



National Guardian

Freedom to Speak Up

Inclusive Freedom to Speak Up: Appreciating how what we bring to the workplace impacts on speaking up

National Guardian's Office

The [National Guardian's Office](#) (NGO) provides support and challenge to the healthcare system in England on speaking up.

The NGO leads, develops and supports Freedom to Speak Up Guardians.

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.

Freedom to Speak Up Guardians are expected to operate independently, impartially and objectively, whilst working in partnership with individuals and groups throughout their organisation, including their senior leadership team.

The NGO's Universal Job Description for Freedom to Speak Up Guardian can be found on the [NGO website](#).

Speaking up and why it matters

Speaking up may take many forms, including a discussion with a line manager, an idea for improvement submitted as part of a suggestion scheme, raising an issue with a Freedom to Speak Up Guardian, or bringing a matter to the attention of a regulator.

If we think something might go wrong, it is important that we feel able to speak up so potential harm may be prevented. When things are good but could be better, we should feel able to say something and expect our suggestion is listened to and used as an opportunity for improvement. Speaking up is about all these things.



Introduction

We possess a range of characteristics. Our unique combination of these means that we all bring something special to the workplace. However, these characteristics may also impact on how we speak up, and how and whether colleagues speak up to us.

Our characteristics may be visible or hidden, biological or social.¹ For example, people will respond to our seniority (or their perception of our seniority). They may have a response to our accent or make a judgement based on our personal and professional relationships. We all possess what are described in law as 'protected characteristics',² like age, ethnicity, sexual orientation or religious/political beliefs, and our colleagues will also have a response to these.

When training Freedom to Speak Up Guardians, the National Guardian's Office emphasise how various characteristics may influence the speaking up dynamic. We also encourage everyone to consider this as part of the [Freedom to Speaking Up training](#) for all workers that we developed with Health Education England.

Shedding light on the role of ethnicity in speaking up

The [Freedom to Speak Up Review](#) (2015) found that ethnic minorities and other groups faced barriers to speaking up. However, there has been little, if any, research that looks into this in more detail.

We commissioned research to understand NHS trust workers' experiences of accessing Freedom to Speak Up Guardians and whether the ethnicity of a Freedom to Speak Up Guardian affects their decision to speak up, and the support they receive.³

Roger Kline OBE⁴ and Ghiyas Somra⁵ ([brap](#)) undertook the research earlier this year, and we thank them both for their work. This is published as [Difference Matters: The Impact of Ethnicity on Speaking Up, 2021](#).

¹ These characteristics also intersect (intersectionality). Intersectionality refers to the interconnected nature of characteristics such as race, class, and gender as they apply to a given individual or group, regarded as creating overlapping and interdependent systems of discrimination or disadvantage.

² These are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

³ The results of our [2019 Freedom to Speak Up Guardian Survey](#) suggested that suggested that the network of Freedom to Speak Up Guardians supporting NHS trusts did not reflect the ethnic composition of the workforce in those organisations. In other words, ethnic minorities were underrepresented among this group of Freedom to Speak Up Guardians.

⁴ Roger Kline OBE is Research Fellow at Middlesex University Business School. He authored 'The Snowy White Peaks of the NHS' (2014), designed the Workforce Race Equality Standard (WRES) and was then appointed as the joint national director of the WRES team 2015-17.

⁵ brap is a Manchester-based equality charity. brap works with over 100 NHS trusts and other healthcare providers every year, providing support and development around issues such as organisational change, leadership development, and inclusive cultures.



We are grateful to the Freedom to Speak Up Guardians who participated in the research.⁶ The report highlights the crucial role Freedom to Speak Up Guardians play in making speaking up business as usual, including their:

- awareness of the potential role of characteristics in speaking up
- partnership working with staff networks, equality, diversity and inclusion leads and others
- use of data to understand and improve speak up culture.

We stress that this research is not intended to be the final word on this matter, but rather to promote much-needed discussion and reflection about the role of ethnicity – and characteristics more generally – in speaking up.

It is also crucial to remember that Freedom to Speak Up Guardians are an important, **additional** route for workers to speak up. If we are to make speaking up business as usual, we all need to reflect on what we all bring as individuals to the workplace and how we approach the speaking up dynamic when we speak up or we are responding to someone speaking up to us.

⁶ Although there are a range of organisations – including independent healthcare providers – supported by Freedom to Speak Up Guardians, expressions of interest for involvement in this research were sought from those supporting NHS trusts. Primarily, this was to reduce potential variables that could have undermined reliability of data subsequently collected. The organisations supported by the Freedom to Speak Up Guardians participating in this research represented a reasonable cross-section by type of trust and geography.



Difference Matters

The perception and experience of workers

The researchers sought views from workers about their perceptions and experiences of speaking up to a Freedom to Speak Up Guardian.⁷

Barriers to speaking up

Survey respondents were asked to identify issues that were significant factors when they were considering speaking up (or would be if they were ever to speak up) to a Freedom to Speak Up Guardian.

The two most significant barriers for both White⁸ and Black and minority ethnic respondents was fear of repercussions from managers/other leaders and a belief that nothing would change as a result of them speaking up. White and Black and minority ethnic respondents tended to give these factors equal weight.

The factors showing the greatest variation in responses between White and Black and minority ethnic respondents were their perceptions of whether the Freedom to Speak Up Guardian:

- would understand the concern (with 12.7% of Black and minority ethnic respondents citing this compared to 6.1% White respondents)
- would take the concern seriously (with 18.7% of Black and minority ethnic respondents citing this compared to 11.3% White respondents)

Respondents from Black and minority ethnic backgrounds were also more likely to cite as a barrier not understanding the Freedom to Speak Up Guardian role. Almost nineteen per cent (18.7%) of respondents from Black and minority ethnic backgrounds cited this compared to 11.9% White respondents.

Seeing yourself in the people you speak up to

Compared to White respondents, discrimination⁹ was far more likely to feature in issues that Black and minority ethnic respondents had experienced.

The research found that the relative prominence of discrimination in issues experienced by ethnic minorities played a role in the preference among Black and minority ethnic respondents to state that they would prefer to speak up to a Freedom to Speak Up Guardian of the same ethnicity.

⁷ This was done through a survey shared with workers across trusts supported by Freedom to Speak Up Guardians participating in the research.

⁸ The ethnicity of respondents was broken down as follows: White/White British: 68.6% and Black and minority ethnic: 31.4%.

⁹ Differential treatment on the grounds of race, nationality, or ethnicity.



Workers from Black and minority ethnic backgrounds referred to the nature of discrimination in the modern workplace, and how it was subtle and hard to define. As a result, they thought that a Freedom to Speak Up Guardian from a similar ethnic background would be more likely to understand and take their concerns seriously.

Workers from Black and minority ethnic backgrounds also said that speaking up can be daunting generally. They did not want this to be compounded by the potential that they would not be believed by the person to whom they speak up.

The research found that the ethnicity of a Freedom to Speak Up Guardian may play a role in whether workers speak up to them. This was especially the case for workers from Black and minority ethnic backgrounds:

Forty-one per cent (40.9%) of respondents from Black and minority ethnic groups said they would be more likely to speak up to a Freedom to Speak Up Guardian of the same ethnicity. This compares to 6.8% of White respondents that said the same.¹⁰

As a comparative measure, when asked a similar question about gender eighteen per cent (18%) of female respondents said that they would rather speak up to a female Freedom to Speak Up Guardian, and 9% of male respondents said that they would prefer to speak up to a Freedom to Speak Up Guardian of the same gender. So, the influence of ethnicity in the speaking up dynamic for Black and minority ethnic workers seems particularly pronounced.

The experience of speaking up to a Freedom to Speak Up Guardian

In practice, the research found that Black and minority ethnic respondents who had spoken up to a Freedom to Speak Up Guardian had broadly positive experiences, which were comparable to White respondents. Compared to White respondents, respondents from Black and minority ethnic backgrounds were slightly more likely to agree that the Freedom to Speak Up Guardian understood their concern and escalated it appropriately.

The survey also asked respondents who had spoken up to a Freedom to Speak Up Guardian to rate the Freedom to Speak Up Guardian in the following areas:

- listening skills
- empathy
- understanding of discrimination and bias.

The results showed that Black and minority ethnic respondents mostly thought the Freedom to Speak Up Guardian had a good understanding of discrimination and bias, were satisfied with their listening skills, and thought them empathetic.

¹⁰ The research also found that a small minority of ethnic minority respondents said they would be less likely to speak up to a Freedom to Speak Up Guardian of the same ethnicity. For example, one respondent said: “*I would be less inclined [to raise a concern with a BME Guardian] ... some Asian cultures would see it as complaining and would pressure to be more compliant*”.



“While there may be some suggestion that some Freedom to Speak Up Guardians lacked cultural awareness, it seems BME staff are generally satisfied with a Freedom to Speak Up Guardian if they engage one. As such, there may be an issue around the perception BME colleagues have of (White) Freedom to Speak Up Guardians - a perception which isn’t necessarily borne out by their actual experience of them.”

Roger Kline OBE and Ghiyas Somra, *Difference Matters: Freedom to Speak Guardians and Race Equality*, 2021

The perception of Freedom to Speak Up Guardians

Freedom to Speak Up Guardians participating in the research were of the view that a difference of ethnicity between a Freedom to Speak Up Guardian and a worker might impact on whether a worker would feel able to speak up to a Freedom to Speak Up Guardian.

The research found anecdotal evidence that the appointment of Freedom to Speak Up Guardians from Black and minority ethnic backgrounds had an impact on the number of speaking up cases raised with them from Black and minority ethnic workers.

The qualities and competencies required for role were described by the participating Freedom to Speak Up Guardians as largely those set out in the National Guardian’s Office Freedom to Speak Up Guardian Education and Training Guide. However, the Freedom to Speak Up Guardians thought that an understanding of, and ability to act upon equality diversity and inclusion, particularly but not exclusively on race, was an essential attribute.

Participating Freedom to Speak Up Guardians were using a range of strategies to engage with workers from a Black and minority ethnic background, including:

- engaging with staff networks, equality, diversity and inclusion leads and others
- using data to understand and improve their reach groups facing barriers to speak up
- using internal Freedom to Speak Up networks¹¹ to support workers, especially those like ethnic minorities who may face barriers to speaking up.

Other relevant factors

The research also identified a range of other factors that potentially influence the ability and desire of Black and minority ethnic workers to speak up to Freedom to Speak Up Guardians:

¹¹ In March 2021, the National Guardian’s Office published [guidance](#) setting out the principles for the development and support of Freedom to Speak Up Champion/Ambassador networks.



Ring-fenced time

Freedom to Speak Up Guardians participating in the research believed that insufficient allocated time for the role could undermine work to promote speaking up among Black and minority ethnic workers.

The National Guardian's Office recommends that leaders should provide Freedom to Speak Up Guardians with ring-fenced time for the role, taking account of the time needed to carry out the role and meet the needs of workers in their organisation. Leaders should be able to demonstrate the rationale for their decisions about how much time is allocated to the role.

Appointment

The appointment of Freedom to Speak Up Guardians without a fair and open recruitment process was cited as a potential barrier to promoting confidence among Black and minority ethnic workers in the Freedom to Speak Up Guardian role.

Appointments to roles should be made based on fair and open competition. The National Guardian's Office is clear that the Freedom to Speak Up Guardian role is no exception. We have called on leaders to appoint Freedom to Speak Up Guardians through fair and open competition. We also expect leaders to assure themselves that there are no barriers to anyone who may want to apply for the Freedom to Speak Up Guardian role.

Organisational culture

In order to be effective, Freedom to Speak Up Guardians need to be valued and supported by managers, senior leaders and others. The results of the NGO's most recent [annual survey of Freedom to Speak Up Guardians \(2020\)](#) suggest that though things are improving in this regard, the results are patchy across the organisations supported by Freedom to Speak Up Guardians.

Freedom to Speak Up Guardians participating in the research believed that the wider culture in the organisation(s) they were supporting was crucial to their success, including the propensity of Black and minority ethnic workers to speak up to them.

Seniority

The researchers referred to the impact of hierarchy in the NHS. Freedom to Speak Up Guardians participating in the research believed that this impacted their ability to carry out their role effectively.



Speaking up cases brought to Freedom to Speak Up Guardians (demographic 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.

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.

Many of the Freedom to Speak Up Guardians participating in the research were collecting some demographic data about those who were speaking up to them, though this was a relatively recent development.



Next steps

Equality Training

The People Plan includes a recommendation to provide training for Freedom to Speak Up Guardians and Workforce Race Equality Standards (WRES) experts.

Working with the WRES team at NHS England and Improvement, we engaged with the Freedom to Speak Up Guardian network earlier this year to begin the discussions on what this training might look like.

The training is in the process of being developed.

The perceptions of Freedom to Speak Up Guardians

In last year's (2020) annual survey of Freedom to Speak Up Guardians, we invited respondents to share their thoughts on how various characteristics influenced whether workers spoke up to them and to what extent it affected their ability to carry out their roles. We will be publishing a further analysis of this data shortly and await with interest the results of this year's survey where we have repeated these questions.

The collection and reporting of demographic data from those who speak up

Freedom to Speak Up Guardians submit **non-identifiable** information to the NGO about the speaking up cases raised with them.¹²

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 National Guardian's Office is currently reviewing its guidance for Freedom to Speak Up Guardians on recording cases and reporting data. As part of this review, we are engaging with Freedom to Speak Up Guardians about the feasibility of requiring them to record – and potentially report to the NGO – demographic data about those who speak up to them.

¹² The NGO's Foundation Training and Guidance on Recording Cases and Reporting Data state Freedom to Speak Up Guardians should always respect confidentiality. The 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.