



National Guardian

Freedom to Speak Up

A summary of speaking up to Freedom to Speak Up Guardians

1 April 2019 – 31 March 2020

A report by the National Guardian's Office

Foreword



Thank you for reading the third data report looking at cases brought to Freedom to Speak Up Guardians in 2019/20.

I want to say a personal thank you to guardians for their amazing work, especially during this extraordinary time. We know it is not an easy role and we are here for you.

Four years since the introduction of Freedom to Speak Up, guardians are playing an increasingly vital role in supporting workers to speak up and tackling barriers to speaking up in their organisations.

Workers voices' form the pillar of the [People Plan](#). Guardians are key in ensuring workers are heard, particularly those groups of workers facing barriers to speaking up.

Guardians received over sixteen thousand speaking up cases in 2019/20 - an increase of 32 per cent compared to the previous year. This is nearly half of the thirty-five thousand cases raised with guardians since we started collecting data in 2017/18.

We received data from almost every trust, which is remarkable considering these unprecedented times.

Many of those who spoke up provided feedback to say they felt listened to, heard, valued and taken seriously by their guardian. They found the guardian to be responsive, and felt reassured, including about the matters they had raised and their ability to speak up safely and in confidence.

"Without this service I did not feel I had anyone who was really listening and willing to address the issues I was experiencing."

"Thank you for your time and for listening. I found my voice through you"

"I feel it was dealt with appropriately and in a supporting way. I felt supported and felt that my concerns were being taken seriously. My need for confidentiality and anonymity was completely respected."

Many of the speaking up matters brought to guardians included an element of patient safety. Over a third included an element of bullying and harassment. We are interested to learn more about the cases that include neither an element of patient safety nor bullying and harassment.

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The COVID-19 pandemic arrived in England in the fourth quarter of the period covered by this report. In this period, guardians reported receiving COVID-19-related worker safety concerns, including personal protective equipment (PPE), social distancing and the impact of COVID-19 on black, Asian and minority ethnic workers. This echoes the findings from our [pulse surveys](#). We will look to updating guidance next year to take account of feedback from guardians and modify the categories of information we capture.

Guardians also report on cases where detriment is indicated, which can be described as any treatment which is disadvantageous or demeaning. Any case of detriment is one too many and will add to the perception of workers that speaking up leads to repercussions, even though the reality may be far from that.

"Found the experience very intimidating as throughout the process there was the fear of repercussions for speaking up. Fortunately, this did not happen."

Detriment was identified in three per cent of cases brought to guardians in 2019/20. This has gone down from five per cent in both previous years of data collection.

In last year's [report](#), we commented that colleagues in the Care Quality Commission (CQC) were working towards giving more prominence to speaking up when they carry out their well-led assessments. I asked them to use this as an opportunity to gain assurance that action is taken when detriment for speaking up happens, wherever this occurs in an organisation.

This year, we have been supporting colleagues at the CQC to update guidance to support inspectors to inspect speaking up well. The CQC is building this assessment into its transitional approach to regulation during the pandemic and into its long-term regulatory plans.

It is vital that organisations do not face repercussions for reporting on detriment cases. Honesty and openness are crucial to learning and improvement.

We are using our annual survey of guardians, which will take place over autumn 2020, to find out more about detriment, including the forms detriment takes. We will use the findings to inform a better understanding of detriment across the system.

Detriment is also a topic we are exploring with colleagues in our Pan Sector Network, which brings together representatives from different sectors to facilitate cross-sector learning.¹

Where there is a perception of detriment, individuals may be more likely to speak up anonymously. When someone speaks up anonymously, no one knows their identity. This can negatively impact on giving feedback or offering protection. There was a percentage point increase in the number of cases raised anonymously to guardians in 2019/20, up to 13 per cent. Leaders in organisations where people are speaking up anonymously need to consider whether the organisation's speaking up arrangements and culture meets the needs of its workers and act to remedy this.

We now have nearly 600 Freedom to Speak Guardians in our network, of which nearly 30 per cent are outside NHS trusts. This includes independent sector providers, national bodies and primary care organisations. For the first time, this report includes data returns from guardians from organisations other than NHS trusts. We would welcome all these organisations to submit their speaking up data so that they can learn and share from each other.

Guardians and organisations can use this data, along with other indicators, to understand their speaking up culture, and to learn and improve. This will go alongside other information, like staff survey results and qualitative information such as is found in our [100 Voices](#) publication, which highlights the personal stories behind the data.

For the NHS and other organisations to be the best places to work, the data from this report, alongside the themes from feedback to guardians, which indicate issues such as poor communication and management, can be used to identify the barriers and support workers to speak up, managers to listen up and organisations to follow up.

The logo for Hemmetta, featuring the name in a stylized, handwritten-style font.

¹ Please see here for an article from one of the participants in the network: Trust and transparency: the SSE approach, [nationalguardian.org.uk/news/trust-transparency-the-sse-approach/](https://www.theguardian.com/news/2020/sep/02/trust-transparency-the-sse-approach/), 2 September, 2020

National Guardian's Office

The [National Guardian's Office](#) (NGO) leads, trains and supports an expanding network of Freedom to Speak Up Guardians.

The NGO challenges and supports the health system in England on all matters related to speaking up.

Freedom to Speak Up Guardians

Freedom to Speak Up Guardians support workers to speak up and work within their organisation to tackle barriers to speaking up.

The Freedom to Speak Up Guardian role was created in response to recommendations made in Sir Robert Francis' [report](#) on the Freedom to Speak Up review, which found that the culture in NHS organisations did not always encourage or support workers to speak up, and that patients and workers suffered as a result.

All NHS trusts and providers of NHS care subject to the [NHS standard contract](#) are required to appoint a Freedom to Speak Up Guardian and follow the NGO's guidance on speaking up. An increasing number of non-patient facing organisations are also introducing the Freedom to Speak Up Guardian role.

There are nearly 600 Freedom to Speak Up Guardians in a range of organisations, including NHS trusts, independent health care providers, professional and systems regulators, and clinical commissioning groups.

The implementation of the Freedom to Speak Up Guardian role varies among organisations. Some organisations have one and others have multiple Freedom to Speak Up Guardians. Some organisations also have a network of Freedom to Speak Up Champions or Ambassadors who work alongside Freedom to Speak Up Guardians to complement the work they do.

The NGO maintains a [directory](#) of Freedom to Speak Up Guardians. It includes contact details for Freedom to Speak Up Guardians that have attended Foundation Training delivered by the NGO.

Recording Cases and Reporting Data

Freedom to Speak Up Guardians are expected to record all cases of speaking up that are raised to them. This serves many purposes, including helping Freedom to Speak Up Guardians keep track of individual cases and promoting consistency in the handling of cases. It provides a measure of the speaking up culture in their organisation and the use of the Freedom to Speak Up Guardian route.

The NGO's Foundation Training and [Guidance](#) on Recording Cases and Reporting Data state Freedom to Speak Up Guardians should always respect confidentiality. The

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details of individual cases should not be shared outside the bounds of the agreement between Freedom to Speak Up Guardians and the individual they support.²

Freedom to Speak Up Guardians submit **non-identifiable** information to the NGO about the speaking up cases raised with them. The items of information requested are set out below in Annex 2. The findings in this report are based on this information.

Freedom to Speak Up Guardians may collect more information if they consider it to be useful and appropriate. This may include demographic information regarding those who speak up. Such additional information is not collected by the NGO.

The NGO's Guidance on Recording Cases and Reporting Data can be found on the NGO [website](#).

Other Speak Up Channels

Line managers will often be the first point of call for workers who want to speak up. If a worker does not feel they can speak up to their line manager or use other routes, they can approach their Freedom to Speak Up Guardian, who will be able to offer guidance and support.

Freedom to Speak Up Guardians are one of many routes through which workers may speak up. Information about the speaking up cases raised with Freedom to Speak Up forms part of a bigger picture of an organisation's speaking up culture and arrangements.

Content of This Report

This report summaries speaking up cases raised with Freedom to Speak Up Guardians between 1 April 2019 and 31 March 2020.

An increasing number of Freedom to Speak Up Guardians operate in non-patient-facing organisations. As a result, this report is based on speaking up cases raised with all Freedom to Speak Up Guardians on the [NGO's directory](#). The [predecessors](#) to this report were based on data returns from Freedom to Speak Up Guardians in NHS trusts.

² In some circumstances, confidentiality may need to be broken – for instance, if there is an immediate risk of harm to an individual. In such cases, decisions on the extent of information that needs to be disclosed need be taken on a case-by-case basis. The [Data Protection Act 2018](#) and the General Data Protection Regulation form part of the data protection regime in the UK, and Freedom to Speak Up Guardians should seek advice from the experts in their organisation regarding the data they are collecting, how it is processed, stored and retained/destroyed.

Freedom to Speak Up Guardians are asked to provide brief details of the main themes to the feedback they received from those they supported, as well as the learning points that arise out of each case. Illustrative quotes from these responses have been included throughout this report.

Annex 1 sets out the data tables referenced in this report.

Annex 2 sets out the items of information requested from Freedom to Speak Up Guardians about the speaking up cases raised with them.

Acknowledgment

We want to thank all Freedom to Speak Up Guardians for providing and verifying the information that has made this report possible.

Headlines

- Between 1 April 2019 to 31 March 2020, **16,199 speaking up cases** were raised with Freedom to Speak Up Guardians. This was a 32 per cent increase compared with the previous year in which 12,244 speaking up cases were raised with Freedom to Speak Up Guardians.
- **Freedom to Speak Up Guardians supported speaking up in a range of organisations**, including NHS trusts, primary care organisations, independent healthcare providers, clinical commissioning groups and non-departmental public bodies.
- Among NHS trusts, **Freedom to Speak Up Guardians in mental health, learning disability and community trusts and ambulance trusts**, on average, dealt with more speaking up cases.
- Freedom to Speak Up Guardians continued to support workers from all professional groups to speak up. **Nurses continued to account for the biggest portion (28 per cent) of cases** raised with Freedom to Speak Up Guardians.
- **Administrative and clerical workers accounted for the next biggest portion of cases raised with Freedom to Speak Up Guardians (19 per cent)**, up three percentage points on the previous year.
- **Twenty-three per cent (23%)** of cases raised with Freedom to Speak Up Guardians included an element of patient safety/quality. Thirty-six per cent (36%) included an element of bullying and harassment.
- **Thirteen per cent (13%)** of cases raised with Freedom to Speak Up Guardians were raised anonymously.
- Detriment for speaking up was indicated in **three per cent** of cases raised with Freedom to Speak Up Guardians. This is lower compared to the previous year where detriment was indicated in five per cent of cases.
- **Eighty-five per cent (85%)** of workers who gave feedback said they would speak up again. Workers said they would not speak up again in three per cent of cases where feedback was received.

A. Total speaking up cases

Between 1 April 2019 and 31 March 2020, **16,199** speaking up cases were raised with Freedom to Speak Up Guardians. This was a 32 per cent increase compared to the previous year (12,244).

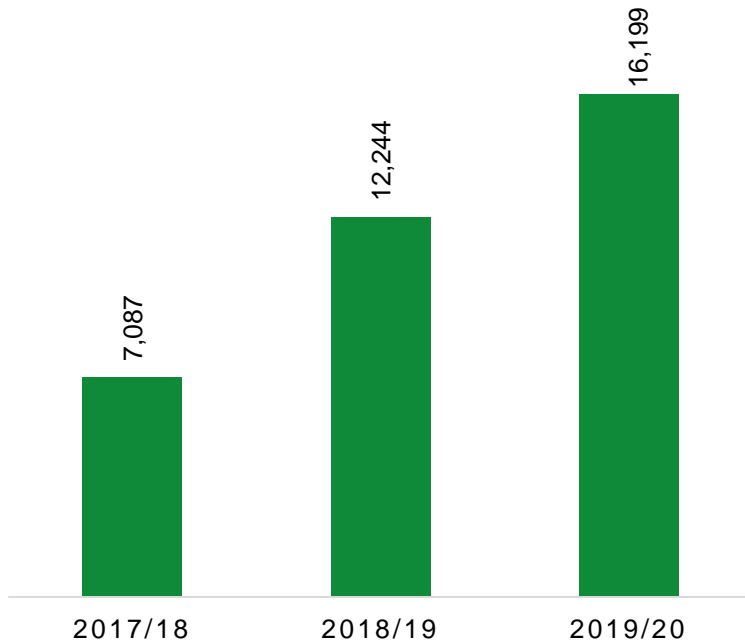


Figure 1. *Speaking up cases raised with Freedom to Speak Up Guardians, Champions or equivalent*

"This service is vital, it really makes a difference. Colleagues telling others about the Freedom to Speak Up Guardian seems to be coming through as to why people ring the guardian. All three employees commented on how the support of the guardian has enabled them to cope with raising concerns and remaining at work while issues are resolved."

"A number of people, having experienced speaking up have gone on to enquire about volunteering to become a Freedom to Speak Up partner. This is a positive reflection on their experience and confidence in the speaking up messages."

"Very supportive, a neutral person to talk to, I should have come to you sooner."

The number of cases raised with Freedom to Speak Up Guardians increased during the first three quarters of the year, though there was a decrease in the last quarter (see figure 2, right). A similar trend took place the previous year (see table 1, Annex 1).

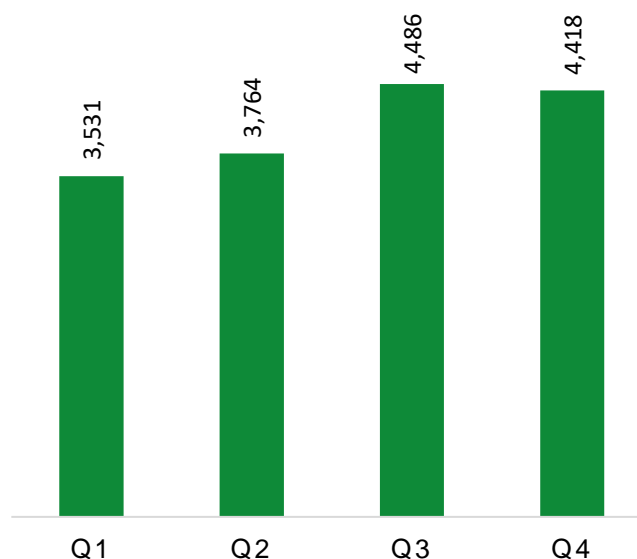


Figure 2. Speaking up cases raised with Freedom to Speak Up Guardians, Champions or equivalent by quarter in 2019/20

B. Cases by organisation type and size

An increasing number of non-patient-facing organisations are introducing the Freedom to Speak Up Guardian role. However, the vast majority of speaking up cases reported to the NGO continue to be from Freedom to Speak Up Guardians in NHS trusts.

In 2019/20, 16,032 speaking up cases were raised with Freedom to Speak Up Guardians in NHS trusts. The remaining cases (167) were raised with Freedom to Speak Up Guardians in organisations such as independent providers of healthcare, clinical commission groups and non-departmental public bodies.

a. NHS trusts

Freedom to Speak Up Guardians in mental health, learning disability and community trusts and ambulance trusts, on average, dealt with more speaking up cases. Those in acute specialist trusts and community trusts, on average, handled fewer concerns than Freedom to Speak Up Guardians in other trusts (see figure 3, below).

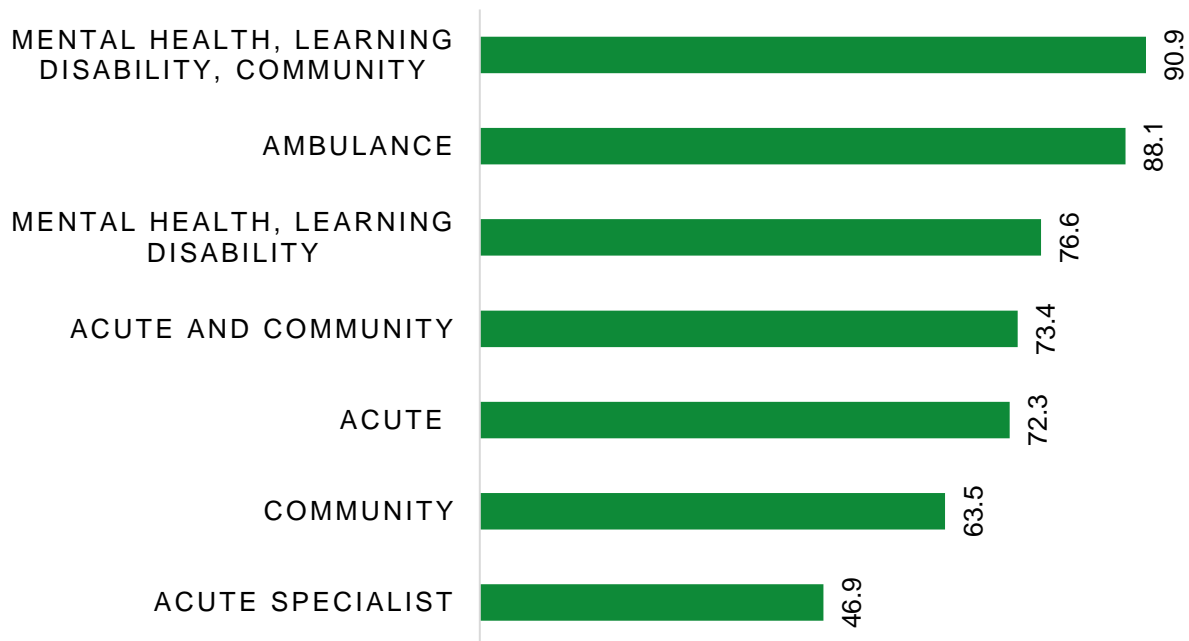


Figure 3. Average number of speaking up cases raised with Freedom to Speak Up Guardians, Champions or equivalent by trust type in 2019/20

On average, Freedom to Speak Up Guardians in larger organisations received a greater number of cases (see figure 4, below). This is in line with data from previous years (see table 2, Annex 1).

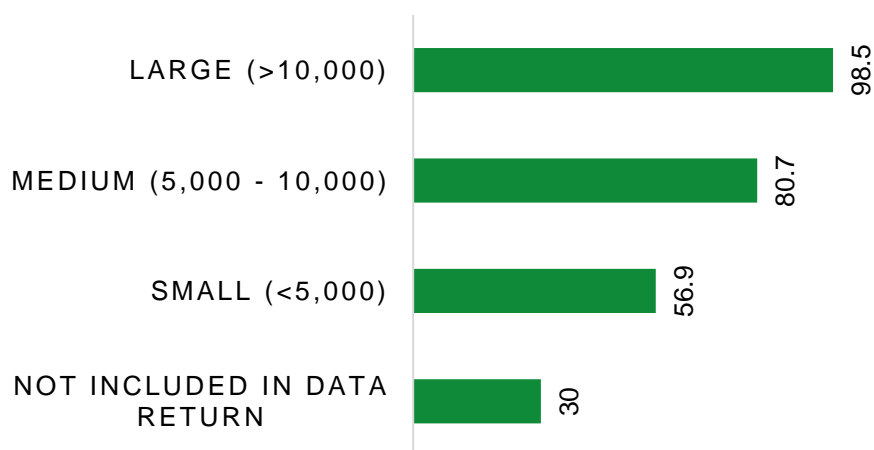


Figure 4. Average number of cases raised with Freedom to Speak Up Guardians, Champions or equivalent by organisation size in 2019/20

C. Other indicators of performance

The [Care Quality Commission](#) (CQC) regulates and inspects many of the organisations where Freedom to Speak Up Guardians support workers to speak up and challenge barriers to speaking up.

There are four ratings the CQC give health and social care services they regulate and inspects: outstanding, good, requires improvement and inadequate.

We looked at the relationship between the number of cases raised with Freedom to Speak Up Guardians and ratings these organisations received by the CQC.

On average, Freedom to Speak Up Guardians in organisations less well performing organisations as rated by the CQC received more speaking up cases (figure 9, below).

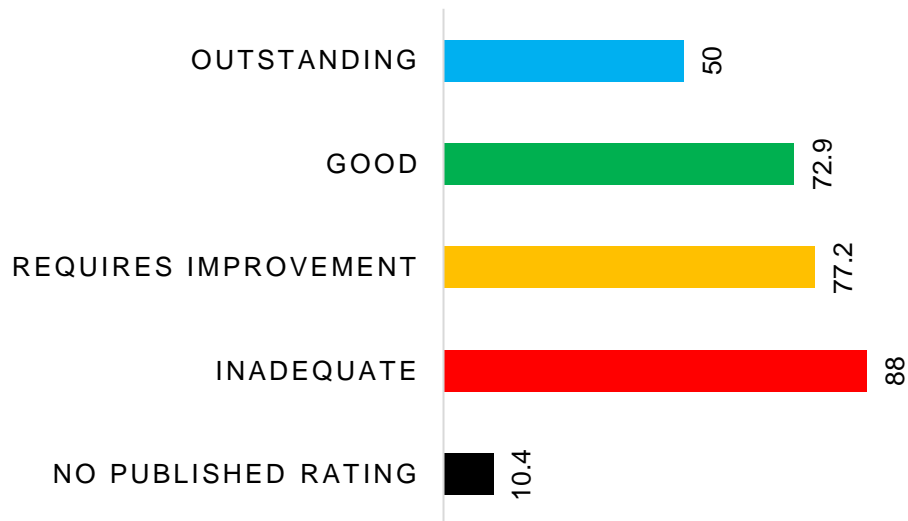


Figure 5. Average number of speaking up cases raised with Freedom to Speak Up Guardians, Champions or equivalent per organisation by CQC ratings in 2019/20

D. Cases by professional group

Freedom to Speak Up Guardians continued to support workers from various professional groups to speak up.

Nurses accounted for the biggest portion (28 per cent) of speaking up cases raised with Freedom to Speak Up Guardians (see figure 5, below). This was lower than the previous year when nurses accounted for 30 per cent of the speaking up cases raised with Freedom to Speak Up Guardians.

Administrative and clerical staff accounted for the next largest portion of speaking up cases raised with Freedom to Speak Up Guardians (19 per cent), up three percentage points on the last year.

Freedom to Speak Up Guardians received cases from dentists and board members, though this amounted to less than a percent of total cases for each of these categories of professional groups.

Where the professional group of the worker speaking up is not known (e.g. because they are speaking up anonymously), these cases are included in the 'Other' category.

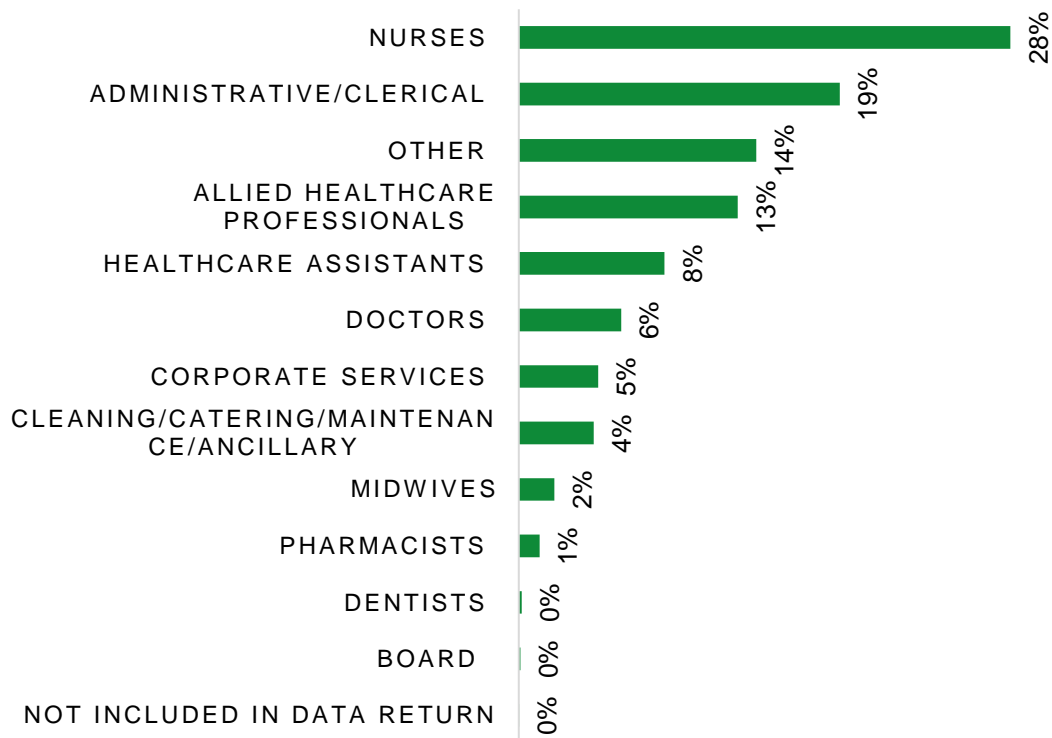


Figure 6. Speaking up cases raised with Freedom to Speak Up Guardians, Champions or equivalent by professional group in 2019/20

“I need to look at the areas that aren't reporting such as doctors, pharmacists, midwives and the board and raise awareness within these.”

E. What types of issues did workers speak up about to Freedom to Speak Up Guardians?

Workers can and do speak up to Freedom to Speak Up Guardians about anything that gets in the way of providing good care. This may include patient and worker experience, bullying and harassment, ideas for improvement and other matters.

Freedom to Speak Up Guardians collect and report on data on the number of cases raised with them that contain an element of patient safety/quality, and the number of cases that contain an element of bullying and harassment.³

Twenty-three per cent (23%) of cases raised with Freedom to Speak Up Guardians included an element of patient safety/quality (see figure 6, right). The percentage of cases including an element of patient safety/quality has been falling each year. A similar trend can be seen in cases which include an element of bullying and harassment.

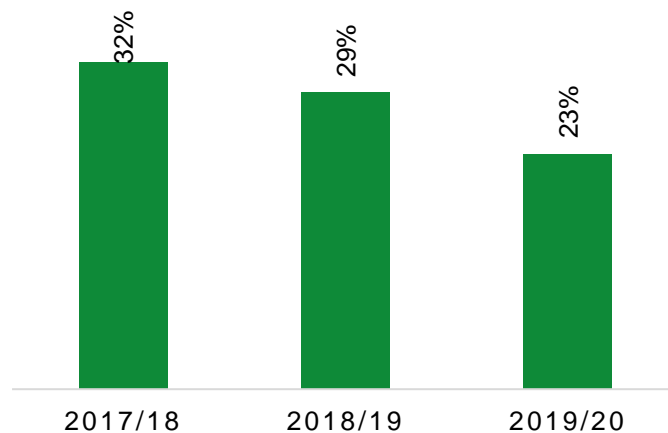
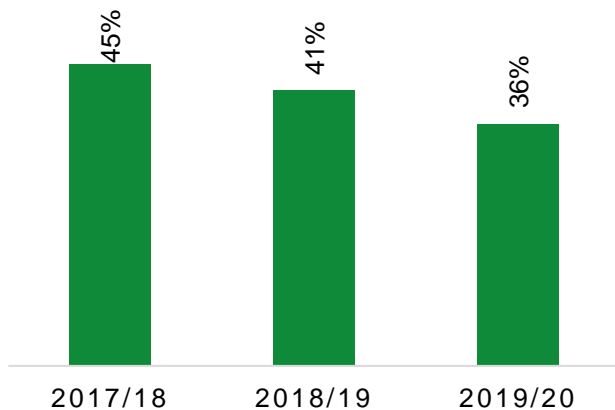


Figure 7. Percentage of cases raised with Freedom to Speak Up Guardians, Champions or equivalent which included an element of patient safety/quality

³ Freedom to Speak Up Guardians may collect other data about the cases raised with them as they consider appropriate and useful.



Thirty-six per cent (36%) of cases raised with Freedom to Speak Up Guardians included an element of bullying and harassment.⁴

Figure 8. Percentage of cases raised with Freedom to Speak Up Guardians, Champions or equivalent which included an element of bullying and harassment.

As can be seen in figure 8 (below), the number of cases which included an element of patient safety and those which included an element of bullying and harassment were higher in 2019/20 than in previous years.

The greater increase in the overall number of cases raised with Freedom of Speak Up Guardians (figure 1, above) has meant cases which included an element of patient safety and those which included an element of bullying and harassment fell as a percentage of total cases.

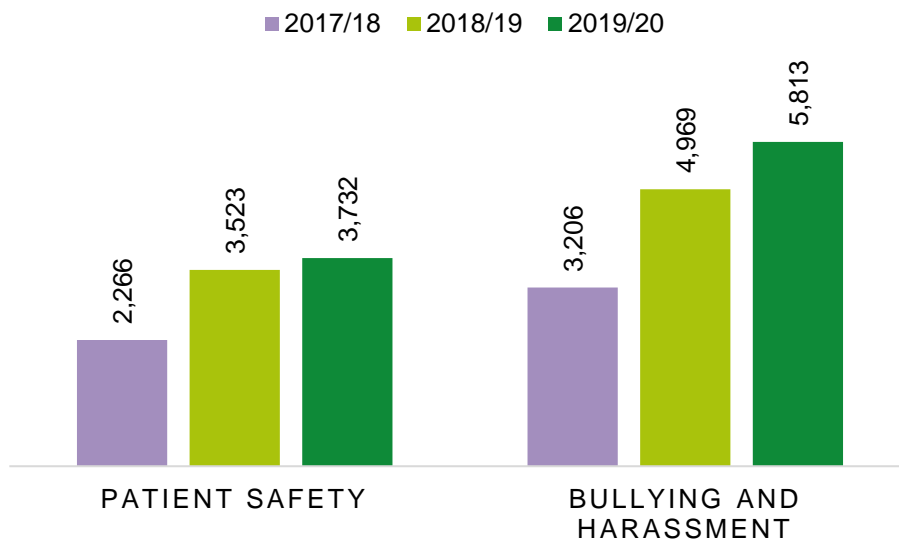


Figure 9. Number of cases raised with Freedom to Speak up Guardians, Champions or equivalent which included an element of patient safety or bullying and harassment.

⁴ A case may include an element of patient safety/quality as well as an element of bullying and harassment.

As the number of Freedom to Speak Up Guardians in non-patient-facing organisations continues to increase, the percentage of cases raised with Freedom to Speak Up Guardians which include an element of patient safety may fall. However, the vast majority of speaking up cases reported to the NGO in 2019/20 were from Freedom to Speak Up Guardians in NHS trusts. Therefore, the inclusion of data from Freedom to Speak Up Guardians in other organisations does not account for the fall in the percentage of cases which include an element of patient safety.

The fourth quarter of the period covered by this report coincided with the emergence of the COVID-19 pandemic in England. In this period, Freedom to Speak Up Guardians reported receiving COVID-19-related worker safety concerns, including personal protective equipment (PPE) and the impact of COVID-19 on black, Asian and minority ethnic workers.

Similarly, [pulse surveys](#) we carried out during the first wave of the pandemic showed workers were speaking up to Freedom to Speak Up Guardians about other issues, including worker safety and wellbeing. As we set out later in this report ('Next steps'), we will look to broaden the categories of information we ask Freedom to Speak up Guardians to record and report beyond patient safety and bullying and harassment in future data recording guidance.

F. How did workers speak up to Freedom to Speak Up Guardians?

A worker may speak up openly, confidentially or anonymously.

Where a worker speaks up openly, the person they are speaking up to (e.g. a Freedom to Speak Up Guardian) knows their identity, and the person speaking up is happy for anyone else involved to know their identity.

Speaking up confidentially is when the worker speaking up reveals their identity to someone on the condition that it will not be disclosed further without their consent (unless legally required to do so).

When someone speaks up anonymously, no one knows their identity.

Workers may choose to speak up anonymously because they are concerned about suffering detriment for speaking up. Workers speaking up anonymously may be an indicator that speaking up arrangements or culture need improvement.

Thirteen per cent (13%) of those who spoke up to Freedom to Speak Up Guardians in 2019/20 were recorded as doing so anonymously. In comparison, 12 per cent of those who spoke to Freedom to Speak Up Guardians the previous year (2018/19) did so anonymously.

"We are a very small organisation. We worry that people might not feel able to speak up without being easily identified. [We] therefore conduct regular anonymous 'pulse' staff surveys on differing topics, such as 'Stress' and 'How have we done during COVID?' to try and gauge opinion."

"Unhappy with response that management have given, and their issue has not been resolved satisfactorily. Treated with lack of importance due to them raising issues anonymously therefore not treated seriously."

"Had two anonymous letters received around a service which prompted a leadership review and substantial changes to the service. Staff remained anonymous throughout the whole process, yet significant changes occurred. Demonstrated that major changes can still occur without ever having direct contact or knowledge of the persons reporting the concerns."

G. Detriment

Freedom to Speak Up Guardians collect data on the number of cases raised with them where a worker indicates they have experienced detriment for speaking up. In addition, should details of a case reveal elements of detriment, these are also recorded as detriment even if the individual bringing the case has not identified detriment.

Detriment can be described as any treatment which is disadvantageous and/or demeaning and may include being ostracised, given unfavourable shifts, being overlooked for promotion or moved from a team.

Detriment was indicated in three per cent of cases (544 cases) raised with Freedom to Speak Up Guardians in 2019/20. This is lower than the previous year where detriment was indicated in five per cent of cases (564 cases).

Workers should be able to speak up about concerns or to make improvement suggestions without experiencing negative consequences.

Workers who experience detriment, or witnesses or hears about it happen elsewhere, may hesitate to speak up in the future. As workers are the eyes and ears of an organisation - and often the first to identify potential issues - the effect of detriment is a public safety issue.

The NGO will undertake its annual survey of Freedom to Speak Up Guardians in autumn 2020. We will use the survey to find out more about detriment, including the forms detriment takes. We will use the findings to inform a better understanding of detriment across the system.

In last year's [report](#), we commented that colleagues in the Care Quality Commission (CQC) were working towards giving more prominence to speaking up when they carry out their well-led assessments. I asked them to use this as an opportunity to gain assurance that action is taken when detriment for speaking up happens, wherever this occurs in an organisation.

This year, we have been supporting colleagues at the CQC to update guidance to support inspectors to inspect speaking up well. The CQC is building this assessment into its transitional approach to regulation during the pandemic and into its long-term regulatory plans.

"Staff are still fearing repercussions from speaking up but when they have support to do so from the guardian, the outcome has been really positive. There were three responses which stated that 'I have been worrying that the repercussions would be awful but actually they weren't. I will tell my friends not to worry next time.'"

"Some staff feel they have suffered detriment when raising things in their own name."

"There is fear before speaking up, but most people are happier once they have done so."

H. Feedback

Feedback is an important part of the speaking up process. Workers who speak up should receive feedback on the outcome of the matters they have raised. Similarly, feedback should be sought from workers about their speaking up experience.

In our guidance to Freedom to Speak Up Guardians, we make clear feedback should be obtained when a case is closed, even when the person speaking up may be unhappy with the outcome of their case.

The NGO asks all Freedom to Speak Up Guardians to ask those who speak up to them the following questions:

- *Given your experience, would you speak up again?*
- *Please explain your response.*

Freedom to Speak Up Guardians are asked to submit the results of these questions to the NGO.⁵

Feedback from workers on their experience was provided in 4,770 cases in 2019/20.⁶ In 85 per cent of these cases, individuals who spoke up to Freedom to Speak Up Guardians said they would speak up again. In three per cent of these cases, workers said they would not speak up again.

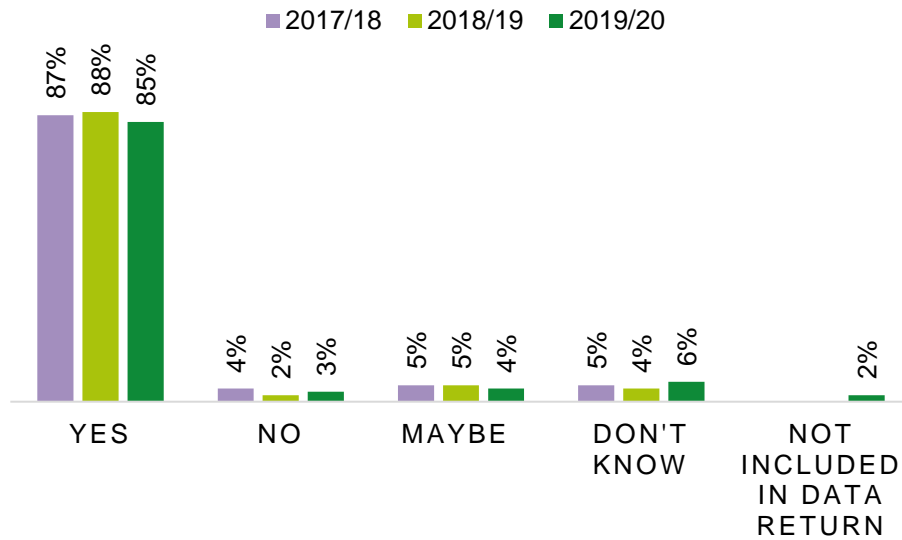


Figure 10. ‘Given your experience, would you speak up again?’

“Felt listened to by the guardian without interruption and advised accordingly. I had constant updates on how things were proceeding with advice on next steps. I felt supported and would speak up again to the guardian.”

⁵ These questions are in addition to any questions Freedom to Speak Up Guardians may also ask workers about their experience of speaking up.

⁶ Please note that feedback does not correlate to the quarter it was received.

I. Common from feedback

Freedom to Speak Up Guardians are asked to provide brief details of the main themes to the feedback they received. They are asked to record up to three themes.

There were 136 answers to this question in quarter one, 119 answers in quarter two, 146 answers in quarter three and 130 answers in quarter four of 2019/20.

Illustrative feedback quotes have been included throughout this report.

Regarding their experience of speaking up to Freedom to Speak Up Guardians, common themes from individuals who provided feedback included the following:

- They appreciated the time and opportunity to discuss their speaking up matters and to explore options.
- They felt listened to, heard, valued and taken seriously.
- They felt understood, and that the Freedom to Speak Up Guardian helped clarify issues for them.
- They thought that the Freedom to Speak Up Guardian cared, that they were kind and empathetic, and they felt less alone as a result of speaking with a Freedom to Speak Up Guardian.
- They appreciated being kept up to date and receiving feedback from the Freedom to Speak Up Guardian.
- They found the Freedom to Speak Up Guardian approachable; they felt comfortable and at ease when speaking with the Freedom to Speak Up Guardian.
- They felt reassured, including about the matters they raised and the ability to speak up safely and in confidence.
- They found the Freedom to Speak Up Guardian to be responsive, and that the Freedom to Speak Up Guardian was able to expedite matters in a more effective way than other routes allowed.
- They valued the ability to speak to someone independent and outside their reporting structures.
- They found the Freedom to Speak Up Guardian's advice helpful and felt empowered following their discussions with Freedom to Speak Up Guardians.

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"I was given support with my concerns. The Freedom to Speak Up Guardian listened and tried to action on my behalf. The guardian made it a very safe process and provided support and feedback throughout the entire process. She was very clear and honest and kept her word regarding agreed actions and did not promise anything that was not deliverable. She was incredibly human throughout the whole process."

"Appreciated having someone I could contact. The outcome didn't feel entirely satisfactory, but I don't think she could have done more to help with that."

"Able to access the guardian very quickly after first contact (which was important). I felt he actively listened to my account and coached me to find a way forward which was within my means to carry out. I felt more empowered to speak up for myself with my line manager. If I hadn't been able to speak to the guardian, I think the stress and upset caused by the incident in question might have been enough to make me ill."

"Thank you for meeting with me. I appreciate that some of the concern is not about our organisation, but I really feel like you have helped me to feel stronger about dealing with things."

"Staff felt like responses were timely and they were completely supported throughout the whole process and gained an understanding and perspective on the issue. Staff felt that by speaking out, that their health & wellbeing improved by being able to air their concerns."

"I really appreciated the fact that you listened and took the concern seriously. Thank you for all your support."

"Staff valued the quick response to concerns and expressed a wish for that approach to be consistent throughout the organisation."

"The overwhelming response in the surveys were positive. Here are some extracts from those: 'The Team were wonderful'; 'I felt listened to'; 'It's the first time in 20 years that I have been listened to and saw constructive evidence that my concerns had been investigated'; 'Very quick response and meeting'; 'Even though the outcome was less than optimal I felt heard, and that every action that could have been taken was'."

Some of the feedback indicated there was sometimes a mismatch between the expectations of some individuals and the remit of the Freedom to Speak Up Guardian role.

"Overall staff were satisfied with the handling of their concern by the guardian. Areas of concerns usually fall outside of the guardian's remit, i.e. the investigation itself. The guardian can challenge, request regular updates etc., however the guardian has no control over the actual investigation and timeliness."

"There are gaps between expectations of staff and what the role allows."

"Lacks power and able to take action."

Regarding speaking up more generally, common themes from individuals who provided feedback included the ineffective handling of speaking up by managers and delays in investigations.

"Length of time taken to come to a resolution was uncomfortable having raised a concern."

"The trust to look at appointing investigators who have allocated time to carry them out in a timely manner."

"Where issues involve dignity at work and perceived bullying from colleagues or managers, the individual raising the concern may not always be aware of any HR action that has resulted. This means sometimes they are not satisfied with an outcome."

"Believe everyone has a right to speak up against injustice. Approach taken to address the problem means the staff causing the problem feel they have got away with it. The person who spoke up feels vulnerable and unable to trust others."

"A common theme is staff coming to Freedom to Speak Up as they cannot speak to line managers or have spoken to them but not received actions on the concerns raised."

"I did not feel very well supported by the manager, it felt that I had done something wrong, if I have personal issues again, I don't think I would speak up, but if I saw patient safety affected, I would raise that."

Some Freedom to Speak Up Guardians commented on the challenges of obtaining feedback from those they supported. This was particularly the case during quarter four when the COVID-19 pandemic was emerging in England.

"Quite often those who have raised concerns have no desire at all to have further dealings with the matter and want to put the matter behind them."

"I feel that the Covid situation has impacted the number of feedback responses received."

J. Learning points

Speaking up is an opportunity to learn and improve.

Freedom to Speak Up Guardians are asked to record the learning points that arise out of each case to enable them to make suggestions for improvement. The learning points also allow the NGO to spot broader trends and themes.

There were 130 answers to this question in quarter one, 124 answers in quarter two, 143 answers in quarter three and 129 answers in quarter four of 2019/20.

Freedom to Speak Up Guardians shared examples of learning and improvements that had taken place as a result of speaking up.

Some of the main themes identified were around poor communication and behaviours, management issues, detriment for speaking up and the importance of feedback.

The next two pages contain some illustrative quotes from the answers provided.

"Communication between managers and their employees and the ability to support people appropriately is very important and should be considered a necessary skill to be developed when in a management position. Trust-wide communication does not reach everyone and would be helpful for this to improve."

"Some managers are not really understanding the Freedom to Speak Up process and feeling 'threatened in some way by it'."

"Communication to include giving feedback is the key and critical to promoting staff wellbeing. We need to invest in improving interaction and communication at all levels to achieve positive outcomes in relation to behaviour issues with the potential impact on patient safety."

"Listen, act and feedback continue to be the important elements of the process. The guardian 'guards' the process - important to reflect on the risk of becoming an advocate for the issue, rather than the process. Promoting the 'listening up' culture in leadership teams is as important as promoting the 'speaking up' culture."

"Consider how we better support those who work mainly nights only."

"This quarter taught me about perceptions, that people perceive behaviour differently which is a source of a lot of conflict. With this the organisation introduced conflict resolution measures, mediation and informal meetings to be used before formal procedures."

"Teams need to find the time to communicate effectively. This includes listening to staff and their concerns. If changes cannot happen how staff want, at least having the chance to voice their opinions counts for a lot."

"A lot of concerns were around line manager behaviours and on the back of this, the guardian is going to have an input in developing leadership training and the current." team leader training is going to be changed and include difficult conversations training."

"The best results for Freedom to Speak Up are when the line managers welcome the concerns."

"As ever, if we could get staff to work in adherence with our behavioural framework and values many issues could be avoided."

"Communication between team members is essential to create misunderstandings / manage expectations. Pressure felt by managers should be shared with staff – 'we're in this together' approach. Some managers do not know how to speak with staff - taking frustrations out on them. Change involves speaking with staff - asking for suggestions, listening, being receptive to ideas."

"Many of the concerns raised to the Freedom to Speak Up team relate to HR issues e.g. the transparency and objectivity of recruitment and the organisation of Grievance and Disciplinary processes, particularly the lack of timeliness of investigations and outcomes. This is being looked at by the Executive team."

"The trust has radically increased the resourcing and support available for the Freedom to Speak Up team. This has led to a huge increase in the number of cases being brought forward. There is a correlation between available Freedom to Speak Up resources and the number of concerns that are raised."

"Take time to listen to staff. Pressures are mounting within NHS, we need to identify where and when managers can help team members by taking a step back from day-to-day issues. Asking "are you OK?" is a start."

"General Freedom to Speak Up learning point for the trust is that a dedicated resource is required to strengthen the trust's Freedom to Speak Up agenda."

"I have learnt that flexibility in times/meeting places is essential to ensure that all staff have access to the service."

"To continue to follow up on cases and don't assume that silence means things are OK now. This is tricky to factor into capacity when case numbers are rising."

"Many concerns raised at department level first, however, they are not followed through with staff. Important to reinforce to all managers the importance of responding to concerns raised by staff."

"I have learnt to ask staff at the beginning what their expectations are about frequency of contact and by what method to ensure those that want regular contact get it, and those that don't are not disturbed unnecessarily. Therefore, we established as a learning point to check with each concern raised what suits them as an individual and that guardians should keep in contact throughout investigations where required."

Next steps

We will continue collecting and reporting on data from Freedom to Speak Up Guardians on the speaking up cases raised with them.

Following on from the pulse surveys we carried out during the first COVID-19 peak, we have found out more about other types of cases that Freedom to Speak Up Guardians have been handling. We will look to broaden the categories of information we ask Freedom to Speak up Guardians to record and report beyond patient safety and bullying and harassment in future data recording guidance.

We are working with colleagues at NHS England and Improvement, with input from Freedom to Speak Up Guardians, on the development of the culture and engagement compartment on the [Model Hospital](#). The Model Hospital is an NHS digital information service designed to help the NHS improve productivity and efficiency. This compartment will contain a range of speaking up indicators, including data from Freedom to Speak Up Guardians in NHS trusts on the speaking up cases raised with them. NHS trusts, including Freedom to Speak Up Guardians in those organisations, as well as others in the health system, will be able to use the culture and engagement compartment on the Model Hospital to compare metrics and identify areas of opportunity and improvement.

The Model Hospital's culture and engagement compartment will become available later this calendar year. We will work with colleagues at NHS England and Improvement to raise awareness of the compartment among Freedom to Speak Up Guardians.

The data collection process continues to provide an insight into speaking up and the use of the Freedom to Speak Up Guardian route. Information about the speaking up cases raised with Freedom to Speak Up Guardians forms part of a bigger picture of an organisation's speaking up culture and arrangements. Therefore, working with colleagues in NHS England and Improvement, we will develop a common data set that reflects Freedom to Speak Up in NHS trusts in the round. This common data set will be made available on the Model Hospital.

Annex 1

Overall figures (table 1)

Quarter	Number of cases
Q1 (Apr – Jun 2017)	1,447
Q2 (Jul – Sep 2017)	1,515
Q3 (Oct – Dec 2017)	1,939
Q4 (Jan – Mar 2018)	2,186
Total 2017/18	7,087
Q1 (Apr – Jun 2018)	2,500
Q2 (Jul – Sep 2018)	2,651
Q3 (Oct – Dec 2018)	3,634
Q4 (Jan – Mar 2019)	3,459
Total 2018/19	12,244
Q1 (Apr – Jun 2019)	3,531
Q2 (Jul – Sep 2019)	3,764
Q3 (Oct – Dec 2019)	4,486
Q4 (Jan – Mar 2020)	4,418

Total 2019/20	16,199
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Comparison by size of organisation (table 2)

	2017/18		2018/19		2019/20	
Size	No. of cases	Average per org.	No. cases	Average per org.	No. of cases	Average per org.
Small (less than 5,000 staff)	3,088	25	5,450	44	7,003	56.9
Medium (5,000 to 10,000 staff)	2,960	35	5,100	63	7,004	80.7
Large (more than 10,000 staff)	1,039	38	1,648	78	2,117	98.5
Unknown	-	-	46	8	75	30
Total	7,087	30	12,244	52.5	16,199	69.3

Comparison by type of organisation (table 3)

	2019/20	
Size	No. of cases	Average per org.
NHS trusts	16,032	73.9
Other organisations	167	10
Total	16,199	69.3

Comparison between type of NHS trust (table 4)

	2017/18		2018/19		2019/20	
Type	Total	Average per org.	Total	Average per org.	Total	Average per org.
Acute	2,941	30	4,245	44	6,033	72.3
Acute Specialist	259	15	604	38	622	46.9
Ambulance	181	18	427	43	837	88.1
Combined Acute and Community	1,662	43	2,766	75	3,395	73.4
Combined Mental Health /	1,015	34	2,375	68	2,500	90.9

Learning Disability / Community						
Community	480	28	737	46	921	63.5
Mental Health	281	22	662	55	NA	
Mental Health / Learning Disability	268	27	352	39	1,724	76.6
Integrated Acute / Community / Social Care Organisation	-	-	76	38	NA	
Total	7,087	30	12,244	52.5	16,032	73.9

Comparison by CQC ratings (table 5)

	2017/18		2018/19		2019/20	
Rating	No. of cases	Average per org.	No. of cases	Average per org.	No. of cases	Average per org.
Outstanding	626	39	1,331	53	1,511	50
Good	3,057	28	5,199	47	9,078	72.9
Requires Improvement	3,103	32	5,414	58	5,271	77.2

Inadequate	297	37	300	75	264	88
No published rating	4	4	-	-	44	10.4
Not applicable (i.e. not rated)	NA				31	8.9
Total	7,087	30	12,244	52.5	16,199	69.3

Cases by professional group (table 6)

	2017/18		2018/19		2019/20	
Prof. group*	Cases	%	Cases	%	Cases	%
Nurses	2,223	31%	3,728	30%	4,597	28%
Administrative / Clerical Staff	1,152	16%	1,969	16%	3,000	19%
Allied Healthcare*	896	13%	1,696	14%	NA	
Allied Healthcare (other than pharmacist) *	NA				2,048	13%
Other Professional Group	774	11%	1,294	11%	2,221	14%

Healthcare Assistants	502	7%	1,052	9%	1,363	8%
Doctors	459	6%	837	7%	957	6%
Cleaning*	340	5%	517	4%	NA	
Cleaning / Catering / Maintenance / Ancillary staff*	NA				699	4%
Corporate	360	5%	667	5%	742	5%
Midwives	190	3%	204	2%	333	2%
Pharmacist***	NA				195	1%
Unknown	137	2%	66	1%	NA	
Dentists	29	<0.5%	26	<0.5%	27	<0.5%
Board	25	<0.5%	22	<0.5%	14	<0.5%
Not included in data return	NA				3	<0.5%
Total	7,087		12,244		16,199	

Anonymous cases (table 7)

Quarter	Numbers recorded	% of cases reported
Q1 (Apr – Jun 2017)	266	18%
Q2 (Jul – Sep 2017)	292	19%
Q3 (Oct – Dec 2017)	308	16%
Q4 (Jan – Mar 2018)	388	18%
Total 2017/18	1,254	18%
Q1 (Apr – Jun 2018)	285	11%
Q2 (Jul – Sep 2018)	254	10%
Q3 (Oct – Dec 2018)	436	12%
Q4 (Jan – Mar 2019)	516	15%
Total 2018/19	1,491	12%
Q1 (Apr – Jun 2019)	449	13%
Q2 (Jul – Sep 2019)	510	14%
Q3 (Oct – Dec 2019)	516	12%
Q4 (Jan – Mar 2020)	562	13%

Total 2019/20	2,037	13%
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Patient safety cases (table 8)

Quarter	Numbers recorded	% of cases reported
Q1 (Apr – Jun 2017)	464	32%
Q2 (Jul – Sept 2017)	529	35%
Q3 (Oct – Dec 2017)	614	32%
Q4 (Jan – Mar 2018)	659	30%
Total 2017/18	2,266	32%
Q1 (Apr – Jun 2018)	772	31%
Q2 (Jul – Sep 2018)	811	31%
Q3 (Oct – Dec 2018)	992	27%
Q4 (Jan – Mar 2019)	948	27%
Total 2018/19	3,523	29%
Q1 (Apr – Jun 2019)	860	24%
Q2 (Jul – Sep 2019)	985	26%
Q3 (Oct – Dec 2019)	996	22%

Q4 (Jan – Mar 2020)	891	20%
Total 2019/20	3,732	23%

Bullying and harassment cases (table 9)

Quarter	Numbers recorded	% of cases reported
Q1 (Apr – Jun 2017)	566	39%
Q2 (Jul – Sep 2017)	630	42%
Q3 (Oct – Dec 2017)	929	48%
Q4 (Jan – Mar 2018)	1,081	49%
Total 2017/18	3,206	45%
Q1 (Apr – Jun 2018)	1,046	42%
Q2 (Jul – Sep 2018)	1,104	42%
Q3 (Oct – Dec 2018)	1,489	41%
Q4 (Jan – Mar 2019)	1,330	38%
Total 2018/19	4,969	41%
Q1 (Apr – Jun 2019)	1,373	39%
Q2 (Jul – Sep 2019)	1,364	36%

Q3 (Oct – Dec 2019)	1,631	36%
Q4 (Jan – Mar 2020)	1,445	33%
Total 2019/20	5,813	36%

Cases involving perceived detriment (table 10)

Quarter	Numbers recorded	% of cases reported
Q1 (Apr – Jun 2017)	97	7%
Q2 (Jul – Sep 2017)	72	5%
Q3 (Oct – Dec 2017)	100	5%
Q4 (Jan – Mar 2018)	92	4%
Total 2017/18	361	5%
Q1 (Apr – Jun 2018)	117	5%
Q2 (Jul – Sep 2018)	133	5%
Q3 (Oct – Dec 2018)	177	5%
Q4 (Jan – Mar 2019)	137	4%
Total 2018/19	564	5%
Q1 (Apr – Jun 2019)	133	4%

Q2 (Jul – Sep 2019)	122	3%
Q3 (Oct – Dec 2019)	161	4%
Q4 (Jan – Mar 2020)	128	3%
Total 2019/20	544	3%

Feedback received (table 11)

Quarter	Feedback received	Yes	No	Maybe	Don't Know	Not included in data return
Q1 (Apr – Jun 2017)	404	343	8	18	27	NA
Q2 (Jul – Sep 2017)	511	446	21	33	15	
Q3 (Oct – Dec 2017)	729	634	31	26	34	
Q4 (Jan – Mar 2018)	763	654	24	31	38	
Total 2017/18	2,407	2,077	84	108	114	
% of total		87%	4%	5%	5%	
Q1 (Apr – Jun 2018)	800	703	20	36	41	

Q2 (Jul – Sep 2018)	802	698	12	49	43	NA
Q3 (Oct – Dec 2018)	1,089	982	19	43	45	
Q4 (Jan – Mar 2019)	1,124	983	32	68	41	
Total 2017/18	3,815	3,366	83	196	170	
% of total		88%	2%	5%	4%	
Q1 (Apr – Jun 2019)	1,151	928	28	52	92	51
Q2 (Jul – Sep 2019)	1,044	883	24	54	57	26
Q3 (Oct – Dec 2019)	1,343	1,164	38	60	81	-
Q4 (Jan – Mar 2020)	1,232	1,090	30	48	64	-
Total 2019/20	4,770	4,065	120	214	294	77
% of total		85%	3%	4%	6%	2%

Annex 2

Quarterly Organisation Data

Data for Quarter

Organisation

Size of organisation

Region

Name of person submitting the data

Person submitting the data: Email address

Name of person authorising the data

Job title of person authorising the data

Person authorising the data: Email address

Numbers of cases brought by professional group

Number of cases brought to FTSUGs / Champions per quarter

Number of cases raised anonymously

Number of cases with an element of patient safety/quality

Number of cases with an element of bullying or harassment

Number of cases where people indicate that they are suffering detriment as a result of speaking up

Numbers of cases brought by professional group

- Administrative/clerical staff
- Allied Healthcare Professionals (other than pharmacists)
- Board members
- Cleaning/Catering/Maintenance/Ancillary staff
- Corporate services
- Dentists

A summary of speaking up to Freedom to Speak Up Guardians
1 April 2019 – 31 March 2020

- Doctors
- Healthcare assistants
- Midwives
- Nurses
- Other
- Pharmacists

Total number of cases that have received feedback

Response to the feedback question, 'Given your experience, would you speak up again?'

- The number of these that responded 'Yes'
- The number of these that responded 'No'
- The number of these that responded 'Maybe'
- The number of these that responded 'I don't know'

Common themes from feedback

Summary of learning points