

LEARNING FROM CASE REVIEWS

A tool to support gap
analysis to improve
speaking up arrangements

December 2021



**National
Guardian**

Freedom to Speak Up

Learning from case reviews: A tool to support gap analysis to improve speaking up arrangements

National Guardian's Office

The [National Guardian's Office](#) (NGO) leads, trains and supports an expanding network of Freedom to Speak Up Guardians who support workers to speak up and work within their organisation to tackle barriers to speaking up.

The NGO provides supports to the healthcare system in England on speaking up.

Introduction

The National Guardian's Office has carried out [case reviews](#) in NHS trusts across England where it had information to suggest that speaking up had not been handled in accordance with good practice.¹ The reviews sought to identify learning, recognise good practice and celebrate innovation.

Recommendations were made for remedial action where we found that good practice had not been followed. As a result, a body of recommendations has arisen from these reviews to improve speaking up in healthcare.

In line with [guidance for trusts boards in England](#) on speaking up produced by the NGO and NHS England and Improvement (NHS E/I), trusts should undertake gap analysis of recommendations made in case reviews.

Although these recommendations arose from reviews carried out in NHS trusts, the principles of speaking up that they refer to apply in any setting and the learning is applicable to organisations across healthcare.

About this document

Following feedback from Freedom to Speak Up Guardians, we have collected the recommendations into one document grouped thematically. The recommendations are shown in the shaded areas.

We have provided a table at Appendix A for Freedom to Speak Up Guardians, alongside organisational leaders, to use as a tool to develop and plan improvements.

Where appropriate, we have included links to resources to support organisations and Freedom to Speak Up Guardians improve their speaking up processes and procedures and assist with reviewing their arrangements.

¹ These reviews took place between 2017/18 – 2021/22.

We hope this will be used, along with guidance published on the [NGO website](#) and elsewhere, as a self-review tool by those responsible for speaking up to identify and address gaps in their organisation's speaking up arrangements.

The recommendations brought together here were made in the context of the particular reviews undertaken. As needed, Freedom to Speak Up Guardians and organisational leaders can look at case review reports to find out more about the context in which the recommendations were made.

We stress that the recommendations from these reviews do not represent the totality of good practice in speaking up. Furthermore, good practice is constantly evolving.

This tool to support the embedding of good practice in speaking up is divided into the pillars of the NGO's [Strategic Framework \(2021 - 2026\)](#): Workers, Freedom to Speak Up Guardians, Leadership and the Healthcare System. The recommendations have been brought together under the relevant pillars and then grouped into subcategories.

Feedback

We welcome feedback and suggestions for improvement. Please share these by emailing us on enquiries@nationalguardianoffice.org.uk.

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Summary of recommendations

Workers

Speaking up as business-as-usual means that all those in the workplace feel confident and safe to speak up about anything which gets in the way of them doing a good job.

For this reason, we refer to workers rather than staff (or employees, etc.) so that all of those in the workplace, whether they are a volunteer, contractor, employee, apprentice, etc. feel confident and safe to speak up.

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/Ambassadors
- 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

Speaking up is a gift. It is an opportunity to learn and improve.

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 1998.²

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

The [Freedom to Speak Up Review](#) (2015), which considered the speaking up culture in the NHS in England, identified groups that faced barriers to speaking up. This included black and minority ethnic workers, trainees, locums and agency workers.

Any worker group could potentially face 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
- 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

A worker may speak up openly, confidentially or anonymously.

Cases raised anonymously can be distinguished from cases raised confidentially. Anonymous cases are those where the person speaking up is unwilling or feels unable to reveal their identity to you – you do not know who they are. Speaking up confidentially is when a 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).

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.

² It's important to listen and take appropriate act when workers speak up, irrespective of whether the matter might also constitute a qualifying or protected disclosure under the Public Interest Disclosure Act 1998. Doing otherwise compromises a healthy speak-up culture and means that learning and improvement opportunities will be wasted.

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

Workers need to know how to speak up and how to respond well to others speaking up. This includes thanking workers for speaking up, taking timely and appropriate action in response to the matter raised, and providing and seeking timely and meaningful feedback from those who have spoken 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.³

Disadvantageous and/or demeaning treatment

Workers should be able to speak up about concerns or make improvement suggestions without experiencing disadvantageous and/or demeaning treatment (often referred to as 'detriment').⁴

Workers who experience detriment, or witness or hear about it happening to others, may hesitate to speak up in the future. Such treatment has a negative impact on the lives of workers and potentially the services that they provide to patients and service users.

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.

³ The National Guardian's Office has issued [guidance on speaking up training for workers](#). In addition, in partnership with Health Education England, it has launched two of three [Freedom to Speak Up training modules](#) ('Speak Up, Listen Up, Follow Up') for healthcare workers. The three modules seek to clearly and consistently explain what speaking up is and its importance in creating an environment in which people are supported to deliver their best. The final module (Follow Up, for senior leaders) will be launched in March 2022 to support the development of Freedom to Speak Up as part of the strategic vision for organisations and systems.

⁴ Disadvantageous and/or demeaning treatment for speaking up may include being ostracised, given unfavourable shifts, being overlooked for promotion or moved from a team.

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 effectiveness 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 Employers, 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 Guardian

Freedom to Speak Up Guardians:

- Support workers to speak up, providing a key alternative route for workers to speak up
- Work in partnership with others in the organisations they support to tackle barriers to speaking up.

The National Guardian's Office published the [Freedom to Speak Up Guardian Job Description](#).

Appointment

Appointments to roles should be made based on fair and open competition, and the Freedom to Speak Up Guardian role is no exception.

A fair and open competition allows for the appointment of the best candidates for this important role. It also makes it more likely that workers will have confidence in their Freedom to Speak Up Guardian, including in their operational independence, impartiality and objectivity.

Freedom to Speak Up Guardians should be appointed through a fair and open process.

Confidence in the arrangements

Freedom to Speak Up Guardians are trained and expected to meet the full requirements set out in the National Guardian's Office's [Freedom to Speak Up Guardian Job Description](#). This is to ensure consistency of support for workers who approach a Freedom to Speak Up Guardian.

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

The Freedom to Speak Up Guardian role is challenging and the cases they handle can be sensitive and complex. The proactive element of their role requires them to engage with a range of stakeholders, as they identify and seek to remove barriers to speaking up.⁵

⁵ The [Care Quality Commission](#) consider the commitment to the Freedom to Speak Up Guardian role, including the provision of sufficient ring-fenced time, as an important element in their assessment of well-led. It is also included in [guidance](#) issued to trust boards, which includes an assessment of the amount of ring-fenced time for Freedom to Speak Up Guardians.

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
- 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.⁶

Recording cases and reporting data

Freedom to Speak Up Guardians are expected to record speaking up cases raised with 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 and the use of the Freedom to Speak Up Guardian route in an organisation.

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 Office⁷

Freedom to Speak Up Champions/Ambassadors

Some organisations have Freedom to Speak Up Champions or Ambassadors who work alongside Freedom to Speak Up Guardians to complement their work. These internal Freedom to Speak Up networks seek to raise awareness and promote the value of speaking up, listening up and following up. Many Freedom to Speak Up Guardians rely on these networks to address challenges posed by organisation size, geography and the nature of their work and help them support workers, especially those who may face barriers to speaking up.

The use of the Freedom to Speak Up Champion/Ambassador role should be reviewed, ensuring it is in line with [guidance](#) from the National Guardian's Office.

⁶ The NGO is developing guidance to help Freedom to Speak Up Guardians consider and have discussions about supporting this process.

⁷ This information informs understanding of the implementation, utilisation and development of the Freedom to Speak Up Guardian, as well as providing trends and themes in speaking up.

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 reports to the board play an important role in providing assurance to the board about the speaking up culture.

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

Speaking up is an opportunity to learn, develop and improve. Welcoming speaking up – however it happens – is an integral aspect of leadership. Embracing this allows Freedom to Speak Up to effectively contribute to the safety and quality of care and improvements in the working environment.

Leaders at all levels should understand that they set the tone when it comes to fostering a speak up, listen up follow up culture.

Senior Responsibility for Freedom to Speak Up

Working with the National Guardian's Office, NHS Improvement published guidance for NHS and foundation trust boards on Freedom to Speak Up. The guide sets out expectations and details individual responsibilities, including the role of executive lead 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

Effectively communicating an organisation's commitment to welcoming speaking up is important, including how workers can speak up and what they can expect in response.

In line with guidance from [NHS England and Improvement](#), 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

The [self-review tool](#) supports the standards laid out in the Guidance for NHS trust and NHS foundation trust boards on Freedom to Speak Up. It seeks to support trusts' review around the eight key lines of enquiry set out in the well-led framework.

NHS E/I Freedom to Speak Up self-review toolkit should be completed and shared in accordance with guidance from NHS England and Improvement.

Measuring speaking up culture

Leaders will want to be satisfied about the actions they're taking to support a positive speaking up culture, and so measuring the effectiveness of speaking up arrangements is important. There are many metrics to consider, including feedback from those who have spoken up.⁸

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 [guidance](#) for NHS trust and NHS foundation trust boards on Freedom to Speak Up, alongside the [Freedom to Speak Up self-review tool](#), seeks to help trusts in England identify areas for development and improve the effectiveness of leadership and governance arrangements in relation to Freedom to Speak Up.

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

The handling of investigations arising from speaking up cases was a reoccurring theme in case reviews. In a [case review report](#) published in June 2018, we noted a lack of guidance on the handling of investigations. We recommended guidance be

⁸ [Freedom to Speak Up supplementary information](#) provides further information on elements for assurance and triangulation with other metrics.

commissioned by the Department for Health and Social Care (please see Healthcare System section, below).

Terms of reference

Workers who speak up should have input into the terms of reference for any subsequent investigations.

Independent, trained investigators

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.

Timeliness

Speaking up cases should be investigated within reasonable timeframes and without undue delay.

Feedback

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

A speaking up policy is an important part of an organisation's speaking up arrangements.

The National Guardian's Office has developed a policy review framework to support Freedom to Speak Up Guardians and others to assess their organisation's speaking up policy.

NHS Improvement expects all NHS organisations in England to adopt its [Freedom to speak up: whistleblowing policy for the NHS](#), published in April 2016, as a minimum standard.⁹

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](#).

⁹ The national policy is currently under review.

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 from 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 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.

Healthcare system

Good practice fails to flourish when it is not supported from the top. Just as leadership fosters healthy cultures for organisations, speaking up can only become embedded at the organisational level when it is supported by the system.

National organisations must set the tone and role-model the good practice they require of others.

There needs to be alignment and consistency so that workers, wherever they are, receive a high quality, consistent response when they speak up.

We also made recommendations for external bodies, where reviews highlighted actions that involved the wider healthcare system, including for the National Guardian's Office, NHS Employers and the Care Quality Commission.

The following actions were taken, supporting these recommendations:

- The NGO updated [speaking up training](#) and guidance
- The NGO produced [guidance for the NHS regarding the content of speaking up training for workers](#)
- The NGO worked with NHS Employers and other stakeholders to support the production of [guidance on settlement agreements](#) and a fact sheet - published in February 2019 – spelling it out that settlement agreements do not silence health workers
- The CQC revised guidance on conducting [Fit and Proper Person reviews](#).

As mentioned above, we recommended that guidance, focusing on investigations into speaking up matters, be commissioned by the Department for Health and Social Care:

The following actions, supporting this recommendation, were subsequently taken:

- In November 2019, NHS Improvement requested that NHS trusts review their processes and procedures. Alongside this request, NHS Improvement included guidance to reinforce the need for greater consistency and an inclusive, compassionate and person-centred approach, whatever the circumstances, and to ensure that those involved in investigations should be fully trained and competent to carry out the role to which they have been assigned.
- NHS Employers published a [Professionalism and Cultural Transformation](#) toolkit to educate and empower staff to improve professionalism in their organisation. NHS England and NHS Employers have published good practice examples to implement a just and learning culture, which aims to remove barriers, encourage speaking up and learning from experiences to improve future practices and culture.
- In December 2020, NHS England and Improvement wrote to NHS trusts about the importance of raising concerns at the earliest opportunity. They shared a collaboratively developed disciplinary policy focused on promoting dignity and respect.

Further Reading



This document collates together the recommendations from the nine case review reports published by the National Guardian's Office from 2017-2021.

These reports can be found on the NGO's website at

<https://nationalguardian.org.uk/learning-resources/speaking-up-reviews/>

- [Blackpool Teaching Hospitals](#)
- [Whittington Health NHS Trust](#)
- [North West Ambulance Service NHS Trust](#)
- [Brighton and Sussex University Hospitals NHS Trust](#)
- [Royal Cornwall Hospitals NHS Trust](#)
- [Nottinghamshire Healthcare NHS Foundation Trust](#)
- [Derbyshire Community Health Services NHS Trust](#)
- [Northern Lincolnshire and Goole NHS Foundation Trust](#)
- [Southport and Ormskirk Hospital NHS Trust](#)

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				
	Existing provision /gaps	Action needed	Authorised action/ date for completion	Review date
<p>Valuing workers' views</p> <p>Workers' views should be valued, including consulting about changes to their services where appropriate.</p>				
<p>Speaking up culture</p> <p>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.</p>				
<p>Support to speak up</p>				

<p>Policies and procedures relating to speaking up (including the reporting and handling of incidents) should:</p> <ul style="list-style-type: none"> 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. 				
<p>Responding to speaking up</p> <p>The response to issues raised by workers should be in accordance with policies, procedures and good practice.</p> <p>Workers who speak up should be meaningfully thanked.</p> <p>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.</p>				

<p>Effective communication with those speaking up should be promoted in order to manage expectations effectively.</p> <p>Workers who speak up should be treated in accordance with the values of the organisation (where the NGO undertook its review): <i>openness, care, compassion and respect.</i></p> <p>Work should be completed to help workers – particularly those responsible for responding to speaking up matters – develop the skills to handle difficult conversations.</p>				
<p>Groups facing barriers to speaking up</p> <p>Organisations, working in partnership with the Freedom to Speak Up Guardian, should:</p> <p>seek to identify groups potentially facing barriers to speaking up and work towards addressing those barriers</p> <p>Support from the Workforce Race Equality Scheme (WRES) Implementation Team should be considered to help meet the needs of ethnic minority workers.</p> <p>A senior worker should be appointed as equality, diversity and inclusion lead. This role should be appropriately resourced.</p> <p>The cultural ambassador’s network should reflect the diversity of the workforce that it supports.</p>				
<p>Confidentiality and anonymity</p> <p>Speaking up arrangements, including the support provided by the Freedom to Speak Up Guardian, should appropriately protect workers’</p>				

<p>confidentiality, and demonstrate understanding and empathy for the needs of individuals.</p> <p>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.</p> <p>Alleged breaches of confidentiality should be appropriately investigated.</p>				
<p>Training – Speak Up, Listen Up and Follow Up</p> <p>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.</p>				
<p>Disadvantageous and/or demeaning treatment</p> <p>It should be communicated that detriment for speaking up will not be tolerated.</p> <p>Action should be taken to prevent detriment occurring.</p> <p>There should be procedures to allow cases of alleged detriment to be looked into effectively when they are reported.</p> <p>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</p>				

<p>detriment is found, appropriate action should be taken. The disciplinary policy should be amended to require such action.</p>				
<p>Bullying and harassment, poor working relationships and unwanted and/or unprofessional behaviours</p> <p>The programme of work to challenge unwanted and/or unprofessional behaviours should be continued and reviewed for effectiveness.</p> <p>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 effectiveness of those actions.</p> <p>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.</p> <p>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.</p>				
<p>Mediation</p> <p>Mediation should be actively promoted and facilitated, where appropriate, to resolve issues arising from speaking up.</p>				

Managers and HR workers should be up to date with guidance on explaining the value of mediation to workers.				
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FREEDOM TO SPEAK UP GUARDIANS				
	Existing provision /gaps	Action needed	Authorised action/ date for completion	Review date
<p>Appointment</p> <p>Freedom to Speak Up Guardians should be appointed through a fair and open process.</p>				
<p>Confidence in the arrangements</p> <p>Assurance should be obtained that the workforce has confidence in the Freedom to Speak Up Guardian arrangements.</p> <p>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.</p> <p>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.</p>				

<p>Ring-fenced time</p> <p>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.</p>				
<p>Support</p> <p>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:</p> <ul style="list-style-type: none"> • 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. 				
<p>Continuity</p> <p>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.</p>				

<p>Recording cases and reporting data</p> <p>In accordance with guidance from the National Guardian’s Office:</p> <ul style="list-style-type: none"> • 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 				
<p>Freedom to Speak Up Champions/Ambassadors</p> <p>The use of the Freedom to Speak Up Champion/Ambassador role should be reviewed, ensuring it is in line with guidance from the National Guardian’s Office.</p> <p>Freedom to Speak Up Champion/Ambassador networks should reflect the diversity of the workforce they support.</p>				
<p>Network meetings</p> <p>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.</p>				

<p>Board reports</p> <p>Freedom to Speak Up Guardian reports to the board (or equivalent) should be:</p> <ul style="list-style-type: none"> • 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. 				
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LEADERSHIP				
	Existing provision /gaps	Action needed	Authorised action/ date for completion	Review date
<p>Senior Responsibility for Freedom to Speak Up</p> <p>Assurance should be obtained that those with senior Freedom to Speak Up responsibility have the confidence of the workforce.</p>				
<p>Vision and strategy - Speaking Up</p> <p>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:</p> <ul style="list-style-type: none"> • 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 				

<p>Communications plan - Speaking Up</p> <p>In line with guidance from NHS England and Improvement, 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.</p> <p>Changes to the Freedom to Speak Up arrangements should be communicated to workers in a timely way.</p>				
<p>Freedom to Speak Up self-review toolkit</p> <p>NHS E/I Freedom to Speak Up self-review toolkit should be completed and shared in accordance with guidance from NHS England and Improvement.</p>				
<p>Measuring speaking up culture</p> <p>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.</p> <p>Incident reporting rates should be regularly reviewed to identify any areas which appear to be under-reporting and action taken to address this.</p>				

<p>Case review gap analysis</p> <p>Actions identified through the gap analysis of recommendations made in published case reviews should be implemented.</p>				
<p>Visibility and accessibility</p> <p>Leaders should be visible and accessible to all workers to promote a culture of visible and accessible leadership.</p>				
<p>Engagement</p> <p>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.</p> <p>The workforce should be informed as soon as is practicable following the decision regarding the future leadership of the organisation.</p>				
<p>Governance arrangements</p> <p>The effectiveness of governance arrangements should be improved, including the communication of information from 'board to ward' and back.</p>				

<p>Conflicts of interest</p> <p>NHS E/I's national guidance relating to the managing of conflicts of interest should be implemented.</p> <p>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.</p>				
<p>Investigations</p> <p>Workers who speak up should have input into the terms of reference for any subsequent investigations.</p> <p>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.</p> <p>Reasonable consideration should be given to workers' objections relating to the perceived independence of investigators.</p> <p>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.</p> <p>Speaking up cases should be investigated within reasonable timeframes and without undue delay.</p>				

<p>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.</p>				
<p>Action/Follow up</p> <p>Recommendations from a cultural review should be implemented.</p>				
<p>Policy - Speaking Up</p> <p>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.</p> <p>New and existing workers should be made aware of the speak up policy.</p>				
<p>Alignment with the Freedom to Speak Up Review principles</p> <p>All aspects of the organisation’s work should be consistent with the principles of the Freedom to Speak Up review.</p>				
<p>Other policies and processes</p> <p>Policies and processes should be supportive of all workers affected by the speaking up process, including those who are the subject of matters raised.</p> <p>Where a worker is going through a disciplinary process that also encompasses potential patient</p>				

<p>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.</p> <p>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.</p> <p>HR policies and procedures should:</p> <p>have the confidence of the workforce meet the needs of workers who speak up, including effective training for workers in human resources</p> <p>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.</p> <p>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.</p> <p>Those with responsibility for supporting workers to return to work from sickness absence should be</p>				
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<p>capable of implementing the relevant policies and guidance to manage this process.</p> <p>The policy for dealing with serious incidents should provide that feedback and any learning is shared with those who speak up regarding an incident.</p>				
<p>Fit and proper person review Fit and Proper Person reviews should be undertaken in accordance with good practice.</p>				