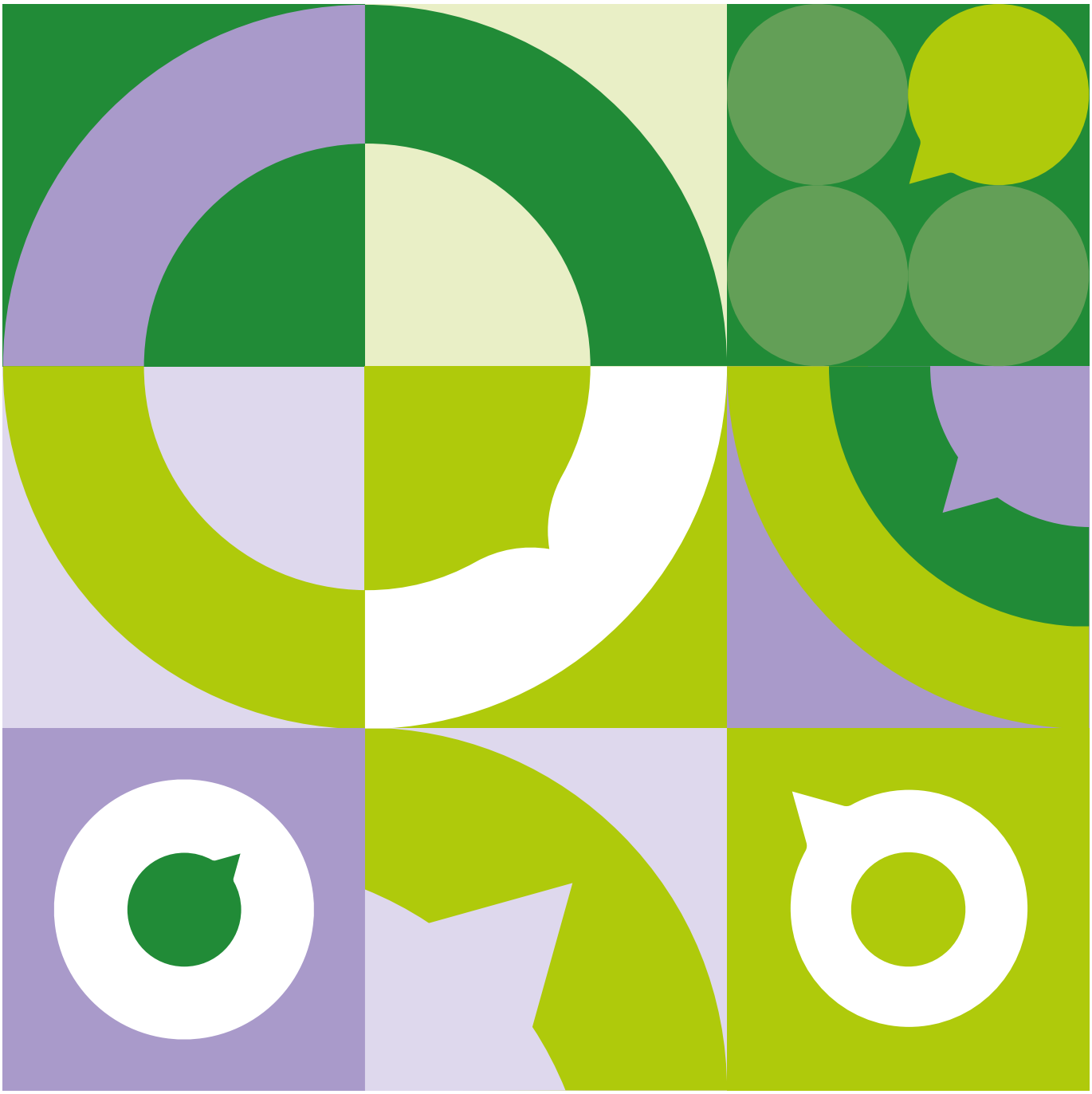
National Guardian's Office
Annual Report 2022

National Guardian
Freedom to Speak Up

Making Speaking Up business as usual



CP 701

National Guardian's Office

Annual Report 2021- 2022

Presented to Parliament by the Secretary of State for Health and Social Care by Command of His Majesty

January 2023

CP 701

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About us

The National Guardian's Office and the role of the Freedom to Speak Up Guardian were created in response to recommendations made in Sir Robert Francis QC's report "The Freedom to Speak Up" (2015).

These recommendations were made as Sir Robert found that NHS culture did not always encourage or support workers to speak up, and that patients and workers suffered as a result.

Our vision: that speaking up is business as usual in the healthcare sector in England.

What we do

The National Guardian's Office leads, trains and supports a network of Freedom to Speak Up guardians in England. There are over 800 guardians in NHS, independent and third sector organisations and national bodies who provide an additional way for workers to speak up about anything which impacts on their ability to do their job.

The Office also provides challenge and learning to the healthcare system as part of its remit. We conduct Speak Up reviews to identify learning and support improvement of the speaking up culture of the healthcare sector.

How we work:

As we achieve our vision, we will:

› Work in partnership
› Listen to diverse voices
› Embed Freedom to Speak Up in everyday practice
› Respond to and influence the changing landscape of healthcare
› Use data and intelligence to inform our decisions
› Regularly seek feedback on what we do.

We will role model the Freedom to Speak Up Guardian values of:

› **Courage:** speaking truthfully and challenging appropriately
› **Impartiality:** remaining objective and unbiased
› **Empathy:** listening well and acting with sensitivity
› **Learning:** seeking and providing feedback and looking for opportunities to improve.

National Guardian
Freedom to Speak Up

Ministerial Foreword

I am pleased the National Guardian's Office continues to grow in stature and influence under its new leadership and to read of the commitment and dedication of the Freedom to Speak Up guardians whose work is such an important part of improving the culture of speaking up across the NHS.

We know this is a challenging time for the NHS as we emerge from the pandemic. In such times, it is even more crucial we listen to the voices of those on the frontline by ensuring there is an environment in which staff feel confident they can speak up and that when they do, they will be heard and their concerns acted upon. This is an important priority for the government and for me personally.

Building a culture in which raising concerns is welcomed can make a profound difference to patient safety and the quality of services. It can help us identify and resolve problems as soon as they happen. It can counter bullying and harassment and make NHS organisations kinder and more effective places to work. We know from the lessons of the past that where we fail to build an open and welcoming culture, services risk failure, and patients suffer.

The Freedom to Speak Up Guardian network is an important component in developing this open culture. Guardians have now handled more than 76,000 cases since the creation of the network in 2016, which is testament to their central role in improving speaking up culture in the health service. With more than 40,000 cases raised in the past two years, I hope this significant increase helps to encourage more people in the NHS to speak up whenever they see something getting in the way of great care.

Through the work of the National Guardian's Office, the Freedom to Speak Up guardians, and the commitment of NHS staff, I am confident that we can deliver an NHS where speaking up becomes business as usual as this will help the NHS to provide high quality and safe care to patients.

Maria Caulfield MP

Parliamentary Under Secretary of State for Mental Health and Women's Health Strategy

National Guardian's First 100 Days

December 2021 – March 2022
It is a privilege to take up the role of National Guardian for the NHS.

I have worked in the NHS for over 30 years, beginning my career as a nurse specialising in end of life care. I know from my own experience the courage it can take to speak up. As a leader, I have experienced the benefits that workers speaking up can bring. This is why am I passionate about Freedom to Speak Up – because of the benefits, both for people who use our services and for all of us who work in them.

This Annual Report reflects on the continued impact of the pandemic on Freedom to Speak Up. As I stepped into the role in December 2021, the Omicron variant of coronavirus was beginning to spread rapidly, giving no relief for the sector which had been under immense strain due to the pandemic. Coronavirus has shown how vital it is that workers can speak up, whether that is for patient safety or for the safety of colleagues, or for anything which could impact upon doing their job.

Dr Jayne Chidgey-Clark
National Guardian for the NHS

My priority as National Guardian for my first 100 days was to listen.

First, to listen to workers. I want to understand what support they need to feel able to speak up safely. My aim is to work with others, to remove the detrimental outcomes which some suffer when they courageously speak up.

In our annual survey of Freedom to Speak Up guardians, 72% of respondents agreed that detriment was being taken seriously. But 42% said the response to detriment was not effective. And data from cases raised to guardians indicates a rise in detriment. We will continue to work in partnership with others to eliminate it.

72%

Of respondents agreed that detriment was being taken seriously.

42%

Said the response to detriment was not effective.

Source: Freedom to Speak Up Guardian Survey 2021 https://nationalguardian.org.uk/wp-content/uploads/2022/03/2021-FTSUGuardian-Survey-Report.pdf

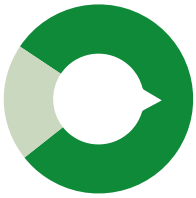
Secondly, I pledged to listen to Freedom to Speak Up guardians to understand what is working well, and how we can continue to support their wellbeing and development, so they can continue to execute their complex and vital role consistently and effectively.

The Freedom to Speak Up Guardian role is complex and often isolating. Guardians listen and support workers, some in challenging moments of their careers. In our annual survey, almost half of the Freedom to Speak Up guardians who responded said that they felt their role as a Freedom to Speak Up Guardian reduced their emotional and psychological wellbeing. It is critical that guardians have the support they need from their leaders and their organisations so that, in turn, they can support workers who speak up to them.

I was delighted to lead our first virtual conference bringing Freedom to Speak Up guardians together for the first time since the pandemic began. The theme of the conference was Freedom to Speak Up: Past, Present and Future – an opportunity to reflect on how Freedom to Speak Up culture and the network has developed; to focus on current issues for the network, including wellbeing, inclusion and practical skills; and look to the future development of Freedom to Speak Up and the guardian role.

Finally, my priority was to listen to leaders, to understand more about their impact in effecting lasting behaviour change, improving speak up culture throughout the healthcare sector.

Freedom to Speak Up guardians do not work in isolation. Leaders must set the tone when it comes to fostering a healthy Speak Up, Listen Up, Follow Up culture. In 2020, 80% of Freedom to Speak Up guardians who responded to the NGO's survey said senior leaders supported workers to speak up. But in 2021 this has fallen to 71%. This reduction gives me cause for concern.



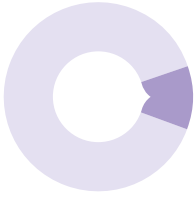
80%

Of Freedom to Speak Up guardians who responded to the NGO's 2020 survey said senior leaders supported workers to speak up.

71%

In 2021 this has fallen to 71%.

Also of concern is the indication from over 12% of respondents that their senior leaders did not understand the Freedom to Speak Up Guardian role.



12%

Of respondents said that their senior leaders did not understand the Freedom to Speak Up Guardian role.

Source: Freedom to Speak Up Guardian Survey 2021

The National Guardian's Office works to influence leadership across the healthcare sector, championing the vital role of leaders in developing positive speak up cultures.

As part of this work, in April 2022 we launched the third and final module in the Freedom to Speak Up e-learning package, developed in association with Health Education England. This module – Follow Up – has been developed for senior leaders throughout healthcare to help foster a consistent and effective Freedom to Speak Up culture in their organisations.

On my first day in the role, the Department for Health and Social Care published the Adult Social Care Reform White Paper setting out their new programme of improvements for adult social care. As part of a focus on wellbeing, the White Paper set out plans to explore ways in which Freedom to Speak Up guardians can be introduced in the social care sector. I look forward to working with the Department and social care colleagues as we develop this work.

I am pleased that the National Guardian's Office is one of the 28 named organisations who have supported the development of the Universal Principles for Advance Care Planning[1]. I welcome the inclusion of the sixth principle: "Anyone involved in Advance Care Planning is able to speak up if they feel that these universal principles are not being followed". The National Guardian's Office will work with partners in the implementation of these principles.

[1]https://www.england.nhs.uk/publication/universal-principles-for-advance-care-planning/

It is critical to success that Freedom to Speak Up is implemented consistently within organisations so that it meets the needs of the workforce who are vital to high quality, safe and effective care. But this is not just about supporting workers. Organisations and their leaders need to be supported to do this by regulators who themselves role model listening up and following up.

My priority in my first 100 days in the role has been to listen. I will be using what I hear to inform and prioritise my actions and that of the Office, guided by the National Guardian's Office Strategic Framework published in 2021[2].

Leading organisations have shown how Freedom to Speak Up can go beyond aspirations to real, lived experience for everyone. As we develop the evidence base for embedding Freedom to Speak Up, we can work to ensure that the benefits of fostering a Speak Up, Listen Up, Follow Up culture can be unlocked for us all – workers, leaders, people who use services, and society as a whole.

The Freedom to Speak Up movement has been a catalyst for positive change but there is still much more to be done. Together we can build upon the foundations of the past five years, and give the workers and the people we serve, the services they so richly deserve.

[2]https://nationalguardian.org.uk/wp-content/uploads/2021/07/NGO-Strategic-Framework-2021.pdf

The Freedom to Speak Up movement has been a catalyst for positive change but there is still much more to be done. Together we can build upon the foundations of the past five years, and give the workers and the people we serve, the services they so richly deserve.

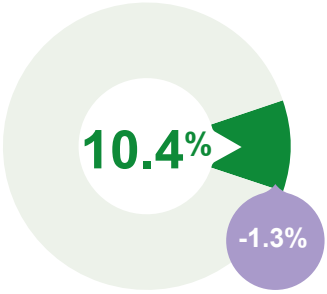
Dr Jayne Chidgey-Clark
National Guardian for the NHS

Supporting Freedom to Speak Up throughout the Pandemic

Cases raised to Freedom to Speak Up guardians

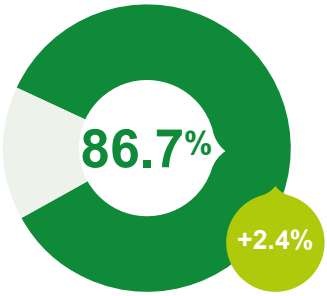
Total number of cases since 2017

76,280



Cases raised anonymously

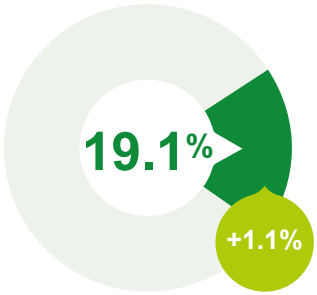
Down from 11.7% in 2020/21 to 10.4% in 2021/22.



Feedback

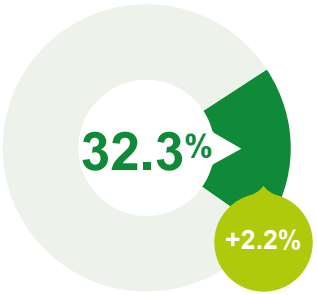
86.7% of those from whom feedback had been received said they would speak up again, up from 84.3% in 2020/21.

What are people speaking up about?



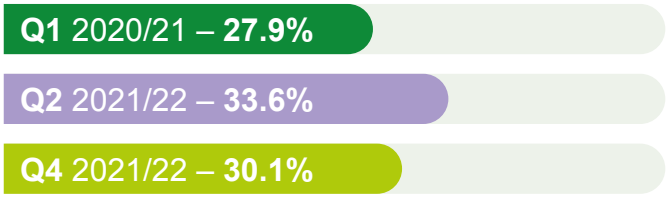
Cases with an element of patient safety/quality

19.1% – up from 18% in 2020/21.

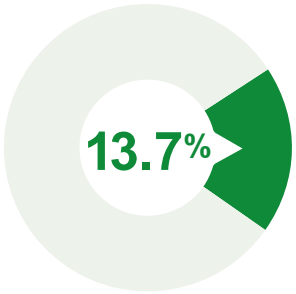


Cases with an element of bullying or harassment

32.3% – up from 30.1% in 2020/21.



In Q1 2020/21 – around the start of the pandemic – 27.9% of cases had an element of bullying or harassment. During the course of the pandemic, this rose – peaking at 33.6% in Q2 2021/22. Since then, it has come down (30.1% in Q4 2021/22).

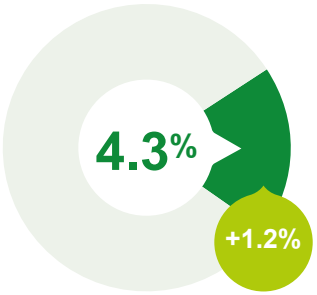


Cases with an element of worker safety

13.7% of cases had an element of worker safety. This is a new category which we introduced in 2021/22.

Examples of worker safety could include:

› lone working arrangements, especially at night
› insufficient access to personal protective equipment (PPE)



Cases where detriment was indicated

Detriment was indicated in 4.3% of cases, up from 3.1% in 2020/21.

Source: Annual Speaking Up Data Collection 2021-2022 https://nationalguardian.org.uk/learning-resources/

Our Publications and Outputs

Winter 2020

Launch of Listen Up Training – publication of Freedom to Speak Up Guardian Survey and FTSU Index.

Spring 2021

Launch of Freedom to Speak Up Guardian Guidance on Developing Freedom to Speak Up Champion and Ambassador Networks.

Summer 2021

Exploring Freedom to Speak Up in Primary Care and Integrated Care Settings published – Annual Data Report published – NGO Strategic Framework published

Autumn 2021

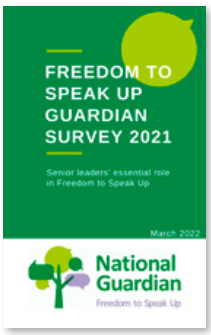
Publication of Difference Matters – Speak Up Month – Blackpool Teaching Hospitals Case Review published

Winter 2021

Dr Jayne Chidgey-Clark appointed National Guardian – DHSC announce piloting of Freedom to Speak Up guardians in social care – HSJ Award for Freedom to Speak Up Organisation of the Year – Learning from Case Reviews Gap Analysis Tool published

Spring 2022

Publication of Freedom to Speak Up Principles for the Speak Up Partnership Group – Publication of Freedom to Speak Up Guardian Survey – NGO Conference for Freedom to Speak Up guardians – Publication of Principles for Advanced Care Planning



Our Strategic Framework

Freedom to Speak Up should be available to everyone in the healthcare system, irrespective of where they work.

Over the past five years, the work of the National Guardian's Office has shown that the promoters and barriers of speaking up are universal.

Universal principles for creating a Speak Up, Listen Up, Follow Up culture – and implementing the Freedom to Speak Up Guardian role – will promote consistency and support development of the speak up culture in integrated care systems.

Our Strategic Framework sets out the intention of the National Guardian's Office to obtain greater assurance about speaking up cultures and the quality and consistency of how the Freedom to Speak Up Guardian role is implemented.

We have themed our strategic framework into four core pillars of support: workers; Freedom to Speak Up guardians; leadership; and the healthcare system.

Workers
To champion and support workers to speak up
Freedom to Speak Up Guardians
To enhance the Freedom to Speak Up Guardian role
National Guardian
Freedom to Speak Up
Healthcare System
To support health system alignment and accountability
Leadership
To support and encourage leadership at all levels to foster a Speak Up, Listen Up, Follow Up culture

Workers – Speak Up

Despite improvement over the past five years, more needs to be done to foster a Speak Up, Listen Up, Follow Up culture, where workers are listened to and appropriate action taken as a result.

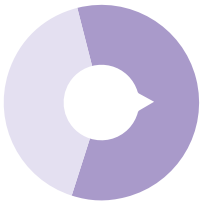
Throughout the pandemic, we continued to hear reports of the suppression of the voices of workers. The report by NHS England into the raising of concerns at West Suffolk NHS Foundation Trust illustrates what happens when speaking up is viewed as a threat, when those who speak up are the focus, rather than the matters raised.

The report by Donna Ockenden into the Maternity Services at The Shrewsbury and Telford Hospital NHS Trust shared the voices of workers who were fearful of speaking up about concerns they had about care.

These high profile cases have a chilling effect on the whole sector, and erode trust in the speaking up process.

Barriers to speaking up: Fear and futility

Freedom to Speak Up guardians' perceptions of what stops people from speaking up.



58.3%

Concern nothing will be done

69%

Fear of retaliation/suffering as a result of speaking up

We continue to champion speaking up and to provide training tools for workers so that they understand how they can speak up and what to expect when they do.

We have launched 'Speak Up, Listen Up, Follow Up', an e-learning package in association with Health Education England for everyone who works in healthcare.

Access is via Health Education England's e-Learning for Healthcare: **www.e-lfh.org.uk/programmes/freedom-to-speak-up/**

Number of Speak Up elearning modules completed: **50,765**

Source: Freedom to Speak Up Guardian Survey 2021

100 Voices Story: **Speaking up about burnout**

The Freedom to Speak Up Guardian at Northern Lincolnshire and Goole NHS Foundation Trust, Liz Houchin, received an email from a worker acting as spokesperson for a group who had concerns which they had raised previously with managers.

The worker said, “We decided to speak to the guardian because as a group we were feeling exhausted, burnt out and the working environment was starting to impact on our home lives. We knew we could not carry on if things stayed the same. We had spoken to our managers previously, but nothing had changed. Contacting the guardian was very easy – Liz responded quickly and arranged to meet us to discuss our concerns.”

During the meeting, Liz and the team members talked through the concerns and discussed what outcomes they would like to achieve. They said they wanted to feel valued, listened to and be involved in making service decisions.

The concerns included:

› Staffing levels leading to unmanageable workloads

› Impact of Covid on ways of working resulting in additional workload which they felt should be managed elsewhere

› Lack of working mobile technology

› New ways of working that had been introduced which were not working as well as could be

› Impact on morale

› Consistency of HR policies.

Liz then met senior managers, who arranged an urgent meeting with the team to discuss the issues and from that meeting, the following outcomes were achieved:

› An acknowledgement that communication was not always as good as it could be, and the team and the managers agreed to work on improving this together

› Communication arrangements were agreed to ensure that the team felt they were not only kept informed but involved in decision making going forward, and that they could speak to senior managers should they have concerns or suggestions to improve service delivery in their area

› Senior leaders undertaking an establishment review and the outcome of that shared

› A commitment that decisions made would involve everyone concerned and that everyone could and should contribute to discussions

› An understanding that there needs to be a consistent approach to policies.

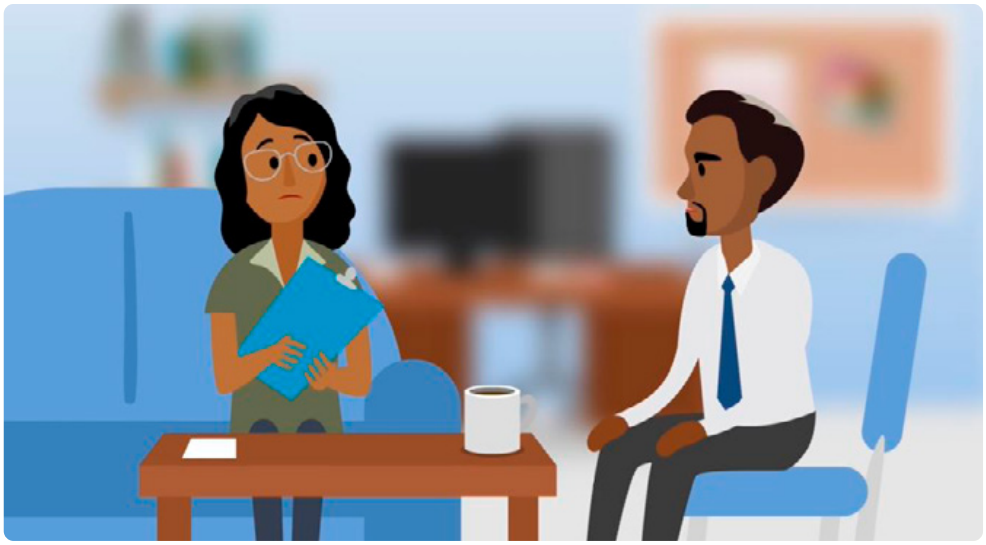
Liz contacted the team and asked if they were happy with the outcomes. “It finally felt that we were being listened to and our opinions and thoughts mattered,” they said. They said that the whole experience had been very positive and wanted to share their experience to encourage others to speak up.

Liz Houchin

Freedom to Speak Up Guardian,
Northern Lincolnshire and Goole
NHS Foundation Trust

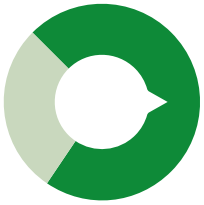
Managers – Speak Up, Listen Up

Speaking up begins with a conversation, usually with a line manager. How the manager reacts has a significant impact on the perception of whether speaking up is welcomed.



Managers play a vital role in fostering a speak up culture and the psychological safety of workers. That is why it is essential that they are supported to listen and respond effectively.

The second module of the e-learning package – Listen Up – is for managers at all levels and focuses on listening and understanding the barriers to speaking up.



72%

72% of Freedom to Speak Up guardians felt valued by managers in the organisation(s) they support.

Number of Listen Up modules completed: **5,514**

Source: Freedom to Speak Up Guardian Survey 2021

100 Voices Story: **A Manager's view**

Rebecca Sheldon, a senior manager at Chesterfield Royal Hospital NHS Foundation Trust shares her journey of reflection, from distrust of Freedom to Speak Up to become a champion of speaking up.

As a manager, the words 'Freedom to Speak Up' had filled me with dread and fear.

When my manager spoke to me about a speaking up case, my heart sank. I was upset, angry, confused and felt a bit lost and lonely, as it had come completely out of the blue.

My manager and I met with Abbey Harris, the Freedom to Speak Up Guardian to attempt to understand the issues. But at this point, I was still feeling very negative and defensive about the incident and the Freedom to Speak Up process. I felt I didn't have a voice.

Being spoken up about made me feel very vulnerable. It got to the point of me handing in my notice – which thankfully wasn't accepted.

Abbey offered to help me improve the speaking up culture in my team. I reluctantly agreed to work with her in doing some Freedom to Speak Up training, as well as to present a general Freedom to Speak Up session for my whole team.

Through the training, which is aimed at managers, I was able to see that the role of the Freedom to Speak Up Guardian is to work with managers, not against them.

And following the presentation, two members of my team felt confident enough to approach me and ask if I would support them in becoming Freedom to Speak Up Champions.

I now work alongside the Freedom to Speak Up Guardian, to share learning internally and externally, and to support others in a similar position to the one I found myself in earlier in the year.

I've been able to work with Abbey and my leadership team to roll out the "Freedom to Speak Up Manager's Handbook" and run an awareness session with the rest of the department. The department has seen how the Freedom to Speak Up Guardian is working with the leaders in the team which in turn I believe is only enhancing a positive speaking up culture within the department.

Speaking up is becoming a normal part of everyday life in my team. I encourage them to talk with me so I can listen without judgment and offer support when required. Sometimes they might want to speak to someone who is not their manager or is separate from the team – like the Freedom to Speak Up Guardian – which I encourage.

I co-presented my journey with Abbey to the public Board of Directors in early 2022. This led other managers in similar positions to come forward and get support.

Speaking up about my experience has shown that for learning, improvement and growth to truly take place, both individually and culturally, the speaking up process must also be clear about the importance of engaging with and providing appropriate support to those who are spoken up about as well.

As a manager who has been spoken up about, I've had the opportunity to speak up and, more importantly, feel I have been listened to. Working more closely with Abbey has altered my thoughts and approach to speaking up.

As a result I have had the opportunity to help shape the future of speaking up in the organisation to ensure all parties involved have the support needed.

Rebecca Sheldon

Senior Manager at Chesterfield Royal Hospital NHS Foundation Trust

Leadership – Speak Up, Listen Up, Follow Up

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 must understand that they set the tone when it comes to fostering a Speak Up, Listen Up, Follow Up culture.

Yet high profile cases continue to indicate that not all leaders view speaking up as an opportunity, or that the information which speaking up brings as a gift.

These cases show the damaging effect that this attitude has, not just in the speaking up processes of that organisation, but in ripples across the system. This in turn erodes the confidence of workers and the outcomes for people who use services.

Some Freedom to Speak Up guardians report that they are not always supported or that speaking up is not always viewed as an opportunity for learning and improvement in their organisation.

The third and final module of the Freedom to Speak Up eLearning – Follow Up – has been developed for senior leaders throughout healthcare – including executive and non-executive directors, lay members and governors. This module aims to promote a consistent and effective Freedom to Speak Up culture across the system which enables workers to speak up and be confident they will be listened to and action taken.

The module asks leaders to be reflective and curious, with practical suggestions to improve the speaking up culture in their organisation. We are encouraging all leaders to use this as a further prompt to have a conversation with their Freedom to Speak Up guardians, engage deeply with their speaking up culture, and to use the learning from speaking up to strive for excellence.

The role of leadership in achieving a Speak Up, Listen Up, Follow Up culture continues to be an area of focus for us in the coming year.

Freedom to Speak Up guardians' access to leadership

81.3% +3.8%

Reported to their boards (or equivalent) in person, up 3.8 percentage points from the previous year.

70.8% -10%

Senior leaders supported workers to speak up, down 10-percentage points (80.2%, 2020).

81.9% -5%

Had direct access to the non-executive director (or equivalent) with speaking up as part of their portfolio, down five percentage points (87.7%, 2020).

83.1% -11%

Had sufficient access to the board, down 11-percentage points (94.0%, 2020).

Source: Freedom to Speak Up Guardian Survey 2021

Case Study: **Solent NHS Trust**

In the 2021 NHS Staff Survey, 79% of workers at Solent NHS Trust agreed with the question "I feel confident to speak up about anything that concerns me in my organisation." This was the highest score for an NHS Trust, with the average being 62%.

Talking about Solent NHS Trust's positive speaking up culture, Andrew Strevens, Chief Executive says: "Speaking up matters because it gives us the opportunity to learn when things go wrong – it means people can speak their truth and be heard and we can collectively act in a timely way. By doing that we continue to improve and learn together as one team, maintaining patient and employee safety and sharing positive experiences from around our organisation.

Q “Within Solent, through living our values, we have created a compassionate and inclusive culture which is evidenced through our staff survey results – this has led to a growing and positive speaking up culture. When people feel psychologically safe and able to be their authentic selves, it helps them feel able to speak up and express their concerns. When people do speak up, we respond with kindness and civility – our staff survey results evidenced that 86.1% of people who responded said that they would feel secure raising a concern about unsafe clinical practice and 79.4% of people said that they felt confident the organisation would address their concerns.

Q “We foster a culture where speaking up is ‘business as usual’, encouraging people to have conversations when they feel that something isn’t right. There are numerous speaking up routes within Solent and we understand that people will have their own preferences around how they would like to share their concerns. We also recognise that it takes real courage and bravery to do this so we ensure that we regularly promote all the different types of support available, from line management conversations to staff network groups and Freedom to Speak Up guardians.”

Andrew Strevens

Chief Executive at Solent NHS Trust

Healthcare System

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

Sometimes, workers may feel that speaking up using internal arrangements is not appropriate, either because they have tried to speak up before and no action has been taken, or they have been met with a negative response.

Our recent reviews have shown that when workers then speak up to national bodies, they have a variable, and sometimes poor response.

The National Guardian's Office has brought together national bodies in a Speak Up Partnership Group. The aim of the group is to develop an aligned, consistent and supportive response when workers speak up to them.

Together with the members of the Speak Up Partnership Group, we have developed twelve key principles to support this aim. The principles serve as a framework for national bodies to use as they work towards implementing and embedding policies and procedures to ensure that workers who speak up are supported and the right actions taken.

Principles for Responding to Speaking Up

1. There will be clear and accessible information on how to speak up.
2. Speaking up processes will be designed so that all workers can speak up easily.
3. Everyone who speaks up will be thanked.
4. Where appropriate, workers will be encouraged and supported to speak up locally.
5. If another organisation (e.g. another national body) better addresses a matter, workers will be supported to speak up to that organisation.
6. Workers will be offered information on other sources of advice and support.
7. Workers speaking up will be provided with a response in a timeframe that is made clear to them.
8. Responses to speaking up will include details setting out how the information provided was used for learning and improvement.

9. The confidentiality of those who speak up will be respected, subject to the need to ensure safeguarding requirements are met.
10. Where matters are raised anonymously, they will be responded to in accordance with these principles to the extent possible.
11. Workers will be given the opportunity to feedback on their experience of speaking up.
12. The speaking up arrangements' effectiveness will be monitored, and opportunities to improve taken.

Working in Partnership

With **NHS England** we have been working together to develop a revised version of the National Integrated Freedom to Speak Up Policy. The new universal policy applies throughout the NHS and to all organisations delivering NHS services. We have also helped to develop guidance to support this new policy, together with a self-reflection tool to help leaders identify opportunities for improvements in their speak up culture.

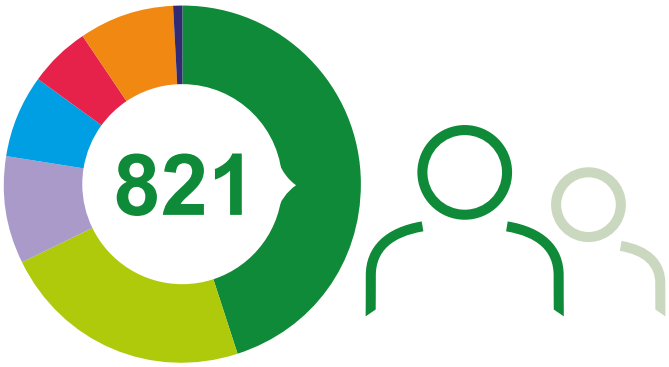
We have been working with the **Care Quality Commission** on the inclusion of Freedom to Speak Up as a quality indicator in their new regulatory framework.

Freedom to Speak Up Guardians

Freedom to Speak Up guardians provide an additional route to support workers to speak up.

Freedom to Speak Up guardians perform a vital function in the workplace, as evidenced by the over 76,000 cases that have been handled since they have been established. Their 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 help to identify and seek to remove barriers to speaking up.

Since its foundations in 2016, the Freedom to Speak Up network has grown, both in numbers and diversity of organisations. There are now over 800 Freedom to Speak Up guardians supporting hundreds of organisations across healthcare in England, including NHS trusts, primary medical services, hospices and national bodies.



Total number of guardians: 821

Trusts 370

Independent Provider 188

National Body 80

Hospice 60

CCG/ICS 46

Primary Medical Services 71

Other 6

As at 31 March 2022

To perform their role effectively, Freedom to Speak Up guardians must have the necessary knowledge, confidence and credibility so that they meet the needs of the workers and organisations they support.

As the network expands we continue to see divergence in how the role is being implemented and supported. Our future work programme includes plans to address both these areas with a view to consistency and improvement.

Freedom to Speak Up guardians trained: 492 (January 2021 – March 2022)

Source: Freedom to Speak Up Guardian Survey 2021

How ring-fenced time effects the Freedom to Speak Up Guardian role

A fifth of respondents (20.8%) with no ring-fenced time said they spent 100% of their time in the guardian role on reactive elements of the role.

This compares to 4.9% of those with ring-fenced time.

A greater proportion of respondents with ring-fenced time, 34.6%, said they split their time 50:50 compared to 21.7% of respondents with no ring-fenced time.

Respondents were asked if they thought their time split felt right to them. Thirty seven per cent (36.8%) of those with no ring-fenced time said this proportion felt right compared to 46.3% of respondents with ring fenced time.

Source: Freedom to Speak Up Guardian Survey 2021

Supporting Freedom to Speak Up Guardian development

We held three Community of Practice sessions to complement the support which local Freedom to Speak Up network meetings give guardians. As well as the opportunity to meet new colleagues and develop and spread good practice, these also developed group facilitation skills for Freedom to Speak Up guardians to support both their peer networks and internal meetings.

To improve consistency in how the role is performed, new blended learning Foundation Training will be rolled out in 2022, the e-learning element of which will also serve as refresher training for existing guardians.

The Freedom to Speak Up Guardian Values

The Freedom to Speak Up Guardian role requires **courage, impartiality, empathy** and **learning.**

Courage

We know that it can take courage to speak up, no matter what your role or seniority. For Freedom to Speak Up guardians, the courage to speak truth to power and challenge appropriately is a core requirement of their role.

This makes the role rewarding in that it can be a catalyst for positive change, but it can be challenging and leave people feeling vulnerable and isolated if the response is not one of welcome curiosity.

Freedom to Speak Up guardians are often approached by people in distress, about the most serious of matters. This has never been more true than during the pandemic. This can take its toll on their health and wellbeing.

That is why it is vital that Freedom to Speak Up guardians are given the time and resources from their organisation to access support to look after their emotional and psychological wellbeing.

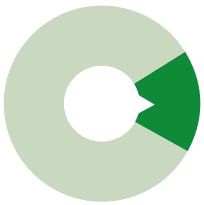
Freedom to Speak Up guardians support one another – whether through buddies or guardian networks. The National Guardian's Office provides support calls and access to a 24 hour, 7 day a week helpline where guardians can seek a range of support on a wide variety of topics.

However, visible support of leadership is most important to Freedom to Speak Up guardians' sense of wellbeing. Open lines of communication, welcoming feedback on speaking up issues, and discussing challenges with a genuine problem-solving mindset are all ways which leaders can show Freedom to Speak Up guardians that they value speaking up and the work that guardians do.

Yet we have heard that some guardians face indifference from leadership, or in extreme cases that guardians have been victimised for effective performance of the very job expected of them.

49.2%

Felt that their role as Freedom to Speak Up Guardian somewhat reduced their emotional and psychological wellbeing.



17.7%

Said the role improved their emotional and psychological wellbeing.

Respondents without ring-fenced time were more likely to report that their role as a Freedom to Speak Up Guardian was reducing their emotional and psychological wellbeing.

Source: Freedom to Speak Up Guardian Survey 2021

Empathy

The Freedom to Speak Up Guardian role requires empathy and understanding of people's experiences, even if they are different to their own.

The disproportionate impact of the pandemic on minority ethnic healthcare workers has highlighted how vital inclusion is for worker safety and wellbeing. Inclusion is essential for a healthy Speak Up, Listen Up, Follow Up culture.

There has been little research into the impact a person's protected or other characteristics have on speaking up. We commissioned research looking at people's experiences of accessing their Freedom to Speak Up Guardian and whether ethnicity has an impact. The research was produced by brap – the equalities charity – and Roger Kline OBE[3].

The research found that Black and minority ethnic respondents were six times more likely than white respondents to say that they were more likely to raise a concern with a Guardian of the same ethnicity as themselves.

Compared to their white colleagues, discrimination was far more likely to feature in issues experienced by Black and minority ethnic workers involved in the research. There was an assumption that a Black or minority ethnic Guardian would understand and take seriously issues around bias and discrimination, which was reflected in their preference to speak up to a Freedom to Speak Up Guardian of the same ethnicity.

Despite these reservations, the research found that Black and minority ethnic workers who did speak up had comparable experiences to white workers. Black and minority ethnic workers who had spoken up also reported that they thought Freedom to Speak Up guardians had a good understanding of discrimination and bias, were empathetic and had good listening skills.

It is clear that more work needs to be done to explore the many factors that can influence whether, when, and to whom a worker will speak up.

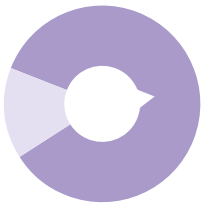
We continue to support Freedom to Speak Up guardians so that they can support all workers skilfully and sensitively, and work within their organisations to encourage a deep understanding of how barriers to speaking up can be recognised and mitigated. We are working with NHS England on the delivery of a commitment in the People Plan to develop training for Freedom to Speak Up guardians on supporting an inclusive speak up culture for Black and minority ethnic workers.

Impartiality

Every person seeking the support of a Freedom to Speak Up Guardian should expect to receive the same high quality service, be listened to without judgment, safe in the knowledge that what they are saying will be taken at face value.

This is a statement of intent, a promise that the focus will be on whatever information is being shared, rather than who is saying it and why. This is one of the most challenging aspects of the role to fulfil not least because of the multitude of information and data that guardians process as a result of every case they deal with, but also because they can be supporting several people involved in the same issue at the same time.

Equally challenging is the great responsibility placed on guardians to remain neutral in every situation, harder still when they are dealing with matters which may test their values and moral beliefs. The case data they collect must be interpreted and presented in a way that minimises bias and avoids unrealistic comfort giving, preserving people's confidentiality while breathing life into the stories and experiences at the heart of the data. This is the reality of the Freedom to Speak Up Guardian role. Yet they are able to overcome these significant obstacles and of those who feedback to their guardian, 86.7% say that they would speak up again.



86.7%

Would speak up again.

[3]https://nationalguardian.org.uk/wp-content/uploads/2021/09/Difference_Matters.pdf

Learning

As part of our mission to make speaking up business as usual, we carry out reviews where we have information indicating barriers to speaking up.

Case reviews seek to identify learning, recognise innovation support improvement, and, ultimately, improve the experience of workers, patients, and the public.

The National Guardian's Office received information indicating that a speaking up case may not have been handled following good practice at Blackpool Teaching Hospitals NHS Foundation Trust. The information received also suggested Black and minority ethnic workers had comparatively worse experiences when speaking up.

Based on focus groups and interviews with Trust workers, and analysis of internal processes and data, we published a report reviewing information about the Trust's speaking up culture and arrangements and its support for its workers to speak up.

The review found that there were long-standing issues with the Trust's speaking up culture. There was a perception among some workers that speaking up was futile. Minority ethnic workers – and other groups – also reported facing barriers to speaking up.

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The review found that work was underway to improve the organisation's speaking up culture, and there was information that this was beginning to make a difference. Changes at a leadership level in the trust were also facilitating that improvement.

We published a report of our findings[4] with recommendations for actions which national bodies and the healthcare system as whole can take to support organisations, including bringing national guidance into line with good practice and make that guidance universally applicable.

Learning from reviews

We have collated recommendations[5] from the nine case review reports and grouped them thematically. To help with gap analysis, we have included a tool[6] which can be used to review arrangements and develop plans and actions for improvement.

This can be used be used, along with other guidance published on the NGO website, as a self-review tool to identify and improve gaps in organisations' speaking up arrangements, for the benefit of workers and organisations.

[4]https://nationalguardian.org.uk/2021/10/14/blackpool-teaching-hospitals-case-review/

[5]https://nationalguardian.org.uk/wp-content/uploads/2021/12/Learning_from_Case_Reviews.pdf

[6]https://nationalguardian.org.uk/wp-content/uploads/2021/12/FTSU_Gap_Analysis_Tool.docx

100 Voices Story: **People before processes**

A domestic worker in one of our challenging in-patient units felt bullied in the workplace and was facing losing his job.

He had a learning disability which affected his ability to speak up for himself. He would become tongue tied – get his words mixed up, become very stressed and overwhelmed. He also suffered with poor mental health and high levels of anxiety.

During the first Covid lockdown his anxiety was very high, and he became very worried about his family. He was afraid that he could pick up Covid at work and bring it back home to his vulnerable family members.

At the same time he was being very heavily criticised for his work. His supervisor would walk him about the unit pointing out the areas he had missed that morning in front of others. He also found out that he had a derogative nickname.

He became ill and was signed off with stress. Occupational Health advised that he could not go back to work in the same area. As a consequence, he was then taken down a redeployment route. If he did not find himself an alternative job by the end of February 2022 the Trust would terminate his contract. He was given no support finding an alternative job.

After I met with this worker, I met with his Service Director, Senior Manager and HR Business Partner and relayed his story to them with his permission. They were shocked and dismayed at the situation. This service had so many vacancies in other departments close by; all that need to happen was for him to be transferred into one these.

The redeployment process was stopped, and the worker was transferred to a vacant post elsewhere. A formal investigation was carried out into the allegations of bullying and harassment which has since been concluded.

This member of staff did not fully understand some of the conversations which were had. There was a lot of ‘HR speak’ and this was fed back to HR who have improved their processes, including the process for redeployment.

In addition, the findings from the investigation were fed back to the senior line manager who has incorporated the learning from this experience into new ways of working within the department.

If the Freedom to Speak Up service had not been contacted, we would have lost a great worker for no good reason, not to mention the impact on him as a person. We have a much happier worker and one less vacancy to fill.

Anne Hiscock

Freedom to Speak Up Guardian,
Dorset HealthCare University

Universal Guidance

In 2019, the National Guardian's Office began a two-year project working with primary care providers to understand how the Freedom to Speak Up Guardian role could be introduced in primary care and integrated settings.

We published a report[7] to share the learning from our observations of a variety of organisations and the different Freedom to Speak Up models they have adopted.

The report shows that the universal nature of the promoters and barriers to speaking up requires, in response, universal principles for embedding effective speaking up arrangements and implementing the Freedom to Speak Up Guardian role.

We identified two models to support primary care organisations in developing their speaking up arrangements, bridging across the silos of GP, dental, optometry and pharmacy.

1. **Freedom to Speak Up within an organisation** – an individual organisation model – such as a GP practice or dental surgery; or a Clinical Commissioning Group (CCG)
2. **Freedom to Speak Up within a network or defined structure** – a partnership model – for example Primary Care Network or alliance between opticians; a local support model – for example, practices supported by their local committee, CCG or NHS Trust; or an Integrated Care System Model.

[7]https://nationalguardian.org.uk/wp-content/uploads/2021/06/Exploring-Freedom-to-Speak-Up-Primary-Care-Integrated-Settings.pdf

While organisations may vary in size, structure and business model, the promoters and barriers to speaking up are common to all settings and organisations.

Universal principles will help to provide a consistent approach to Freedom to Speak Up so workers can be confident when they speak up, they will be supported, listened to, and the appropriate actions taken. This consistency will be vital as the sector evolves into more integrated ways of working, where workers may need to speak up about matters across patient pathways.

We have used this learning in our work with NHS England in the development of the new Freedom to Speak Up Policy and Guidance which has been launched in 2022, and will continue to work with NHS England supporting the implementation of the Policy and Guidance.

Universal principles will help to provide a consistent approach to Freedom to Speak Up so workers can be confident when they speak up, they will be supported, listened to, and the appropriate actions taken.

Universal Principles

The **Universal Principles for Advance Care Planning**[8] has been jointly published by a coalition of 28 partner organisations. The National Guardian's Office contributed towards this publication as a member of the Ministerial Oversight Working Group.

The principles are in response to the Care Quality Commission report 'Protect, Connect, Respect – decisions about living and dying well'. In that report, the CQC recommended that health and social care providers must ensure that all workers understand how to speak up, feel confident to speak up and are supported and listened to when they speak up. CQC recommended providers follow national guidance and named the National Guardian's Office as the lead responsible body for that recommendation.

Decisions about future care plans are, by their very nature, personal and sensitive. Their complexity is one reason why it is vital that everyone involved in those decisions feels they have the freedom to speak up, and that they will be supported, listened to, and action taken when they do.

The sixth principle is that “Anyone involved in Advance Care Planning is able to speak up if they feel that these universal principles are not being followed”.

This final principle should be applied across all settings throughout the health and care system to foster a culture of Speak Up, Listen Up and Follow Up.

[8]https://www.england.nhs.uk/publication/universal-principles-for-advance-care-planning/

Adult Social Care

The Department of Health and Social Care White Paper ‘People at the Heart of Care Adult Social Care Reform’ sets out plans to explore ways in which Freedom to Speak up guardians can be introduced in the social care sector.

As part of a focus on wellbeing, the White Paper sets out plans to explore ways in which Freedom to Speak Up guardians can be introduced in the social care sector. We welcome the opportunity to help develop consistency and clarity of speaking up arrangements across the patient pathway. We look forward to working with the Department and social care colleagues as we develop this work.

Celebrating Good Practice

Throughout the challenges of the pandemic, **Freedom to Speak Up guardians** have continued to listen to workers and drive improvement in their organisations, to ensure that more voices are heard.

Together we are changing the narrative of what speaking up means in healthcare, through the experiences of workers who have spoken up to Freedom to Speak Up guardians and had a positive experience.

While there is still much work to do, by sharing and celebrating good practice, we believe we will be able to achieve our mission, to make speaking up business as usual.

Case Study: **NAViGO CIC**

In the 2021 NHS Staff Survey, 79% of respondents said that they felt safe to speak up about anything which concerns them at NAViGO CIC, a five percent improvement on the 2020 result.

NAViGO is a social enterprise providing mental health services to the NHS and beyond across North East Lincolnshire. NAViGO offers a range of mental health services, including acute and community facilities – as well as specialist support such as older adult's inpatient services; rehabilitation and recovery; community mental health; and a specialist eating disorder facility.

"A common comment to us is…..you can feel the culture at NAViGO." says Simon Beeton Chief Executive.

"Claire [Withers] does a fabulous job as our Freedom to Speak Up Guardian. She is also our Training Lead so has the advantage of seeing every member of staff in the organisation at least once a year (and crucially in a training environment we find staff often feel able to 'open up').

"However, we don't just rely on the Freedom to Speak Up Guardian and associated structures. Staff can basically speak up to whoever is nearest to them at the time, whether they be Line Managers, Elected Staff Representatives, Elected Community Representatives, Non-Executives, the Chair or directly to myself or any one of the Exec/Senior Team. We try to provide an environment where the opportunity to speak up is ever present."

Richard Watson, Assistant Director People & Organisational Development, agrees.

Q "We have an active membership of staff and service users who drive many of our service objectives. We actively encourage staff to raise concerns more through the organisation dialogue and management approach, than specific campaigns. Through our CIC structure we have a regular 'your voice' engagement meeting with staff and service users, again offering opportunity for a joint voice to be heard.

"It's a case of leading from the front, having ease of access, to the right people, who also leave the job title at the door. Senior leadership are out and about in our services and highly visible. They will work a shift, usually weekend or nights on our frontline services, times when staff may be harder to engage with, but a lot can be gleaned from a 12.5 hour conversation alongside colleagues."

"Our strapline as an organisation is "providing services we would be happy for our own family to use' and we regularly use that as our acid test," says Simon. "So, if something you see is not good enough for your family or loved ones, let us know."

Simon Beeton

Chief Executive,
NAViGO CIC

HSJ Award – Freedom to Speak Up Organisation of the Year

Northumbria Healthcare NHS Foundation Trust were awarded the Freedom to Speak Up Organisation of the Year Award at the 2021 HSJ Awards with their demonstration of an integrated approach to speaking up.

The joint efforts of Kirsty Dickson, Freedom to Speak Up Guardian at Northumbria, and the senior leadership team at Northumbria, shows how an organisation can work collaboratively to improve the speaking up culture.

Kirsty said, “I feel privileged to have been appointed by Northumbria as one of the early guardians. The direction of the journey felt quite unknown. Supporting and sharing themes has provided the foundation for embedding speaking up; through listening to the many workers at Northumbria speaking up – by observation, understanding, facilitation from the National Guardian’s Office to networks – and by connecting regionally and nationally with some amazing guardian buddies. The award is a symbol of the achievement of the workers Speaking Up, Listening Up, and Following Up throughout the five-year journey, and I am very pleased that these voices have been represented and recognised.”

Speak Up Month

October 2021's Speak Up Month took as its theme 'Speak Up, Listen Up, Follow Up' with Freedom to Speak Up guardians and their organisations raising awareness throughout England.

The National Guardian's Office hosted four virtual events exploring the theme, which were available afterwards on our YouTube channel, which received over 1.5 thousand views.

We received over 300 Speak Up Pledges via our website, with many more being made on social media. The #SpeakUpListenUpFollowUp hashtag was used nearly 4,000 times.

Freedom to Speak Up guardians have been formally recognised with honours for their services to the NHS and their work supporting colleagues:

Dr Judith Graham, Queen's Nurse, Director for Psychological Professionals and former Freedom to Speak Up Guardian at Rotherham, Doncaster and South Humber NHS Foundation Trust

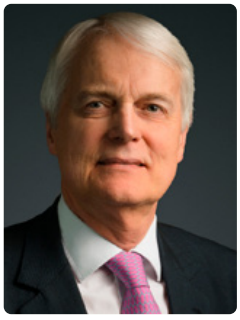
Sonia Pearcey, Freedom to Speak Up Guardian at Gloucestershire Health and Care NHS Foundation Trust and Chair of the South West region of Freedom to Speak Up guardians

Bernadette Rochford, Freedom to Speak Up Guardian for Mersey Care NHS Foundation Trust

Governance

The National Guardian's Office is funded by the Care Quality Commission (CQC) and NHS England (NHSE). Senior representatives from the CQC and NHSE form the Office's Accountability and Liaison Board (ALB).

ALB members as at 31 March 2022:



Sir Robert Francis QC
CQC Non-Executive Director

Sir Andrew Morris,
OBE, Hon FRCP NHSE Deputy Chair

The ALB meets four times a year. Its responsibilities include:

- Acting as a ‘critical friend’ for the Office, providing input and guidance on strategic plans and development
- Acting as key liaison point between the National Guardian’s Office and its funding bodies
- Reviewing complaints made about the Office

The National Guardian for the NHS reports annually to the boards of CQC and NHSE on the work of the Office.

The National Guardian’s Office also receives advice and support from the **Partnership Working Group**, whose members are senior leaders drawn from the Office’s funding bodies, as well the Department of Health and Social Care. The group’s purpose is to support the implementation of the National Guardian’s work programme by providing insight and advice on emerging priorities and acting as a sounding board for ideas.

Liaison between the Office and the Partnership Working Group helps ensure the co-ordination of the organisations’ respective work to support speaking up in healthcare.

Finances

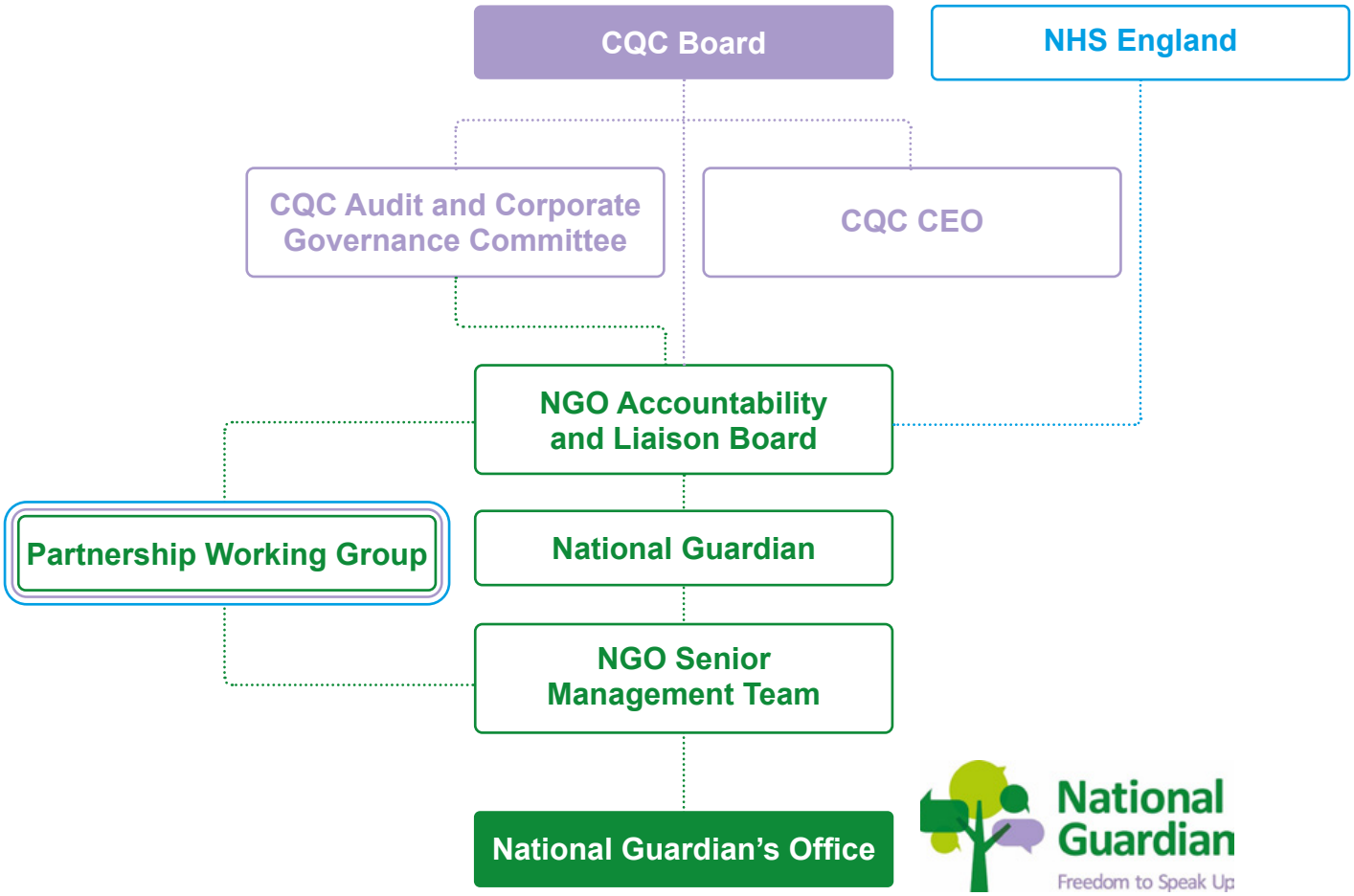
The National Guardian’s Office was allocated an annual budget of £1,666,666 and spent a total of £1,566,791 Expenditure on pay was £1,206,737.

Prescribed Person

The National Guardian's Office is a 'prescribed person' for the purposes of s.43F of the Public Interest Disclosure Act 1998. The office annually reports on the number of 'qualifying disclosures' workers have made to it and how it has responded to those disclosures.

Structure

The National Guardian for the NHS is supported by a team consisting of 20 London or home-based members of staff, at 31 March 2022.



Contacts

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