



**National Guardian's Office**  
**Guidance**

**Recording cases and  
reporting data**

**Guidance for Freedom to Speak  
Up guardians**

**February 2024**



# Introduction

This document provides comprehensive guidance to assist Freedom to Speak Up guardians in accurately recording cases and consistently reporting case data to the National Guardian's Office.

## Structure

We have divided this guidance into the following sections:

1. Recording cases
2. Reporting case data to the National Guardian's Office
  - Annex 1 - Professional/worker group categorisation
  - Annex 2 - Information governance matters, including Freedom of Information requests.
  - Annex 3 - Frequently Asked Questions

## Effective Date of the Guidance

The revised guidance comes into effect on 1 April 2024. It applies to cases raised with Freedom to Speak Up guardians from this date onwards.

The previous version of this guidance, found [here](#), applies to cases received between 1 April 2022 and 31 March 2024.

## Summary of Revisions

We have revised this guidance to more effectively meet the needs of Freedom to Speak Up guardians. Through these revisions, we have sought to enhance the clarity, rationale, and accessibility of the guidance. We have also expanded the information regarding recording cases, including the characteristics of those speaking up.

Our review also sought views on broader changes, including updates to the information guardians report to the National Guardian's Office. Most of the proposed updates are on hold pending implementation of a new data collection system in time for the 2025/26 period. Consequently, these updates will be reflected in the next revision of our guidance.

## Reconciliation of data

When we initially began collecting anonymised details about the speak up cases raised with guardians, we introduced a reconciliation period. This allowed guardians to revise data they had submitted for one of the previous quarters within that financial year or to submit data for a quarter they had missed within the same period. This measure was to support guardians while we were standardising this expectation.

Since then, the expectations and processes to support data collection have been embedded. Starting in 2024/25, there will no longer be a reconciliation period at the end of the financial year.

We have introduced an interim update to our data collection system so that, for the 2024/25 period, guardians can amend their data as frequently as necessary during the same quarterly collection window. For instance, if a guardian realises they have made an error in their submission for Q1 2024/25, they can return to the portal to amend the data until the Q1 collection window closes.

Please note that there will still be a reconciliation window for cases received in 2023/24, which will occur in April 2024. The removal of end-of-year reconciliation applies to 2024/25 and onwards.

We are always available to support guardians if you have any queries or require assistance submitting anonymised data about their cases.

Invaluable feedback from our stakeholders, including Freedom to Speak Up guardians, informed these improvements. We are grateful for their support and continued collaboration.

## Feedback

We are committed to continuously improving this guidance and encourage feedback from guardians and others. Please share your thoughts and suggestions with the National Guardian's Office by emailing us at [enquiries@nationalguardianoffice.org.uk](mailto:enquiries@nationalguardianoffice.org.uk).

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# Section 1: Recording cases

Freedom to Speak Up guardians are required to record all cases of speaking up that are raised with them, and guardian support has been provided to seek resolution<sup>1</sup>, whether they are raised 'formally' or otherwise.<sup>2</sup>

Records:

- help you keep track of cases
- promote consistent case handling
- provide a measure of the speaking up culture and use of the Freedom to Speak Up Guardian route in the organisation(s) you support
- are a source of information to identify trends and barriers to speaking up.

## General approach

Cases should be recorded:

- in a consistent and systematic way
- with due regard to confidentiality
- in compliance with local data and information management and security policies.
- With clear details of the matter raised including relevant facts, dates and the people/department involved.
- as soon as possible after contact is made to ensure that the information given is fresh in your mind and accurate.

Always uphold professionalism in your record-keeping practices to ensure the integrity and accuracy of all documentation. This reinforces trust and confidence in your role as a guardian and prepares you for instances where records may be required for disclosure, such as in fulfilling a subject access request under the Data Protection Act 2018. Please refer to Annex 2 for more information on information governance matters, including subject access requests.

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<sup>1</sup> Examples of support may include signposting to appropriate routes, raising the concern on the workers behalf, escalating concerns.

<sup>2</sup> For more information, please refer to our report following our case review at [Derbyshire Community Health Services NHS Foundation Trust](#).

## Other considerations:

- Be mindful of the degree of urgency with which action may need to be taken and/or a response required
- A case may be made up of multiple discrete issues, each with its distinct escalation route. Good listening skills and open questions will help you understand the whole picture.
- When thinking about the case, you will want to note areas that indicate barriers to speaking up experienced by the person/s involved.

## Follow up

It is good practice to follow up with the person who brought a case to you, providing a written summary of what was discussed, action/s agreed, and the next step/s. This communication can also include a helpful reminder about your role as a Freedom to Speak Up Guardian, how the information shared by the person speaking up will be stored and for how long, and information about confidentiality. You may wish to use the template letter in the [Starting Out, Stepping Down Guidance](#) .

## Open/Closed

A case should not be closed until you and the worker are satisfied that all possible routes have been reasonably pursued, respecting the confidentiality of those involved, appropriate feedback is given to the worker that spoke up following appropriate action being taken in response to the case and further avenues explored if there is a dispute following feedback.

In some circumstances, someone speaking up may decide to 'drop out' of the process – however, you will want to make sure any action taken in response to a case reaches an appropriate conclusion before it is closed.

## Confidentiality

Confidentiality should always be respected. Details of individual cases should not be shared outside the bounds of your agreement with the person you are supporting.

**As a general rule, without express consent, this includes not sharing details of individual cases among local networks of Freedom to Speak Up Guardians, nor with other parts of the organisation/s you support (and the organisation by which you are employed, if this is different), or with those outside your organisation.**

The National Guardian's Office needs one data return per organisation per quarter, so it is vital that you agree a way that preserves confidentiality of the data shared with whoever takes the lead on submitting data for your organisation.

It is essential to ensure that arrangements do not inadvertently permit identifiable information about speak up cases to be accessible by others, including multiple Freedom to Speak Up guardians supporting the same organisation. In scenarios where, for instance, multiple guardians supporting the same organisation share a mailbox to receive emails from workers, there must be clear communication regarding the shared nature of this mailbox<sup>3</sup>. Workers should be informed that the mailbox is jointly accessed by the guardians for the purpose of, for example, triaging cases. Such transparency is crucial to uphold confidentiality and trust in your organisation's speak up process.

Confidentiality may need to be broken in exceptional circumstances, such as an immediate risk of harm to a patient, worker or member of the public or required by law. **However, there may be ways to protect confidentiality even when further action is needed.** Decisions on the extent of information that needs to be disclosed to allow appropriate action to be taken will need to be made on a case-by-case basis. In all cases where confidentiality may be affected, this should be discussed with the person who spoke up and the Information Governance lead in your organisation.

## Information to record

You should record the following information, which you are expected to report quarterly to the National Guardian's Office:

- The number of cases raised with the Freedom to Speak Up Guardian
  - raised anonymously
  - with an element\* of:
    - patient safety/quality
    - worker safety or wellbeing
    - bullying or harassment
    - other inappropriate attitudes or behaviours
  - where people indicate that they are suffering disadvantageous and/or

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<sup>3</sup> This could be done through various channels, including website updates, internal communications, inclusion in email signatures, automated responses, and information provided in induction and training sessions.

demeaning treatment as a result of speaking up

- brought by professional/worker groups
  - where there was a response to the feedback question (and the answer)
- themes from feedback and learning points.

\*A case may include elements of patient safety/quality, bullying or harassment, worker safety or wellbeing and/or other inappropriate attitudes or behaviours (as well as other matters). Please use all categories that apply for each case.

You can find out more about data reporting requirements in **Section 2: Reporting Data** of this guidance.

## Other information

While guardians are asked to provide high-level, anonymised case data to the National Guardian's Office, this should not be viewed as a ceiling for information collection at your local level. The information shared with the NGO fulfils specific objectives, such as improving our understanding of the implementation of the guardian role and its utilisation across healthcare. However, locally, collecting and recording case information is crucial for effectively handling each case and evaluating aspects like the speaking up culture, the guardian's reach - especially to groups facing barriers to speaking up - and the adequacy of resources provided to guardians.

Guardians should work with leaders in their organisations to determine what additional information should be gathered. Engaging with leadership and the board promotes reciprocal communication, ensuring both the collection of relevant data and a shared responsibility in addressing the findings. This approach ensures that local data collection is tailored to enrich insights and initiatives for individual organisations.

Please also refer to our joint guidance with NHS England on Freedom to Speak Up which provides detailed guidance on guardian reports.<sup>4</sup>

**The following are typical categories of information we recommend recording about the cases raised with you:**

### Has the individual spoken up previously?

This information may inform discussions and expectations around requests for

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<sup>4</sup> Footnote: For specific information related to this, see pages 34-35 of the guide, [https://nationalguardian.org.uk/wp-content/uploads/2022/06/B1245\\_ii\\_NHS-FTSU-Guide-eBook.pdf](https://nationalguardian.org.uk/wp-content/uploads/2022/06/B1245_ii_NHS-FTSU-Guide-eBook.pdf).



confidentiality. It may also reveal barriers to speaking up using other routes and proactive work that is required.

### **What is their desired outcome?**

This information may provide helpful information about the next steps or potential solutions. It may also help inform discussions around managing expectations

You will want to ensure all aspects of the case are appropriately handled irrespective of the desired outcome.

### **Contact details and preferences**

It is important to record if, how, when and how often the person speaking up wants to be contacted.

### **Action taken**

It is important to record what action/s are taken and when, how and to whom referrals are made. For example, was there an internal and/or external investigation, or perhaps dealt with informally e.g., mediation.

This is also another place that you may wish to note anything encountered as the case progresses that indicates a barrier to speaking up, for example how many times have you had to chase for updates or outcomes or that policies are not being followed or could be improved. You should document any actions taken to address these barriers.

You may also wish to note if the worker voiced the intention to leave the organisation or is now on sickness absence following speaking up.

Record outcomes and organisational learning; this will be useful for demonstrating impact when reporting to board.

### **Further characteristic details**

Some people may face specific barriers to speaking up, which can vary based on the issue, the people involved, or other factors. Recognising and addressing these barriers is vital to improving the speaking up culture in an organisation. Being aware of various characteristics, both visible and non-visible, and understanding their impact is essential. This includes being mindful of protected characteristics, i.e. specific attributes legally safeguarded against discrimination under the Equality Act 2010, such as age, disability, gender reassignment, race, religion or belief, sex, and sexual orientation.

Characteristic information is invaluable for understanding these dynamics. For example, if in a workforce with an equal gender split, 90% of cases raised are by women, it prompts a curious investigation: Why aren't men speaking up as much?

Additionally, consider if 70% of speak up cases are raised by workers under 30 in a workforce with a diverse age range. This disparity leads to questions about why older workers are not speaking up to their Freedom to Speak Up guardian. For example, are older workers using alternative routes to speak up? Or are there barriers preventing older workers from speaking up?

This area is complex, with various factors influencing the cases raised with guardians. It is essential to approach this information with curiosity and a commitment to deep understanding, rather than jumping to easy conclusions, as part of the continuous work to improve the Speak Up culture.

Collecting characteristic information, especially protected characteristics, can be challenging. It might not always be possible, and it is ultimately the individual's choice to share this information. Here are some suggestions for collecting this data:

- **Clear Communication and Data Protection:** Communicate the purpose of collecting data on protected characteristics, ensuring transparency and adherence to data protection laws.
- **Voluntary Participation and Avoiding Assumptions:** Emphasise the voluntary nature of participation and avoid making assumptions about anyone's protected characteristics to prevent misunderstandings and biases.
- **Anonymous Surveys and Feedback Collection:** Use anonymous surveys and include a step to request characteristic information during post-case closure feedback, maintaining anonymity.
- **Feedback and Action:** Share the outcomes and actions based on the feedback and data collected, showing the commitment to improving speak up culture.

Many Freedom to Speak Up guardians collect characteristics data and have reported on its value as a source of information.<sup>5</sup> The National Guardian's Office recommends that guardians explore how they can capture characteristic information – with a view to having a process in place to do so – as this information can be invaluable in improving your understanding and developing a more inclusive Speak Up culture within your organisation. In accordance with this recommendation, we suggest you consider the following steps to assist in your efforts:

- **Liase with fellow guardians:** Engage with other guardians in your networks, many of whom are likely already collecting characteristic information, to exchange insights on good practices and challenges. This

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<sup>5</sup> See *Listening to Guardians: 2023 Freedom to Speak Up Guardian Survey Report* pp15-17 <https://nationalguardian.org.uk/wp-content/uploads/2023/07/2023-FTSU-Guardian-Survey.pdf>

collaboration can enhance your approach and effectiveness by learning from those with experience in similar processes.

- **Consult with information governance teams:** Consult with your organisation's relevant information governance team. They will guide you on legal compliance and best practices for handling sensitive information.
- **Utilise educational resources:** We encourage you to read the National Guardian's Office report on [inclusive Freedom to Speak Up](#). This resource provides a good grounding on this topic and highlights the value of collecting data on protected characteristics.

Please always be mindful of confidentiality when collecting and processing characteristic information. It is important to consider factors like the size of the organisation you support, as this can significantly impact the anonymity of the data. For example, in smaller settings - such as a GP practice with fewer than 20 workers, it may be possible to identify individuals from characteristic information. More generally, consider the potential for inadvertent breaches of confidentiality when reporting to your board or equivalent, as specific characteristic details could identify individuals.

Please note that you are not required to report characteristic information to the National Guardian's Office as part of quarterly data collection. Starting from 2025/26, we are considering the collection of data on protected characteristics, though this information will be voluntary.

## Section 2: Reporting Data

The NGO collects data about the speaking up cases brought to Freedom to Speak Up guardians. This data informs our understanding of:

- the implementation, utilisation and development of the Freedom to Speak Up Guardian role
- trends and themes in speaking up.

In addition, workers observing their guardian actively submitting data and handling speak up cases may feel more assured about the effectiveness of the guardian route. This could potentially increase their confidence in choosing to speak up to their guardian with greater confidence that their cases are likely to be responded to appropriately.

### Data collection

Information is collected at the primary legal entity or structural level of an organisation. In the context of a private healthcare organisation that might oversee multiple subsidiary hospitals or other entities, it's the main legal body of the organisation that gathers and reports the data. Similarly, for an NHS trust, no matter how many sites or locations it manages, the data is submitted at the trust's level as a singular legal entity. Essentially, it's the main legal structure, not the operational setup, that determines the point at which data is reported to the NGO.

Where several Freedom to Speak Up guardians support a single organisation only one data return will be needed. Arrangements for ensuring that multiple returns are not submitted and that the relevant high-level anonymised information is exchanged between guardians to facilitate this should be made locally. The National Guardian's Office needs one data return per organisation, so it is vital that you agree a way that preserves confidentiality of the data shared with whoever takes the lead on submitting data for your organisation.

Freedom to Speak Up guardians based in Integrated Care Boards (ICBs) who provide the guardian function to primary care organisations in their locality follow a different reporting structure. They can report cases on two separate levels: one involving internal ICB workers and another for cases originating from primary care organisations. This dual reporting system ensures greater clarity and specificity in our data collection and analysis, catering to the diverse needs of the ICB and primary care settings.

The dates for upcoming data collection exercises can be found on our [website](https://nationalguardian.org.uk/for-guardians/portal/).

Freedom to Speak Up guardians are asked to report the following information regarding the speaking up cases brought to them:

### **The number of cases raised to Freedom to Speak Up guardians in the organisation supported in total during the reporting period**

- Each person speaking up to a Freedom to Speak Up Guardian should be counted as a separate case even where several individuals may be speaking up about the same matter together or separately. If a group of workers come to you about the same issue, you would record as separate cases as each worker may have different desired outcomes and feedback.
- Each time a single individual speaks up to a Freedom to Speak Up Guardian this should be counted as a separate case.
- An individual who has previously spoken up about an issue - with, for example, their manager - and is now raising the same concern with the guardian should still be recorded as a case.
- All cases that are raised during the reporting period should be recorded in your return to the NGO, whether they are open or closed.
- If there are no cases for the reporting period, this should be reported as zero cases. Doing so means that you have complied with the expectation to submit data.

### **Number of cases raised anonymously**

- 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.
- These cases should be recorded and treated as anonymous cases even if you believe you may know the person's identity.
- Cases raised anonymously can be distinguished from cases raised confidentially. Where someone speaks up confidentially, they reveal their identity to someone on the condition that it will not be disclosed further without their consent (unless legally required to do so). In other words, in situations where the worker has shared their identity with you but does not want their identity to be disclosed to others, the case should be treated as confidential rather than anonymous.
- When an individual initially approaches you anonymously but later reveals their identity, for instance, due to a developed trust, it is important to still record the case as anonymous. The initial choice of anonymity may indicate a fear or hesitation in speaking up. Therefore, maintaining the case record as anonymous, even after the individual's identity is disclosed, ensures that the

data captured remains accurate. This approach allows for meaningful analysis and learning about areas for improvement.

### Number of cases with an element of patient safety/quality

- Any case that includes an element that may indicate a risk of adverse impact on patient safety or the quality of care. This can be a current or past matter and may identify risks or be about actual events.
- The case should still be recorded in this category where the individual speaking up believes there is an impact on patient safety/quality, even if it is not clear whether there is an impact without further investigation.

### Number of cases with an element of worker safety or wellbeing

- Any case that includes an element that may indicate a risk of adverse impact on worker safety or wellbeing. This can be a current or past matter and may identify risks or actual events.
- The terms worker safety and wellbeing should be interpreted broadly. The focus should be on the perceptions of the individual bringing the case.
- The [Health and Safety Executive states](#): *"All workers are entitled to work in environments where risks to their health and safety are properly controlled."*

Examples of worker safety or wellbeing could include:

- Lone working arrangements, especially at night
- Insufficient access to personal protective equipment
- Stress at work
- Unsuitable or insufficient risk assessment

### Number of cases with an element of bullying or harassment

- Any case that includes an element that may indicate a risk or incident of bullying or harassment. This can be a current or past matter and may identify risks or be about actual events.
- The case should be recorded in this category where the person raising the case believes there is an element of bullying or harassment.
- The terms bullying and harassment should be interpreted broadly. The focus should be on the perceptions of the person bringing the case.

There are various definitions of bullying and harassment, including these from the Advisory, Conciliation and Arbitration Service (Acas):

## Bullying

*"...bullying... can be described as unwanted behaviour from a person or group that is either:*

- *offensive, intimidating, malicious or insulting*
- *an abuse or misuse of power that undermines, humiliates, or causes physical or emotional harm to someone.*

*Examples could include:*

- *spreading malicious rumours about someone*
- *consistently putting someone down in meetings*
- *excluding someone from team social events*
- *someone consistently undermining their manager's authority*
- *putting humiliating, offensive or threatening comments or photos on social media"*

## Harassment

*"Harassment is when bullying or unwanted behaviour is related to any of the following (known as 'protected characteristics' (under the Equality Act 2010), including age, disability, gender reassignment, race, sex and sexual orientation.*

*Example –*

*A group of people at work keep making offensive comments about a team member's age. This is making them feel humiliated and anxious about coming to work. This is likely to be harassment because of the team member's age."*

You can find more information on these particular definitions on the [Acas](#) website.

## Number of cases with an element of other inappropriate attitudes or behaviours

Any case that includes an element that may indicate a risk of other inappropriate attitudes or behaviours that do not constitute bullying or harassment. This can be a current or past matter and may identify risks or be about actual events.

The case should be recorded in this category where the person raising the case believes there is an element of other inappropriate attitudes or behaviours.

The terms other inappropriate attitudes or behaviours should be interpreted broadly. The focus should be on the perceptions of the person bringing the case.

Examples of other inappropriate attitudes or behaviours may include:

- Actions contrary to an organisation's values
- Incivility
- Microaggressions.

Please distinguish other inappropriate attitudes or behaviours from bullying. The other inappropriate attitudes or behaviours category seeks to capture those cases that would not otherwise fall within the bullying or harassment category.

As mentioned above, there are various definitions of bullying. However, multiple definitions of bullying tend to share the following features:

Unwanted behaviour, that is:

- *intended* to harm, hurt or humiliate another person
- *repeated* (or has the potential to be repeated) over time
- *abuse or misuse of power* in practice or perception.<sup>6</sup>

A case may include elements of patient safety/quality, bullying or harassment, worker safety or wellbeing, and/or other inappropriate attitudes or behaviours (as well as other matters). Please select all categories that apply for each case.

### **Number of cases where disadvantageous and/or demeaning treatment as a result of speaking up is indicated (detriment)**

This category is for cases where the adverse treatment is due to the act of speaking up. It does not include instances where an individual experiences adverse treatment for reasons unrelated to speaking up, such as discrimination based on their characteristics or bullying not connected to the speaking up process.

Disadvantageous and/or demeaning treatment as a result of speaking up may include being ostracised, given unfavourable shifts, being overlooked for promotion, or being moved from a team. It can be a deliberate act or a failure to act (i.e. an omission)

You should record the number of cases brought to you where a person feels they have suffered disadvantageous and/or demeaning treatment because of speaking up. When an individual conveys that they have experienced disadvantageous or demeaning treatment as a result of speaking up, but they do not use words like 'detriment', 'retaliation' or even 'disadvantageous or demeaning treatment', it is still important to record such cases under this category. The focus should be on the

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<sup>6</sup> Power imbalances can change over time and in different situations, even if they involve the same people.



meaning of what they are saying, rather than the specific terminology used by the worker. A lack of familiarity with particular terms should not prevent the accurate documentation of and response to their experience.

A case being recorded as indicating disadvantageous and/or demeaning treatment as a result of speaking up is based on the perceptions of the person speaking up. This includes situations where the worker initially spoke up through a channel other than the guardian, as well as cases where the guardian route was sole or primary channel through which the worker spoke up. This ensures that our understanding of perceived detriment encompasses all instances of speaking up, regardless of the initial pathway chosen.

In some cases, people may come to you to discuss disadvantageous and/or demeaning treatment that has occurred some months after their initial speaking up case. In these instances, this needs to be recorded as a new case. When it comes to data reporting to the National Guardian's Office, the new case should be reported for the quarter in which the worker raised the issue of detriment with the guardian, not for the quarter in which the original speak up case was brought to the guardian's attention. This ensures accurate tracking and response to the current concerns being raised.

If a worker experiences detriment due to speaking up while their original case remains open, this should be recorded as a separate case. This approach helps you gather important information regarding the impact of speaking up and facilitates the identification of valuable insights for improvement to the speaking up culture.

### **Professional/worker group**

The professional/worker group of those speaking up to you, according to the categories found in [Annex 1](#)

Please assign people to one of the described categories wherever possible, rather than using the 'other' category. Each person should be assigned to a single, most appropriate category.

### **Feedback**

Feedback should be obtained when a case is closed, even when the person speaking up may be unhappy with the outcome of their case.

Each person who spoke up to you should be offered the opportunity to provide feedback to you, even where several people may have spoken up together.

You may have your own feedback questions, but the NGO asks Freedom to Speak Up guardians to ask the following question:

*Given your experience, would you speak up again to the Freedom to Speak Up Guardian? (Yes/No/Maybe/Don't know)*

This should be supplemented with the follow-up question:

*Please explain your response*

You may wish to categorise the information provided in the supplementary question so that themes and trends can be identified and actioned.

You are asked to report the following information to the NGO each quarter:

- The number of cases where you have received feedback, irrespective of the quarter in which the case was originally received/opened.
- The number of responses in each response category, i.e. Yes/No/Maybe/Don't know.

Example:

Brief details of the main themes from the feedback you have received each quarter. Examples of themes from feedback may include:

- *'...People felt listened to throughout the speak up process'*
- *'...More regular updates were needed for the person speaking up.'*

**Please do not include identifying information about people who have spoken up.**

## Learning

Speaking up is an opportunity to learn and improve. Recording the learning points for you or your organisation that arise out of cases will assist you in making suggestions for improvement.

Please report the following information to the NGO:

- A summary of the main learning points from the cases brought to you.

Examples of learning points may include:

*'... More support is needed for shift workers to access speaking up channels.'*

*'...Having a Freedom to Speak Up Champion in staff networks has helped raise the profile of speaking up in the organisation.'*

In your feedback themes, please also include examples of good practice where you can.

## Sharing and learning

We [publish](#) some of the anonymised data at an organisational level, where possible:

The number of cases received by the guardian:

- raised anonymously
- with an element of patient safety/quality; bullying or harassment; worker safety or wellbeing; and/or other inappropriate attitudes or behaviours
- where disadvantageous and/or demeaning treatment as a result of speaking up is indicated.

Other data is combined (i.e., aggregated) for all organisations before publication to avoid actual or perceived breaches of confidentiality. (Freedom to Speak Up guardians should make similar arrangements when, for example, sharing information with the board (or equivalent) in the organisation they support.)

We also share the information we publish with NHS England's Freedom to Speak Up and Model Health System Teams, focusing specifically on data pertaining to NHS trusts and foundation trusts. The [Model Health System](#) is a digital information service to support improvement in the NHS. Freedom to Speak Up guardians can use this service to inform their understanding of their organisation's speaking up culture.

# Annex 1: Professional/worker groups

These professional/worker group categories are informed by feedback from Freedom to Speak Up guardians and based on NHS England's National Workforce Data Set.

Professional/Worker Group	Definition
<b>Additional clinical services</b>	<p>Staff directly supporting those in clinical roles. In addition, support to nursing, allied health professionals and other scientific staff are included.</p> <p>Ambulance care assistant, emergency medical dispatcher, call operators, control room staff and ambulance technicians who have completed the Institute of Healthcare and Development (IHCD) Ambulance Technician award (or equivalent) training.</p> <p>Have significant patient contact as part of their role.</p>
<b>Additional professional scientific and technical</b>	<p>Scientific staff, including registered pharmacists, psychologists, social workers, and other roles such as technicians and psychological therapists.</p>
<b>Administrative and clerical</b>	<p>Non-clinical staff, including non-clinical managers, administration officers, executive board members who do not have significant patient contact as part of their role.</p>
<b>Allied health professionals</b>	<p>Registered clinical staff providing diagnostic, technical and therapeutic patient care, including dietitians, radiographers and physiotherapists.</p> <p>Includes qualified ambulance staff such as paramedics.</p>
<b>Estates and ancillary</b>	<p>Non-clinical support and maintenance staff, including gardeners, plumbers, cooks and housekeepers who do not have significant patient contact as part of their role.</p>

<b>Healthcare scientists</b>	<p>Registered qualified and other staff working in defined healthcare scientist roles, including clinical scientists and biomedical scientists and technicians working in healthcare science.</p> <p>It also includes public health scientific staff.</p>
<b>Medical and dental</b>	Registered doctors and dentists.
<b>Nursing and midwifery registered</b>	Registered nurses and midwives.
<b>Students</b>	Directly employed staff undertaking formal education, including student nurses and midwives, and trainee paramedics.
<b>Other</b>	<p>This can include any professional group that does not fit any other category.</p> <p>This can also include volunteers working in charity shops, fundraisers and similar.</p>
<b>Not known</b>	This can include an instance when a person has not disclosed their professional/worker group to you or anonymous cases.

# Annex 2: Information governance

The [Data Protection Act 2018](#) and the [General Data Protection Regulation \(GDPR\)](#) form part of the data protection regime in the UK.

You should seek advice from the experts in your organisation regarding the data you are collecting, how it is processed, stored and retained.

## Freedom of information and the right of access

Your records may need to be disclosed (e.g. to comply with a subject access request under the [Data Protection Act 2018](#)).

The Freedom of Information Act 2000 provides public access to information held by public authorities. The legislation entitles members of the public to request information from public authorities, i.e., a Freedom of Information (FOI) request. Public authorities include government departments, NHS organisations and other bodies that exercise functions of a public nature.

A Subject Access Request (SAR) is where an individual has the right to ask an organisation whether they are using or storing their personal information. They can also ask for copies of this personal information, verbally or in writing. This applies to organisations that collect and store personal information, not just applicable to public authorities.

Further information about freedom of information and right of access can be found on the Information Commissioner's website, [here](#) and [here](#).

## What to do if you receive a Freedom of Information or Subject Access Request?

These should be passed to the Information Access/Data Protection team or those responsible for dealing with these requests in your organisation. These requests must be responded to within a specific timeframe, so consult your Information Access/Data Protection team (or equivalent) as soon as you receive a request.

FOI and SAR requests should not be forwarded to the National Guardian's Office or any other organisation without the explicit consent of the individual making the request. In any event, because the NGO are not the 'data controller' for the requested information, we cannot give detailed advice on any such request.

Please be mindful of our guidance for Freedom to Speak Up guardians set out above regarding confidentiality: 'confidentiality should always be respected, and details of individual cases should not be shared outside the bounds of your agreement with the individual you are supporting'. The relevant experts in your organisation will help you

discuss any exemptions and the level of detail to be provided.

Be mindful of inadvertent breaches of confidentiality/identification of individuals in the process and the potential for those individuals to suffer loss, harm, prejudice or loss of privacy. You are dealing with personal information which may also have been provided in confidence and sometimes in small numbers, so be mindful of the requirement to protect the integrity of the level of confidentiality you offer.

Please refer to the [Information Commissioner's Office](#) for further information.



## Annex 3: Common questions and answers on recording cases and reporting data

***‘My line manager is requesting access to my case records. I’m concerned that this would be a breach of confidentiality. What should I do?’***

Confidentiality should always be respected. Identifying details of individual cases should not be shared outside the bounds of your agreement with the person you are supporting.

Speak with your line manager about the expectations around confidentiality and the importance of avoiding actual or perceived confidentiality breaches for an effective speak-up culture.

Discuss with your line manager to understand more about the reason for the request, as this will inform the next steps. For example, are records requested to comply with a Freedom of Information or Subject Access Request, or perhaps as part of legal proceedings? In which case, you will want to explore this with the relevant experts in your organisation.

***‘A group of workers are speaking up about matters in their department. Do I record this as one case?’***

Each person speaking up to a Freedom to Speak Up Guardian should be counted as a separate case even if they are speaking up about the same issue, together or separately.

The workers may be speaking up about the same matter, but their desired outcomes and experiences of the speaking up process may be different.

Counting each person as a separate case will help you provide a more tailored and holistic service to everyone. It also means that the information you capture - including feedback from those who spoke up - will be accurate and comprehensive.



***'I am part of a team of Freedom to Speak Up guardians supporting lots of different sites within a large organisation. Do we report for each site, or as the Head Office?'***

You should submit one data return for each organisation you are supporting, even if that organisation operates over several sites. (Freedom to Speak Up guardians supporting multiple organisations should discuss their data reporting requirements with the NGO.)

Please coordinate with the other Freedom to Speak Up guardians in your team to agree on arrangements for submitting data as part of the national data collection process.

However, please be mindful that confidentiality should always be respected. Identifying details of individual cases should not be shared outside the bounds of your agreement with the individual you are supporting, even when sharing information between guardians.

***'A person contacted me anonymously, but they have since disclosed their identity to me. Do I still record the case as anonymous?'***

At the point of contact, the person was anonymous, so the case should be recorded as having been raised anonymously.

As cases progress, people may feel confident about revealing their identity, but it is the status of the case at the point that it is raised that should be reported as part of the national data set.

***'Someone has raised an improvement idea. How do I record that?'***

The NGO's definition of speaking up includes improvement suggestions, so please record it as you would any other case.

***'I work for a very small organisation. I am worried that the people speaking up to me could be identified if I report data about my cases.'***

Confidentiality should always be respected. Identifying details of individual cases should not be shared outside the bounds of your agreement with the person you are supporting. As a rule, without express consent, this includes not sharing details of individual cases among local networks of Freedom to Speak Up guardians, nor with other parts of your organisation, or with those outside your organisation.

The NGO publishes *some* of the data you report to us at an organisational level, if

possible. Other data (e.g. professional/worker groups, themes from feedback) is combined (i.e. aggregated) for all organisations before publication. We do this to avoid any actual or perceived breaches of confidentiality.

Freedom to Speak Up guardians should make similar arrangements when reporting on cases locally.

***‘My senior leadership team is not keen on making the number of speaking up cases publicly available. They are worried about the organisation’s reputation. I understand the requirement to submit data, but what shall I do?’***

Freedom to Speak Up guardians are required to report non-identifiable information to the NGO regarding the speaking up cases brought to them. This is a contractual requirement for organisations subject to the NHS standard contract, an expectation of other organisations with Freedom to Speak Up Guardian arrangements, and something considered by CQC when assessing the well-led domain of inspections.

We receive data from Freedom to Speak Up guardians supporting a range of organisations across England, including national bodies, NHS trusts, independent healthcare providers and primary care organisations.

The information you share provides invaluable insight into the implementation and utilisation of the Freedom to Speak Up Guardian role. The data can also provide confidence – and assist in learning and improvement – for the colleagues and organisations you support, other Freedom to Speak Up guardians and the healthcare system.

***‘My organisation would like me to collect data on the characteristics of people speaking up – for example, ethnicity and gender. I understand this is to gain assurance that Freedom to Speak Up is reaching everybody, but I am concerned that this might make it easy to identify those speaking up. What shall I do?’***

All workers should have the freedom to speak up. However, we know that some groups face particular barriers to speaking up.

Information about the characteristics of those who speak up can support assurance about the effectiveness of the speaking up culture, including whether it is reaching groups facing barriers to speaking up. You may wish to put in place a process where this information can be collected from people who speak up to you, for example as part of a feedback mechanism when a case is closed.

However, confidentiality should always be respected, and identifying details of individual cases should not be shared outside the bounds of your agreement with the

person you are supporting. So, for example, if information about the characteristics of those who speak up could identify individuals speaking up - and whether it does will depend on context - this should not be shared.

***‘A person has spoken to me about being bullied by their line manager. I would record this as a case with an element of bullying or harassment. Should it also be recorded as a case containing an element of other inappropriate attitudes or behaviours?’***

The other inappropriate attitudes or behaviours category seeks to capture those cases that would not otherwise fall within the bullying or harassment category.

The person in this case is speaking up about being bullied, so you're right to record it as such. However, it should not be recorded as a case with elements of other inappropriate attitudes or behaviours unless the case contains other strands that do not constitute bullying or harassment but can be defined as other inappropriate attitudes or behaviours.

***‘In my organisation we use an incident reporting system for staff to raise concerns and for myself as the guardian to record them. I am worried there may be confidentiality issues with this.’***

Guardians should guard against being automatically linked to other speaking up routes such as incident reporting systems. As a Freedom to Speak Up Guardian you will want to be confident the cases you report are those where a worker has chosen the Guardian route to speak up. If you are unsure speak to the person responsible for information governance.

## National Guardian's Office

The [National Guardian's Office](#) (NGO) works to make speaking up business as usual in the healthcare sector in England.

The office leads, trains and supports a network of Freedom to Speak Up guardians and provides learning and challenge on speaking up matters to the healthcare system.

### Document History

<b>Authors</b>	National Lead for Intelligence and Learning
<b>Business Owner</b>	Dr Jayne Chidgey-Clark National Guardian

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