

Speaking up in the NHS in England

A summary of speaking up to Freedom to Speak Up Guardians in NHS trusts and foundation trusts

A report by the National Guardian's Office

September 2018

Foreword



This first report on speaking up data in England shows that workers in their thousands are speaking up to Freedom to Speak Up Guardians, a new role was created in response to the recommendations from the Francis Freedom to Speak Up (FTSU) Report. I believe this is important because our previous survey of Freedom to Speak Up Guardians appears to show a correlation between highly rated NHS organisations and the perception of a positive speaking up culture.

Quarter on quarter the numbers of cases have increased. This may be as the roles become more established, better communicated and workers start to see the impact of speaking up. Nurses, doctors, midwives, allied health professionals, housekeepers, administrators, managers, executives, non-executives, students, trainees, agency staff and others have all used this new, additional route, to speak up about matters affecting patient safety and the working lives of NHS staff. All these matters potentially involve either immediate or latent patient safety issues.

The absolute number of cases is not necessarily reflective of the speaking up culture in an organisation. There are many existing routes for workers to raise concerns, through incident reporting mechanisms, via their line manager or educational supervisor, or directly to an executive or non-executive director amongst others. However, there may be occasions where none of these routes are suitable or there are concerns about whether confidentiality will be maintained. Freedom to Speak Up Guardians are not a substitute for these other routes but work proactively to support a positive speaking up culture throughout an organisation. However, when dealing with cases, it is vital that guardians are given support as they are acting as the messenger and dealing with complex and sensitive issues.

Far from suggesting reassurance, where no cases have been raised, or where no data returns have been submitted, trust boards should be robustly challenging themselves about the effectiveness of their FTSU arrangements, in particular how the guardian role has been established, whether it meets the needs of workers, and whether the board as a whole is fully engaged – a view shared by NHS Improvement.

As a system still in its infancy there is much to be learned about what data to collect. The raw numbers do not do justice to the seriousness of cases that are being raised. Some examples are:

- gaps in junior doctor rotas, left a single doctor responsible for hundreds of acutely unwell patients overnight.
- a concern about the lack of curiosity of a social worker led, following a multiagency investigation, to the uncovering of a modern slavery and human trafficking ring.
- understaffing on a ward led to a fundamental review of recruitment practices.
- a concern raised by a housekeeper led to the review of infection review policies and training at a trust.

This is a small sample of the complex and important issues that are being spoken up about, listened to, acted upon and importantly, the resulting actions are being fed back to the worker who spoke up. Now Freedom to Speak Up is also part of the CQC well-led inspection and trusts, their inspectors and regulators are learning more about their own cultures as they consider the issues raised through this new route and how they can improve the systems, approaches and environment to make speaking up business as usual in the NHS.

Dr Henrietta Hughes
National Guardian for the NHS
September 2018

Summary

Between 1 April 2017 and 31 March 2018:

7087 cases were raised to Freedom to Speak Up (FTSU) Guardians in trusts and Foundation trusts.

The number of cases raised quarter on quarter over the year **increased**:

Quarter	Number of cases
Q1 (April – June '17)	1,447
Q2 (July – Sept '17)	1,515
Q3 (Oct – Dec '17)	1,939
Q4 (Jan – Mar '18)	2,186
Total	7,087

Average number of cases per trust is largest amongst **combined acute and community trusts** (an average of 43 cases per trust reported over the year).

More cases (**2,223**, 31% of the total) were raised by **nurses** than other professional groups

1254 (18%) cases were raised anonymously

2266 (32%) cases included an element of patient safety / quality

3206 (45%) cases included an element of bullying / harassment

361 (5%) cases indicated that detriment as a result of speaking up may have been involved

Acknowledgements

We would like to thank all the Freedom to Speak Up Guardians and everyone in NHS trusts involved in providing and verifying the data that has made this report possible. We would also like to acknowledge and thank those who have contributed to the analysis underlying the observations that this report makes.

Introduction

The appointment of a Freedom to Speak Up (FTSU) Guardian is a requirement of the NHS Standard Contract in England.

The National Guardian's Office (NGO) provides leadership, support and guidance to FTSU Guardians. Guidance on recording data was originally issued in January 2017 and guardians have been asked to provide quarterly reports on the number of cases they have received since April 2017. These quarterly reports have been published on the NGO's webpages and this end of year report represents a summary and analysis of the full year's return. Trusts were given the opportunity to reconcile and update their data at the end of the 2017/18 financial year, and this report is based on that data set which is published alongside this report.

Overall picture

Overall figures

Quarter	Number of cases
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Total	7,087

A total of **7087** cases giving an average of **30** cases per trust (based on 234 trusts).

There has been a **51%** increase in the number of cases from April 2017 to March 2018. This may be attributed to a number of factors including improving awareness of the guardian role, the development of local networks to support individuals speaking up, and more stringent recording of cases.

Comparison between trust types

Trust type	Total	Average per trust type
Acute	2,941	30
Acute specialist	259	15
Ambulance	181	18
Combined acute and community	1,662	43
Combined mental health / learning disability / community	1,015	34
Community	480	28
Mental health / learning disability	549	24
Total	7,087	30

More cases per trust were recorded in combined acute and community trusts. Whilst this is a point of interest, there are many factors that might result in workers speaking up to Freedom to Speak up Guardians, so it is not possible to conclude from this data set what the underlying reasons for this may be.

Comparison between trust sizes

Trust size	Number of cases	Average per trust
Small (up to 5,000 staff)	3,088	25
Medium (between 5,000 and 10,000 staff)	2,960	35
Large (more than 10,000 staff)	1,039	38
Total	7,087	

As might be expected, generally, more cases per trust are recorded in larger organisations. However there is not a direct correlation between the number of staff in a trust and the number of speaking up cases.

Comparison between trusts with different CQC ratings

Trust Rating	Number of cases	Average per trust
Outstanding	626	39
Good	3,057	28
Requires improvement	3,103	32
Inadequate	297	37
No Published rating	4	4
Total	7,087	

There is no obvious correlation between the CQC rating of a trust and the number of cases that a Freedom to Speak Up Guardian might be expected to handle. Again, this reflects the many and varied factors that might result in a worker speaking up to a Freedom to Speak Up Guardian, and the many issues that the cases involved. If there is a general lack of confidence in speaking up through regular channels, such as to a line manager, it might be expected that more cases would be raised to a guardian but this is not the only factor involved. Freedom to Speak Up Guardians may still manage a large number of cases in organisations where there is a very positive culture of speaking up and 'routine' channels are well used and trusted.

A note on non-reporting trusts.

Six trusts did not record any cases of speaking up throughout the year. These are:

- Black Country Partnership NHS Foundation Trust
- James Paget University Hospitals NHS Foundation Trust
- London North West Healthcare NHS Trust
- Royal Papworth Hospital NHS Foundation Trust
- South Tees Hospitals NHS Foundation Trust
- Walsall Healthcare NHS Trust

The National Guardian's Office has raised this point with regulators and requested that they take appropriate action to support these trusts.

Who is speaking up?

Professional Group	Cases	%
Nurses	2,223	31%
Administrative	1,152	16%
Allied Healthcare	896	13%
Other	774	11%
Healthcare assistants	502	7%
Doctors	459	6%
Cleaning	340	5%
Corporate	360	5%
Midwives	190	3%
Unknown	137	2%
Dentists	29	<0.5%
Board	25	<0.5%
Total	7,087	

Workers representing a very broad range of professional groups speak up to Freedom to Speak Up Guardians. Each case represents an individual that speaks up, but it cannot be assumed that an individual might not speak up about different matters. Comparison to workforce data is therefore difficult but, working on an overall workforce figure¹ of 1,205,814, we estimate that cases represent around 0.6% of the overall NHS workforce.

¹ NHS Digital NHS Workforce Statistics - February 2018 - <https://digital.nhs.uk/data-and-information/publications/statistical/nhs-workforce-statistics/nhs-workforce-statistics---february-2018#summary>

Types of cases

As this represents the first year of data collection, it is difficult to identify any patterns in the types of cases that are being raised to Freedom to Speak Up Guardians. Quarterly figures for the four types are cases that FTSU Guardians are asked to submit as part of the national data collection are as follows:

Anonymous cases

Quarter	Numbers recorded	% of cases reported
Q1	266	18%
Q2	292	19%
Q3	308	16%
Q4	388	18%
Total	1,254	18%

Patient safety cases

Quarter	Numbers recorded	% of cases reported
Q1	464	32%
Q2	529	35%
Q3	614	32%
Q4	659	30%
Total	2,266	32%

Bullying and harassment cases

Quarter	Numbers recorded	% of cases reported
Q1	566	39%
Q2	630	42%
Q3	929	48%
Q4	1,081	49%
Total	3,206	45%

Cases involving perceived detriment

Quarter	Numbers recorded	% of cases reported
Q1	97	7%
Q2	72	5%
Q3	100	5%
Q4	92	4%
Total	361	5%

Feedback

Freedom to Speak Up Guardians are expected to collect feedback from individuals who speak up to them. The following standard question and response is used:

“Given your experience, would you speak up again?”

Options for response:

Yes / No / Maybe / Don't know

Quarter	Feedback received ²	Yes	No	Maybe	Don't know
Q1	404	343	8	18	27
Q2	511	446	21	33	15
Q3	729	634	31	26	34
Q4	763	654	24	31	38
Total	2407	2077	84	108	114
% of total		87%	4%	5%	5%

There is an encouragingly large response rate to requests for feedback and an overwhelmingly positive response. This gives assurance that the channel for speaking up provided by Freedom to Speak Up Guardians is developing into a trusted one. The positive nature of the experience that workers speaking up to Freedom to Speak Up Guardians have also gives assurance that, as the question states, they will speak up again.

Some of the feedback received by guardians includes the following statement:

“Definitely a great service, advice and support, I feel you empowered me with the knowledge I needed to action and raise my concerns further”

“From the very beginning I was assured my concern would be dealt with in the upmost confidence and at a higher level of Trust Management would be involved and not “swept under the carpet” as I believe would have been the outcome if lower level management had been involved.”

“You have helped me get things clear in my mind”

“I was assured my concerns would be listened to and indeed acted on”

“Historically escalating the issue I raised would not have been an option for fear of repercussions, I would have no concerns in the future contacting you again for help”.

² Based on the total number of cases where feedback has been received by the trusts. There is a slight discrepancy between this figure and the sum of all the ‘yes’, ‘no’, ‘maybe’ and ‘don't know’ responses reported.

“This is a great service and I feel staff need to be reminded frequently this is a confidential route and no names or blame attributed to the reporting party ... Extend my heartfelt thanks for not only a well-handled situation but a really positive learning experience too. It was very humbling and empowering.”

“I felt listened to and supported”

"Thank you for getting back to me, I can sleep at night now".

We do, however, recognise the bravery that can be involved in speaking up and the fact that, in doing so, a positive resolution cannot always be achieved. Some of the comments that reflect that include:

“This has been very stressful and I’m honestly not sure if I would do it again.”

“Things haven’t completely got better, but I’m glad I spoke up”

Next steps

Refreshed guidance for Freedom to Speak Up Guardians has been published to help ensure that there is clarity and consistency in how cases are recorded and reported. The NGO is continuing to request data from Trusts and Foundation Trusts on a quarterly basis, and will invite other organisations to also take part in this exercise.