak Up reviews
  - i. Supporting the implementation of the Speak Up review into NHS ambulance trusts in England
  - ii. Further development of Speak Up Reviews including planning, governance, and evaluation.
  
43. Work with NHSE and CQC supporting implementation of the new Universal Freedom to Speak Up policy and guidance. Including:
  - i. Work to support NHSE in developing the role of Integrated Care Systems and Boards in speak up culture.
  
44. Developing our knowledge of Primary Medical Services and the support they require including:
  - i. Hosting a Primary Medical Services roundtable to support greater guardian support, awareness and worker access.
  
45. Strengthening National Guardian Office Governance, including:
  - i. 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.
  - ii. Implementing a new enquiries management system to support more secure records management and increase efficiencies within the office such as the recording of support calls and general enquiries.