



National Guardian's Office Guidance

Recording Cases and Reporting Data

Guidance for Freedom to Speak Up Guardians

March 2021

Introduction

This document updates and replaces the previous guidance on recording cases and reporting data, published in October 2020.

This updated guidance comes into the effect on **1 April 2021**.

We have updated this guidance on the back of feedback from Freedom to Speak Up (FTSU) Guardians, as well as to make the guidance clearer and more accessible.

In summary, the following changes have been made to the guidance:

- 'Worker safety' has been added as a category (in addition to the existing 'patient safety/quality' and 'bullying and harassment' categories).
- The term 'detriment' has been replaced with 'disadvantageous and/or demeaning treatment', though the term detriment is still used in brackets to avoid any confusion.
- The definitions for various categories have been updated for added clarity.
- A section has been added on how the data submitted by FTSU Guardians to the NGO is used for sharing and learning.

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National Guardian's Office

The National Guardian's Office (NGO) supports the healthcare system in England on speaking up.

The NGO leads, trains and supports an expanding network of Freedom to Speak Up Guardians.

Freedom to Speak Up Guardians

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

Recording cases

Freedom to Speak Up (FTSU) Guardians are required to record **all**¹ cases of speaking up that are raised with them, however the cases comes to them e.g. through their local network.

Your records will:

- help you keep track of cases
- promote consistent handling of cases
- provide a measure of the speaking up culture and use of the FTSU Guardian route in your organisation
- act as a source of intelligence to identify trends and barriers to speaking up

General approach

Cases should be recorded:

- in a consistent and systematic way
- with due regard for confidentiality
- in compliance with local data and information management, and security policies

Confidentiality

Confidentiality should always be respected and identifying details of individual cases should not be shared outside the bounds of your agreement with the individual you are supporting.

As a general rule, without express consent, this includes not sharing details of individual cases among local networks of guardians, champions, ambassadors etc. nor with other parts of your organisation, or with those outside your organisation.

In rare circumstances, confidentiality may need to be broken (for instance, if there is an immediate risk of harm to an individual). **However, there may be other ways to protect confidentiality, even when further action is needed.** Decisions on the extent of information that needs to be disclosed to allow appropriate action to be taken will need to be made on a case-by-case basis. In all cases where confidentiality may be affected, this should be discussed with the individual.

The [Data Protection Act 2018](#) and the [General Data Protection Regulation \(GDPR\)](#) form part of the data protection regime in the UK. You should seek advice from the experts in your organisation regarding the data you are collecting, how it is processed, stored and retained/destroyed.

¹ All cases raised should be recorded, whether they are raised 'formally' or otherwise. For more information, please refer to our report following our case review at [Derbyshire Community Health Services NHS Foundation Trust](#).

Please be aware that your records may be requested weeks, months or even years after their creation, and this should be considered when setting up your systems.

Reporting data

On a quarterly basis, **all** FTSU Guardians are required to report information to the NGO regarding the speaking up cases brought to them and their networks of champions/ambassadors.² (Each organisation may only submit their data once, so please coordinate if you are part of a network of FTSU Guardians within one organisation.)

We ask for this data so we can identify and monitor trends and themes in speaking up. It can also provide confidence – and assist in learning and improvement – for the colleagues and organisations you support, other FTSU Guardians and the healthcare system.

Data collection

FTSU Guardians will be asked to report the following information regarding the speaking up cases brought to them:

Item	Notes
The number of cases raised to FTSU Guardians, champions, ambassadors etc., in your organisation <u>in total</u> during the reporting period	Each individual speaking up through the FTSU Guardian route should be counted as a separate case even if they are speaking up about the same issue, together or separately. All cases that are raised during the reporting period should be recorded in your return to the NGO, whether they are open or closed.
Number of cases raised anonymously	Anonymous cases are those where the individual speaking up is unwilling to reveal their identity to you or to others i.e. you do not know who they are. ³⁴
Number of cases with an element of patient safety/quality ⁵	Any case that includes elements that may indicate a risk of adverse impact on patient safety or the quality of care. This can be a current or historic matter and may identify risks or be about actual events. The case should still be recorded in this category where the individual speaking up believes there is an impact on patient safety/quality, even if it is not clear whether there is an impact without further investigation.

² The [NGO website](#) contains the dates for upcoming data collection exercises.

³ The number of anonymous cases received may be an indicator of the level of trust workers have in the speaking up culture in the organisation.

⁴ Cases raised anonymously can be distinguished from cases raised confidentiality. Where someone speaks up confidentiality, they reveal their identify to someone on the condition that it will not be disclosed further without their consent (unless legally required to do so).

⁵ **A case may include elements patient safety/quality, bullying or harassment, and/or worker safety, as well as other matters. Please select all categories that apply for each case.**

<p>Number of cases with an element of bullying or harassment⁶</p>	<p>Any case that includes elements that may indicate a risk of bullying and harassment. This can be a current or historic matter and may identify risks or be about actual events.</p> <p>The case should be recorded in this category where the individual raising the case believes there is an element of bullying or harassment or the FTSU Guardian determines that the individual has experienced, or is at risk of experiencing, bullying or harassment.</p> <p>The NGO advises that the terms bullying and harassment should be interpreted broadly. The focus should be on the perceptions of the individual bringing the case.</p> <p>There are various definitions of bullying and harassment, including the definition below from ACAS:</p> <p><i>“Bullying is behaviour from a person or group that’s unwanted and makes someone feel uncomfortable, including feeling: frightened, less respected or put down, made fun of, upset.</i></p> <p>...</p> <p><i>Harassment is when bullying or unwanted behaviour is related to any protected characteristics under the Equality Act 2010.”</i></p>
<p>Number of cases with an element of worker safety⁷</p>	<p>Any case that includes elements that may indicate a risk of adverse impact on worker safety. This can be a current or historic matter and may identify risks or actual events.</p> <p>The NGO advises that worker safety should be interpreted broadly. The focus should be on the perceptions of the individual bringing the case.</p> <p>The Health and Safety Executive (HSE) states: <i>“All workers are entitled to work in environments where risks to their health and safety are properly controlled.”</i></p> <p>Examples of worker safety could include:</p> <ul style="list-style-type: none"> • lone working arrangements, especially at night • insufficient access to personal protective equipment (PPE)
<p>Number of cases where disadvantageous</p>	<p>Disadvantageous and/or demeaning treatment as a result of speaking up (often referred to as ‘detriment’) may</p>

⁶ Please see footnote 5.

⁷ Please see footnote 5.

<p>and/or demeaning treatment as a result of speaking up (often referred to as 'detriment') is indicated</p>	<p>include being ostracised, given unfavourable shifts, being overlooked for promotion, and moved from a team.</p> <p>You should record the number of cases brought to you where an individual feels they have suffered disadvantageous and/or demeaning treatment as a result of speaking up.</p> <p>Where the individual bringing the case does not identify such treatment, but the details of a case reveal elements of such treatment as described, these should also be recorded as disadvantageous and/or demeaning treatment.</p> <p>In some cases, individuals may come to you to discuss disadvantageous and/or demeaning treatment that has occurred some months after their initial speaking up case. In these instances, this needs to be recorded as a new case.</p>
<p>Professional group</p>	<p>The NGO asks for details of the professional group of those speaking up to you according to the categories found in our Professional Groups and Professional Level Guidance.</p> <p>Please assign individuals to one of the described categories wherever possible, rather than using the 'other' category.</p>
<p>Professional level</p>	<p>The NGO asks for details of the professional level of those speaking up to you according to the categories found in our Professional Groups and Professional Level Guidance.</p> <p>Please assign individuals to one of the described categories wherever possible, rather than using the 'not disclosed' category</p>

	<p>Recording the learning points for you or your organisation that arise out of cases will allow you to make suggestions for improvement.</p> <p>Each quarter, you will be asked to report on a summary of the learning points, which allow the NGO to identify wider trends and themes.</p> <p>Examples may include:</p> <ul style="list-style-type: none">• More support is needed for shift workers to access speaking up channels• Having a FTSU champion in staff networks has helped raise the profile of speaking up in the organisation <p>Please also feel free to share any good practice that has been implemented by your organisation here.</p>
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Sharing and learning

Some⁸ of the data you report to the NGO will be published at an organisational level on the [NGO website](#):

- The number of cases raised to the FTSU Guardians, champions, ambassadors etc.
- Number of cases raised anonymously
- Number of cases with an element of:
 - o patient safety/quality
 - o bullying or harassment
 - o worker safety
- Number of cases where disadvantageous and/or demeaning treatment as a result of speaking up (often referred to as 'detriment') is indicated.

The Model Hospital

We share this data with NHS England and Improvement (NHS E/I), though this only applies to NHS trusts and foundation trusts.

NHS E/I upload this information to the [Model Hospital](#), a digital information service to support improvement in the NHS. FTSU Guardians can use this service to inform their understanding of their organisation's speaking up culture.

NHS E/I also use this data, along with other indicators and intelligence, to inform their thinking as to where to offer improvement support in relation to FTSU.

We are working with other stakeholders, including the Care Quality Commission, to share the data you submit to inform their understanding and work.

⁸ To avoid actual or perceived breaches of confidentiality, other data will be combined (i.e. aggregated) for all organisations before publication. FTSU Guardians should make similar considerations when reporting data to boards.

Other information to record

There is a range of information that could be recorded for cases that are brought to you. You may want to expand on the above list to include items to help you understand cases better, monitor the use of your service, and identify trends and themes that will also allow you to identify barriers to speaking up.

Additional items to include:

Item	Notes
Details of the case	Record a brief factual summary of the case. ⁹ When thinking about the case, you will want to note areas that indicate barriers to speaking up experienced by the individual/s involved.
Has the individual spoken up previously?	This may inform discussions around requests for confidentiality. It may also reveal potential barriers to speaking up using other routes.
What is the desired outcome?	This may provide useful information about next steps or potential solutions. It may help inform discussions around managing expectations. You will want to ensure all aspects of the case are appropriately handled irrespective of the desired outcome.
Action taken	It is important to record actions taken and when and to whom referrals are made, together with a record of how, when and how often the individual speaking up wishes to be contacted. This is also another place to note anything that is encountered as the case is progressed that indicates a barrier to speaking up, or that indicates that speaking up policies are not being followed, or that policies or processes need to be improved.
Outside referral	The number of cases that are referred for external investigation may be a useful indicator of both the seriousness of issues being raised and how open an organisation is to external scrutiny.
Open/Closed	A case should not be closed until you are satisfied that all possible routes have been reasonably pursued, including all avenues of dispute. In some circumstances, someone speaking up may decide to 'drop out' of the process – however, you will want to make sure any action taken in response to a case reaches an appropriate conclusion before it is closed.

⁹ You will need to be mindful of the degree of urgency with which action may need to be taken and/or a response required. Good listening skills and open questions will help you understand the full picture. A case may be made up of several discrete issues and each may have its own distinct escalation route.

Further demographic details	Such as gender, age, ethnicity, sexuality, and any other protected characteristics. This will facilitate understanding of the FTSU Guardian's 'reach' across the organisation and identify groups which may be using the FTSU route more/less frequently. ¹⁰
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¹⁰ The point at which feedback is sought may be the best time to give individuals the opportunity to provide this additional information.

Review

We will carry out a comprehensive review of this guidance in 2021/2022.

Further information

Please contact the National Guardian's Office with queries about this guidance:

- enquiries@nationalguardianoffice.org.uk
- 0191 249 4400 (10 am – 2 pm, Monday – Friday exc. Bank holidays)