Freedom to Speak Up review tool for NHS trusts and foundation trusts
July 2019

Date

**NHS England and NHS Improvement**

#  How to use this tool

This is a tool for the boards of NHS trusts and foundation trusts to accompany the [*Guidance for boards on Freedom to Speak Up in NHS trusts and NHS foundation trusts*](https://improvement.nhs.uk/resources/freedom-speak-guidance-nhs-trust-and-nhs-foundation-trust-boards/) (cross referred with page numbers in the tool) *and the* [*Supplementary information on Freedom to Speak Up in NHS trusts and NHS foundation trusts*](https://improvement.nhs.uk/resources/freedom-speak-guidance-nhs-trust-and-nhs-foundation-trust-boards/) (cross referred with section numbers).

We expect the executive lead for Freedom to Speak Up (FTSU) to use the guidance and this tool to help the board reflect on its current position and the improvement needed to meet the expectations of NHS England and NHS Improvement and the National Guardian’s Office.

We hope boards will use this tool thoughtfully and not just as a tick box exercise. We also hope that it is done collaboratively among the board and also with key staff groups – why not ask people you know have spoken up in your organisation to share their thoughts on your assessment? Or your support staff who move around the trust most but can often be overlooked?

Ideally, the board should repeat this self-reflection exercise at regular intervals and in the spirit of transparency the review and any accompanying action plan should be discussed in the public part of the board meeting. The executive lead should take updates to the board at least every six months.

It is not appropriate for the FTSU Guardian to lead this work as the focus is on the behaviour of executives and the board as a whole. But getting the FTSU Guardian’s views would be a useful way of testing the board’s perception of itself. The board may also want to share the review and its accompanying action plan with wider interested stakeholders like its FTSU focus group (if it has one) or its various staff network groups.

We would love to see examples of FTSU strategies, communication plans, executive engagement plans, leadership programme content, innovative publicity ideas, board papers to add them to our Improvement Hub so that others can learn from them. Please send anything you would specifically like to flag to nhsi.ftsulearning@nhs.net

NHSI are happy to support trusts on any aspect of the review process or the improvement work it reveals. Please get in touch with NHSI’s Whistleblowing support team via rachel.clarke31@nhs.net

| Summary of the expectation | Reference for complete detailPages refer to the guidance and sections to supplementary information | How fully do we meet this now? | Evidence to support a ‘full’ rating | Principal actions needed in relation to a ‘not’ or ‘partial’ rating |
| --- | --- | --- | --- | --- |
| Insert review date | Insert review date |
| Behave in a way that encourages workers to speak up |
| Individual executive and non-executive directors can evidence that they behave in a way that encourages workers to speak up. Evidence should demonstrate that they:* understand the impact their behaviour can have on a trust’s culture
* know what behaviours encourage and inhibit workers from speaking up
* test their beliefs about their behaviours using a wide range of feedback
* reflect on the feedback and make changes as necessary
* constructively and compassionately challenge each other when appropriate behaviour is not displayed
 | Section 1p5 | **Not****Partially****Fully** | **Not****Partially****Fully** |  |  |
| Demonstrate commitment to FTSU |
| The board can evidence their commitment to creating an open and honest culture by demonstrating: * there are a named executive and non-executive leads responsible for speaking up
* speaking up and other cultural issues are included in the board development programme
* they welcome workers to speak about their experiences in person at board meetings
* the trust has a sustained and ongoing focus on the reduction of bullying, harassment and incivility
* there is a plan to monitor possible detriment to those who have spoken up and a robust process to review claims of detriment if they are made
* the trust continually invests in leadership development
* the trust regularly evaluates how effective its FTSU Guardian and champion model is
* the trust invests in a sustained, creative and engaging communication strategy to tell positive stories about speaking up.
 | p6Section 1Section 2Section 3 |  |  |  |  |
| Have a strategy to improve your FTSU culture |
| The board can evidence it has a comprehensive and up-to-date strategy to improve its FTSU culture. Evidence should demonstrate:* as a minimum – the draft strategy was shared with key stakeholders
* the strategy has been discussed and agreed by the board
* the strategy is linked to or embedded within other relevant strategies
* the board is regularly updated by the executive lead on the progress against the strategy as a whole
* the executive lead oversees the regular evaluation of what the strategy has achieved using a range of qualitative and quantitative measures.
 | P7Section 4 |  |  |  |  |
| Support your FTSU Guardian |
| The executive team can evidence they actively support their FTSU Guardian. Evidence should demonstrate:* they have carefully evaluated whether their Guardian/champions have enough ringfenced time to carry out all aspects of their role effectively
* the Guardian has been given time and resource to complete training and development
* there is support available to enable the Guardian to reflect on the emotional aspects of their role
* there are regular meetings between the Guardian and key executives as well as the non executive lead.
* individual executives have enabled the Guardian to escalate patient safety matters and to ensure that speaking up cases are progressed in a timely manner
* they have enabled the Guardian to have access to anonymised patient safety and employee relations data for triangulation purposes
* the Guardian is enabled to develop external relationships and attend National Guardian related events
 | p7Section 1Section 2Section 5 |  |  |  |  |
| Be assured your FTSU culture is healthy and effective |
| Evidence that you have a speaking up policy that reflects the minimum standards set out by NHS Improvement. Evidence should demonstrate:* that the policy is up to date and has been reviewed at least every two years
* reviews have been informed by feedback from workers who have spoken up, audits, quality assurance findings and gap analysis against recommendations from the National Guardian.
 | P8Section 8National policy |  |  |  |  |
| Evidence that you receive assurance to demonstrate that the speaking up culture is healthy and effective. Evidence should demonstrate: * you receive a variety of assurance
* assurance in relation to FTSU is appropriately triangulated with assurance in relation to patient experience/safety and worker experience.
* you map and assess your assurance to ensure there are no gaps and you flex the amount of assurance you require to suit your current circumstances
* you have gathered further assurance during times of change or when there has been a negative outcome of an investigation or inpsection
* you evaluate gaps in assurance and manage any risks identified, adding them to the trust’s risk register where appropriate.
 | P8Section 6 |  |  |  |  |
| The board can evidence the Guardian attends board meetings, at least every six months, and presents a comprehensive report.  | P8Section 7 |  |  |  |  |
| The board can evidence the FTSU Guardian role has been implemented using a fair recruitment process in accordance with the example job description (JD) and other guidance published by the National Guardian. | Section 1NGO JD |  |  |  |  |
| The board can evidence they receive gap analysis in relation to guidance and reports from the National Guardian. | Section 7 |  |  |  |  |
| Be open and transparent |
| The trust can evidence how it has been open and transparent in relation to concerns raised by its workers. Evidence should demonstrate:* discussion with relevant oversight organisation
* discussion within relevant peer networks
* content in the trust’s annual report
* content on the trust’s website
* discussion at the public board
* welcoming engagement with the National Guardian and her staff
 | P9 |  |  |  |  |
| Individual responsibilities |
| The chair, chief executive, executive lead for FTSU, Non-executive lead for FTSU, HR/OD director, medical director and director of nursing should evidence that they have considered how they meet the various responsibilities associated with their role as part of their appraisal.  | Section 1 |  |  |  |  |