

WORKING IN PARTNERSHIP WITH YOUR FREEDOM TO SPEAK UP GUARDIAN

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In the NHS we need an open and transparent culture where workers feel safe to speak up for the benefit of patient care and staff wellbeing. The Council of Governors in foundation trusts is in a key position to ensure that this culture exists and that the Non-Executive Directors are aware and focussed on the ability of workers to speak up.

FREEDOM TO SPEAK UP

Sir Robert Francis wrote the The Freedom to Speak Up Report following the inquiry into Mid Staffordshire NHS Foundation Trust where he identified that workers who had spoken up had been ignored or victimised as a result. As a practising GP I am fully aware of the concerns that workers have about speaking up and this is why I am certain that the culture needs to improve. Workers are best placed to see what gets in the way of delivering great care to patients and service users and need to be able to speak up in order that the required changes are made.

The current culture does not support all workers to raise concerns and this is seen in staff surveys across the NHS which show that upwards of 20% of staff report bullying and harassment. Workers may also lack the confidence to raise concerns or do not believe that the investigation process will be fair.

The evidence shows that staff experience is linked to patient experience and that when staff are engaged patient mortality decreases. In order to foster a culture of openness and transparency organisations need to show that they are genuinely interested in feedback from workers and patients and that this feedback is acted upon to improve patient care and staff experience. As governors you are in a particularly strong position to help the culture change we need for these benefits to occur.

The National Guardian role was a key recommendation from the Freedom to Speak Up Report. The report contains 20 Francis Principles setting out the ways that trusts can improve their speaking up culture. These include the appointment of Freedom to Speak Up Guardians in all NHS trusts. The National Guardian's Office provides advice, guidance and support to the Freedom to Speak Up Guardians in trusts and oversees that speaking up leads to improvements in patient safety and staff well-being. I started as National Guardian in October 2016 and have since seen some real changes. Every NHS trust and foundation trust has now appointed their Freedom to Speak Up Guardian or contracted with independent guardians. The Freedom to Speak Up Guardians have a wide range of experience in different roles across the health service. This includes nurses, doctors, allied health professionals, managers, therapists, chaplains, executive and non-executive directors and governors.

Freedom to Speak Up Guardians are there for workers to speak to them, either anonymously, confidentially or to give support to workers who want to raise the concern themselves. The Guardian gives support, listens to the concerns and then ensures that the correct actions are taken as a result. This may include an investigation or early resolution, for example by mediation. The Freedom to Speak up Guardian also provides feedback to the worker so that they are aware that actions have been taken as a result of speaking up. Lack of feedback is often cited as the

reason why workers do not speak up as they are not confident that any changes have been made in response.

As well as their reactive role, the Freedom to Speak Up Guardians need to be proactive to foster the open and transparent culture we need in the NHS. This involves working closely with other teams within the trust, including patient safety, organisational development, staffside, complaints, the Workforce Race Equality Team, dignity at work ambassadors, local Healthwatch, the Working Hours Guardian and staff wellbeing teams.

The Freedom to Speak Up Guardian can use the existing data on complaints and incidents, from the staff survey and patients Friends and Families Test, to identify areas where staff may need to be supported to speak up. The Guardian will then report to the Board with information about numbers of workers who have spoken up and the themes and outcome of these concerns. We are publishing quarterly data on a trust by trust basis. As a governor you may have workers coming directly to you raising concerns and you are able to signpost to the Freedom to Speak Up Guardian to oversee the process as described. This is important from an information governance view so that any concerns and details of individuals are held securely.

WORKING IN PARTNERSHIP

The National Guardian's Office is working with organisations within and around the NHS as everyone has a part to play in improving the culture. This includes the regulators such as Care Quality Commission (CQC) and NHS Improvement and representative organisations, regulators and professional bodies. Speaking up is now part of the new Well Led inspection by CQC and we have been working closely with CQC so that Inspectors and Freedom to Speak Up Guardians are prepared.

In the past some cases of speaking up or whistleblowing have been poorly handled by trusts, leading to workers being dismissed unfairly or receiving detriment. The National Guardian's Office is conducting a 12 month pilot of case reviews to see how trusts have handled these cases and how the Francis Principles have been embedded into organisations. The purpose of the reviews is to identify learning which can then be shared across the NHS to improve the experience of workers when they speak up. The reviews are published on our [website](#).

When I attended the NHS Providers Governors Conference in May I was told by some of the Governors that they had never heard of this initiative before. It is key that everyone knows about Freedom to Speak Up Guardians who can attend new staff inductions and training events to meet workers and explain their role. Some Guardians have used a wide range of communications so that workers know who to contact and how. This might include posters, leaflets in payslips, intranet pages, screensavers and credit card sized information. If you have not yet heard about or from your Freedom to Speak up Guardian it is possible that the workers in your trust also do not know about this initiative and are not aware of the support that is on offer. At the Conference I encouraged governors to invite their Freedom to Speak Up Guardians to your Council of Governors meeting to hear for yourself about their work.

In summary, as governors you have the opportunity to learn about speaking up culture in your organisation, the chance to shape and improve the culture and to support workers to speak up for the benefit of patient care and staff wellbeing.

Questions to put to Freedom to Speak Up Guardians:

- Does the Freedom to Speak Up process in the trust meet the needs of all your workers?
- How has the trust established this – for example by using a pulse survey
- What does the staff survey show in terms of staff feeling confident to raise a concern?
- How does the Freedom to Speak Up Guardian use available data to identify areas where workers may need more support?
- How does the Freedom to Speak Up Guardian communicate their work?
- What has the outcome of their cases been to date?
- How does the Guardian seek feedback on their own performance?
- Has the Guardian personally reported to the Board or has their report been presented by an Executive?
- Is the speaking up process part of your annual audit cycle?