

Response by the National Guardian's Office to UK COVID-19 Inquiry - draft terms of reference

Please explain why you think the draft Terms of Reference do not cover all the areas that the Inquiry should address. Please answer the question in the textbox below.

The draft Terms of Reference should include freedom to speak up, meaning:

- Workers' knowledge of how to speak up about anything that gets in the way of them doing a great job, feeling psychologically safe to do so, and confident that they will be meaningfully heard.
- Leaders at all levels (including team, departmental, organisational, system and local/central government) appropriately listening and following up when workers speak up.

Please see the [NGO website](#) for further information about speaking up.

Workers' ability, confidence, and desire to speak up and – be met with an appropriate response when they speak up – is crucial for the safety and wellbeing of service users, the public and workers themselves. In healthcare, freedom to speak up is crucial for patient safety.

However, workers' freedom to speak up and the responses they received were variable and sometimes poor during the pandemic. It has been a recurring issue throughout the pandemic, including regarding matters such as:

- availability and suitability of personal protective equipment (PPE)
- the disproportionate impact of the pandemic on certain groups of workers
- concerns that 'do not attempt cardiopulmonary resuscitation' (DNACPR) decisions were being made without involving people, or their families and/or carers if so wished, and were being applied to groups of people, rather than taking into account each person's individual circumstances

These are examples from healthcare, but this is a pan-sector matter.

It is essential that lessons are identified and implemented so that we continue to embed speak up culture for the benefit of people who use services, workers and the wider public.

Do you think the Inquiry should set a planned end-date for its public hearings, so as to help ensure timely findings and recommendations?

Following up is just as important as listening, and potential lessons need to be identified and adopted. Timely findings and recommendations will promote this, notwithstanding the need for a fair and reasonable timeframe for the public hearings.

How should the Inquiry be designed and run to ensure that bereaved people or those who have suffered serious harm or hardship as a result of the pandemic have their voices heard?

Workers (including those in the health and care sector) have been at the heart of the response to the pandemic. However, some workers (including former workers) might not feel able to engage in the Inquiry. For example, we continue to hear reports about workers suffering disadvantageous and/or demeaning treatment due to speaking up, and this may discourage some workers from engaging with the Inquiry.

The Inquiry must be designed and run to ensure that workers' voices are heard, including:

- appropriate engagement
- appreciation of workers' circumstances (including fear of retaliation for speaking up)
- processes to ensure confidentiality

There should be clear communication to all leaders that those who participate in the inquiry must not experience retaliation for speaking up.

Some groups of workers may face barriers when it comes to speaking up, including workers from minority ethnic backgrounds, students and trainees, and those in non-permanent employment (e.g., agency, seasonal or casual work). We ask that meaningful consideration is given to ensuring that such groups have their voices heard.

We also suggest that explicit inclusion of freedom to speak up in terms of reference, as stated earlier in our response, will facilitate workers' voices being heard.

Submitted 6 April 2022