Freedom to Speak Up Gap Analysis Tool

This tool is available as an editable download from <https://nationalguardian.org.uk/learning-resources/speaking-up-resources/>

**Review undertaken by:**

**Date of review:**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| [WORKERS](#_Workers) | | | | |
| Recommendations from NGO case reviews | **Existing provision /gaps** | **Action needed** | **Authorised action/**  **date for completion** | **Review date** |
| Valuing workers’ views Workers’ views should be valued, including consulting about changes to their services where appropriate. |  |  |  |  |
| Speaking up culture A suitably independent review of the speaking up culture in the service relating to… [the case reviewed by the NGO] should be undertaken. All necessary steps to implement its findings without undue delay should be taken. Given the evidence of fear of speaking up in this service, the review should take all reasonable steps to protect individuals’ confidentiality. |  |  |  |  |
| **Support to speak up**  Policies and procedures relating to speaking up (including the reporting and handling of incidents) should:  refer to the support available for workers to speak up from the Freedom to Speak Up Guardian and Freedom to Speak Up Champions/Ambassador;  make clear that all workers can seek support, about any issue, from the Freedom to Speak Up Guardian  enable those who speak up to have access to appropriate support. They should be made aware of and appropriately supported to access this support in a timely way  ensure that letters to suspended workers accurately state their ability to access their Freedom to Speak Up Guardian or Freedom to Speak Up Champion/Ambassador. |  |  |  |  |
| **Responding to speaking up**  The response to issues raised by workers should be in accordance with policies, procedures and good practice.  Workers who speak up should be meaningfully thanked.  The response to cases of workers speaking up, including decisions relating to the investigation of those cases, should not focus on whether the matters in those cases are qualifying or protected disclosures under the Public Interest Disclosure Act 1998.  Effective communication with those speaking up should be promoted in order to manage expectations effectively.  Workers who speak up should be treated in accordance with the values of the organisation (where the NGO undertook its review): *openness, care, compassion and respect*.  Work should be completed to help workers – particularly those responsible for responding to speaking up matters – develop the skills to handle difficult conversations. |  |  |  |  |
| **Groups facing barriers to speaking up**  Organisations, working in partnership with the Freedom to Speak Up Guardian, should:  seek to identify groups potentially facing barriers to speaking up and  work towards addressing those barriers  Support from the Workforce Race Equality Scheme (WRES) Implementation Team should be considered to help meet the needs of ethnic minority workers.  A senior worker should be appointed as equality, diversity and inclusion lead. This role should be appropriately resourced.  The cultural ambassador’s network should reflect the diversity of the workforce that it supports. |  |  |  |  |
| **Confidentiality and anonymity**  Speaking up arrangements, including the support provided by the Freedom to Speak Up Guardian, should appropriately protect workers’ confidentiality, and demonstrate understanding and empathy for the needs of individuals.  Reasonable steps should be taken to respond to the issues raised by those who speak up in confidence. Matters should be investigated as fully as possible, even where the identities of those speaking up are unknown.  Alleged breaches of confidentiality should be appropriately investigated. |  |  |  |  |
| **Training – Speak Up, Listen Up and Follow Up**  Effective speaking up training for all workers should be provided and uptake monitored, ensuring this meets the expectations set out in guidelines from the National Guardian’s Office. |  |  |  |  |
| **Disadvantageous and/or demeaning treatment**  It should be communicated that detriment for speaking up will not be tolerated.  Action should be taken to prevent detriment occurring.  There should be procedures to allow cases of alleged detriment to be looked into effectively when they are reported.  Investigations into the alleged conduct of workers who have previously spoken up should also seek to identify whether the allegations about the worker are motivated by a desire to cause them detriment because they spoke up. If evidence of detriment is found, appropriate action should be taken. The disciplinary policy should be amended to require such action. |  |  |  |  |
| **Bullying and harassment, poor working relationships and unwanted and/or unprofessional behaviours**  The programme of work to challenge unwanted and/or unprofessional behaviours should be continued and reviewed for effectiveness.  Appropriate measures should be taken to identify the causes of poor working relationships and implement effective actions to remedy those causes, including steps to measure the effective of those actions.  An action plan should be developed to address bullying behaviour and develop a working culture that is free from bullying, including providing anti-bullying training for all workers.  The bullying and harassment policy and procedure should be consistent with the standards in the bullying and harassment guidance issued by NHS E/I, including implementation and monitoring of the policy and ensuring its contents are shared with workers. |  |  |  |  |
| **Mediation**  Mediation should be actively promoted and facilitated, where appropriate, to resolve issues arising from speaking up.  Managers and HR workers should be up to date with guidance on explaining the value of mediation to workers. |  |  |  |  |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| [FREEDOM TO SPEAK UP GUARDIANS](#_FREEDOM_TO_SPEAK) | | | | |
| Recommendations from NGO case reviews | **Existing provision /gaps** | **Action needed** | **Authorised action/**  **date for completion** | **Review date** |
| **Appointment**  Freedom to Speak Up Guardians should be appointed through a fair and open process. |  |  |  |  |
| Confidence in the arrangements Assurance should be obtained that the workforce has confidence in the Freedom to Speak Up Guardian arrangements.  Assurance should be provided that the multiple Freedom to Speak Up Guardians supporting the same organisation/s are able to meet the requirements of the universal job description.  The term ‘Freedom to Speak Up Guardian’ should be used for all Freedom to Speak Up Guardians supporting the same organisation/s. Locally, the organisation may consider how it communicates the primary functions of the individuals in each of the roles though, always, the individuals should be able to fulfil the requirements of the universal job description. |  |  |  |  |
| Ring-fenced time Freedom to Speak Up Guardians should be provided 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. |  |  |  |  |
| Support The support required for Freedom to Speak Up Guardians to carry out their role and meet the needs of the workers should be identified and provided, including:   * sufficient cover to support their work in their absence; * alternative routes to handle speaking up matters to overcome any possible conflicts; and * appropriate managerial and emotional support. |  |  |  |  |
| Continuity A continuity plan should be agreed to support incoming Freedom to Speak Up Guardians and minimise any disruptions to the Freedom to Speak Up arrangements, ensuring this is in line with guidance from the National Guardian’s Office. |  |  |  |  |
| Recording cases and reporting data In accordance with guidance from the National Guardian’s Office:   * all instances of speaking up brought to the Freedom to Speak Up Guardian should be recorded, not just those cases where workers state that they are raising a matter ‘formally’ * non-identifiable information about all these cases should be reported to the National Guardian’s Office |  |  |  |  |
| Freedom to Speak Up Champions/Ambassadors The use of the Freedom to Speak Up Champion/Ambassador role should be reviewed, ensuring it is in line with [guidance](https://nationalguardian.org.uk/wp-content/uploads/2021/04/Guidance-on-Champions-and-Ambassador-Networks-2021.pdf) from the National Guardian’s Office.  Freedom to Speak Up Champion/Ambassador networks should reflect the diversity of the workforce they support. |  |  |  |  |
| Network meetings Freedom to Speak Up Guardians should regularly attend regional meetings of their peers to ensure that they have access to guidance and support to undertake their work, including to assist with the writing of board reports, and in order to share learning and good practice. |  |  |  |  |
| Board reports Freedom to Speak Up Guardian reports to the board (or equivalent) should be:   * sufficiently detailed and comprehensive to support the development of a positive speaking up culture * in accordance with guidance from NHS E/I and the NGO. |  |  |  |  |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| [LEADERSHIP](#_LEADERSHIP) | | | | |
| Recommendations from NGO case reviews | **Existing provision /gaps** | **Action needed** | **Authorised action/**  **date for completion** | **Review date** |
| Senior Responsibility for Freedom to Speak Up Assurance should be obtained that those with senior Freedom to Speak Up responsibility have the confidence of the workforce. |  |  |  |  |
| Vision and strategy - Speaking Up In line with guidance from NHS England and Improvement, the board (or equivalent) should articulate a vision of how it intends to support its workers to speak up, which encompasses a strategy containing:   * measures to identify the main issues the organisation should address * deliverable objectives within fixed timescales * steps to measure the effectiveness of those actions * under appropriate executive oversight * and to effectively communicate this to trust workers |  |  |  |  |
| Communications plan - Speaking Up In line with guidance from [NHS England and Improvement](https://www.england.nhs.uk/ourwork/whistleblowing/freedom-to-speak-up-guidance-for-nhs-trust-and-nhs-foundation-trust-boards/), a communications plan should be developed and implemented to embed speaking up, including the promotion of the Freedom to Speak Up Guardian role. The effectiveness of the plan should be evaluated, and action taken where learning / gaps are identified.  Changes to the Freedom to Speak Up arrangements should be communicated to workers in a timely way. |  |  |  |  |
| Freedom to Speak Up self-review toolkit NHS E/I [Freedom to Speak Up self-review toolkit](https://www.england.nhs.uk/wp-content/uploads/2021/05/ftsu-board-review-tool.docx) should be completed and shared in accordance with guidance from NHS England and Improvement. |  |  |  |  |
| Measuring speaking up culture Measures should be identified and employed to monitor the development of a positive speaking up culture, so that leaders are responsive to the needs of all workers and are developed in accordance with good practice.  Incident reporting rates should be regularly reviewed to identify any areas which appear to be under-reporting and action taken to address this. |  |  |  |  |
| Case review gap analysis Actions identified through the gap analysis of recommendations made in published case reviews should be implemented. |  |  |  |  |
| Visibility and accessibility Leaders should be visible and accessible to all workers to promote a culture of visible and accessible leadership. |  |  |  |  |
| Engagement A plan should be developed to ensure that workers can speak up effectively about the impact of integration as its local integrated care system continues to develop and mature.  The workforce should be informed as soon as is practicable following the decision regarding the future leadership of the organisation. |  |  |  |  |
| **Governance arrangements**  The effectiveness of governance arrangements should be improved, including the communication of information from ‘board to ward’ and back. |  |  |  |  |

## 

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Conflicts of interest NHS E/I’s national guidance relating to the managing of conflicts of interest should be implemented.  The organisation’s conflicts of interest policy should be implemented so that workers are aware of its purpose and all relevant workers make appropriate declarations, including those relating to conflicting loyalty interests. |  |  |  |  |
| **Investigations**  Workers who speak up should have input into the terms of reference for any subsequent investigations.  The response to workers speaking up, including the investigations of those issues and the implementation of learning resulting from them, should be undertaken by suitably independent and trained investigators.  Reasonable consideration should be given to workers’ objections relating to the perceived independence of investigators.    A clear rationale for any decisions regarding investigators should be given to workers in response to any objections and there should be transparency about the way potential conflicts of interest relating to investigations are managed.  Speaking up cases should be investigated within reasonable timeframes and without undue delay.  Where investigations are undertaken in response to speaking up issues raised by workers, feedback should be provided to those individuals regarding the progress of said investigations. |  |  |  |  |
| **Action/Follow up**  Recommendations from a cultural review should be implemented. |  |  |  |  |
| **Policy - Speaking Up**  The speaking up policy should be in accordance with good practice, meet the minimum standards set out in the NHS Improvement speaking up policy for the NHS and reflect guidance on reviewing speaking up policies from the National Guardian’s Office.  New and existing workers should be made aware of the speak up policy. |  |  |  |  |
| **Alignment with the Freedom to Speak Up Review principles**  All aspects of the organisation’s work should be consistent with the principles of the [Freedom to Speak Up review](http://freedomtospeakup.org.uk/the-report/). |  |  |  |  |
| **Other policies and processes**  Policies and processes should be supportive of all workers affected by the speaking up process, including those who are the subject of matters raised.  Where a worker is going through a disciplinary process that also encompasses potential patient safety issues or similar matters they have raised, the worker should be provided with all appropriate support to speak up about those matters and all appropriate steps should be taken to maintain the worker’s confidentiality.  On the scheduled review of a policy and/or procedure, steps should be taken so that the policy or procedure in question is in alignment with good practice in relation to freedom to speak up.  HR policies and procedures should:  have the confidence of the workforce  meet the needs of workers who speak up, including effective training for workers in human resources  Where the grievance process is used in response to a worker speaking up, the grievance policies and procedures should be correctly followed, including in respect of providing an initial scoping meeting to discuss the matter the worker is speaking up about and the range of alternative processes for handling it.  Workers who take periods of sickness leave, including in relation to their speaking up, should be provided with support upon returning from that leave that is in accordance with the values, policies, and guidance.  Those with responsibility for supporting workers to return to work rom sickness absence should be capable of implementing the relevant policies and guidance to manage this process.  The policy for dealing with serious incidents should provide that feedback and any learning is shared with those who speak up regarding an incident. |  |  |  |  |
| **Fit and proper person review**  Fit and Proper Person reviews should be undertaken in accordance with good practice. |  |  |  |  |