

Supplementary information on Freedom to Speak Up in NHS trusts and NHS foundation trusts

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About this resource

This supplementary information accompanies the [Guidance for boards on Freedom to Speak Up in NHS trusts and NHS foundation trusts](#) and the [Freedom to Speak Up review tool for NHS trust and foundation trusts](#).

We are happy to provide further explanation about any of the following information. Please contact nhsi.ftslearning@nhs.net

1. Individual responsibilities

Chief executive and chair

The chief executive is responsible for appointing the Freedom to Speak Up (FTSU) Guardian and is ultimately accountable for ensuring that FTSU arrangements meet the needs of the workers in their trust. The chief executive and chair role-model high standards of conduct around FTSU, and are responsible for ensuring the annual report contains information about FTSU and the trust is engaged with both the regional FTSU Guardian network and the National Guardian's Office.

Both the chief executive and chair are key sources of advice and support for their FTSU Guardian and meet with them regularly.

The chief executive should approve all confidentiality clauses that appear in settlement agreements to ensure they are assured that their use is in accordance with the good practice set out by NHS Employers. If the chief executive is party to the settlement agreement, the chair should obtain this assurance.

Executive lead for FTSU

The executive lead is responsible for:

- role-modelling high standards of conduct around FTSU
- ensuring they are aware of the latest guidance from the National Guardian's Office
- overseeing the creation of the FTSU vision and strategy
- ensuring the FTSU Guardian role has been implemented, using a fair recruitment process in accordance with the example job description and other guidance published by the National Guardian
- ensuring the FTSU Guardian has a suitable amount of ringfenced time and other resources and there is cover for planned and unplanned absence

- ensuring their FTSU Guardian has access to any emotional and psychological support they may need
- conducting a biennial review of the strategy, policy and process
- operationalising the learning from speaking up issues
- ensuring instances where individuals may have suffered detriment for speaking up are promptly and fairly investigated and acted on
- providing the board with a variety of assurances about the effectiveness of the trust's strategy, policy and process.

Non-executive lead for FTSU

The non-executive lead is responsible for:

- role-modelling high standards of conduct around FTSU
- ensuring they are aware of the latest guidance from National Guardian's Office
- challenging the chief executive, executive lead for FTSU and the board to reflect on whether they could do more to create a healthy and effective speaking up culture
- acting as an alternative source of advice and support for the FTSU Guardian
- overseeing speaking up matters regarding board members – see below.

We appreciate it can be challenging to maintain confidentiality and objectivity when investigating issues raised about board members. This is why the role of the designated non-executive lead is critical. Therefore, in exceptional circumstances, we would expect the non-executive lead to take the lead in determining whether:

- sufficient attempts have been made to resolve a speaking up concern involving a board member(s) and
- if so, whether an appropriate fair and impartial investigation can be conducted, is proportionate, and what the terms of reference should be for escalating matters to regulators, as appropriate.

Depending on the circumstances, it may be appropriate for the non-executive lead to oversee the investigation and take on the responsibility of updating the worker. Wherever the non-executive lead does take the lead, they inform the FTSU Guardian, confidentially, of the case; keep them informed of progress; and seek their advice around process and record-keeping.

The non-executive lead informs NHS Improvement and CQC that they are overseeing an investigation into a board member (depending on the circumstances we may require you to provide the name of the board member under investigation). NHS Improvement and CQC can then provide the non-executive with support and advice. The trust needs to consider how to enable a non-executive lead to commission an external investigation (which might need an executive director to sign-off the costs) without compromising the confidentiality of the individual worker or revealing allegations before it is appropriate to do so.

Human resource and organisational development directors

The human resource (HR) and/or organisational development (OD) directors are responsible for ensuring that:

- Values and behaviours associated with FTSU, such as courage, impartiality, empathy and learning, are embedded throughout the recruitment, appraisal and termination processes.
- All workers have the capability and the access to appropriate resources to enable them to role-model high standards of conduct around FTSU.
- Speaking up is understood and interpreted in the broadest sense: there is no artificial distinction made between 'whistleblowing' and other speaking up activities, or between 'formal' and 'informal' 'concerns'. Workers and managers understand that speaking up encompasses matters that might be referred to as 'raising concerns', 'complaining', 'raising a grievance' or 'whistleblowing'. It also includes making suggestions for improvement.
- The trust understands the impact that worker experience, including bullying and harassment, engagement levels, and other 'cultural' issues, can have on patient safety, staff health and wellbeing, and on trust performance.

- The trust has a robust process to review claims that workers have suffered detriment as result of speaking up, which could include asking the non-executive lead for FTSU to review the claims.
- The trust evaluates all speaking up routes (including speaking up to the FTSU Guardian) and assesses why particular routes are used, addressing any barriers that prevent workers from using non-Guardian routes. Similarly, the FTSU Guardian monitors and responds to any barriers that may prevent workers speaking up to them, as well as looking more broadly at barriers to speaking up in the organisation
- Values and behaviours associated with FTSU such as courage, impartiality, empathy and learning, are role-modelled and assessed during recruitment and appraisals.
- The FTSU Guardian has the full support of HR staff and appropriate access to information to enable them to triangulate intelligence from speaking up issues with other cultural and worker experience indicators.
- The trust has a leadership development programme that supports managers to have meaningful and compassionate conversations; give and receive feedback constructively; and support others to work productively and develop themselves.
- Managers and executives are able to evidence how they reflect on the impact of their behaviour in 1-1s and appraisals. This self-reflection could be supported by a range of peer and staff feedback.
- Effective and, as appropriate, immediate action is taken when potential worker safety issues are highlighted by speaking up.

Medical director and director of nursing

The medical director and director of nursing are responsible for ensuring:

- role-modelling high standards of conduct around FTSU
- the FTSU Guardian having appropriate support and advice on clinical, patient safety and safeguarding issues
- effective and, as appropriate, immediate action taken when potential patient safety issues are highlighted by speaking up

- learning in relation to patient safety being disseminated across the trust
- learning operationalised within the teams and departments they oversee.

2. Evaluating Guardian resource

FTSU Guardians should be able to demonstrate they have the capacity and capability to fulfil the requirements of the National Guardian's FTSU Guardian [job description](#). Ultimately, this means the board must satisfy itself that the way the role is implemented meets the needs of workers in the organisation.

Capability

The National Guardian's Office has developed an [education and training pack](#) to help FTSU guardians assess their strengths and weaknesses and identify potential training needs. FTSU Guardians should be given the time and access to the right support to enable them to address any areas for improvement and build on their strengths.

Wellbeing

Given the nature of the post, FTSU Guardians should be given the opportunity and time needed to access supervision, mentoring, and other sources of emotional and psychological support and advice.

Capacity

As the FTSU Guardian role is driven by the needs of workers, there is no minimum standard amount of time and support FTSU Guardians need. However, the National Guardian expects that the trust will allocate ringfenced time.

Other considerations

When considering the amount of ringfenced time required for the role, boards should consider:

- the needs of the job in the round, including the reactive elements (responding to workers who speak up) and the proactive elements (looking at barriers to speaking up and working in partnership to help reduce them, communicating the role, ensuring there is appropriate training on speaking up)

- the number of workers in the organisation, geographic spread, diversity, and, in particular, the needs of the most vulnerable
- the need to fulfil the expectations of the National Guardian, including recording cases, reading and carrying out gap-analyses based on case review reports, writing and presenting board reports, reporting data locally and nationally, supporting information-gathering exercises, ensuring contact details are kept up-to-date
- playing an active part in the FTSU Guardian network regionally and nationally, including attending regional and national meetings, training, and other events
- the requirement to, where necessary, liaise with external partners including CQC, NHS Improvement and the NGO
- the general environment in which the trust is currently operating – FTSU Guardians may have an increased workload at times of change, such as mergers, organisational and operational restructuring, changes in CQC rating, and entering special measures or being placed on the challenged provider list.

The board may also want to seek advice from trusts that provide similar services and have a similar size workforce, geographical spread and regulatory circumstances.

3. Communication strategy

Why a strategy is important

To create a positive FTSU culture, workers need to know how to speak up and to whom. They need regular messages that reinforce the message that speaking up is welcomed and actions result from speaking up.

Demonstrating the impact of speaking up, the improvements made and learning generated as a result are therefore important elements of any FTSU communications strategy.

Communications strategies need to consider ways in which more inaccessible workers can be reached and also how appropriate messages can be tailored to, and reach, vulnerable workers and those who may face particular barriers to speaking up. They should also be accompanied by measures so that impact can be assessed. Strategies should be regularly refreshed so that messaging remains effective and impactful.

Any FTSU-branded communication should be in line with NGO guidelines (for details contact enquiries@nationalguardianoffice.org.uk)

Ways to communicate across a dispersed trust

Written communication	Verbal communication
Intranet pages	All staff events
Electronic newsletters	Executive/senior leader drop in sessions
Screen savers	Executive/senior leader walkabouts
Posters/ flyers/business cards	Senior leader surgeries
Payslips	Directorate/Team meetings
Social media	Staff forums/ network meetings
Electronic message boards	Working groups to develop change ideas

Mobile phone app	Speaking Up culture awards
Paper newsletters	Speaking Up managers network
E learning	Pop up market stalls
Merchandise – mouse mats, pens, coasters, calendars, lanyards	Training webinars
Pop up PC/laptop screen alerts	Induction/training on FTSU as well as references within other training on bullying and harassment, effective communication

Ways to evaluate a communication strategy

Ways to track engagement
Email tracking tools – count how many people have opened, clicked through or deleted FTSU-related emails.
Polls/pulse surveys – track response rates and how knowledge and confidence increase. Quantify the number of positive versus negative verbatim comments.
Number of concerns – count the number of concerns raised via each speaking up channel. Identify which directorates they are coming from.
Track social media – count comments, likes and retweets and video views in relation to FTSU posts. Quantify the number of positive versus negative verbatim comments.
Intranet analytics – count page views or document downloads in relation to FTSU.
Online discussion forum – number of participants/comments. Quantify the number of positive versus negative verbatim comments.
Listen to what people are talking about!!!

4. FTSU improvement strategy

Creating your strategy

- Your strategy could be a separate document or a distinct section within a relevant policy or strategy (ie a quality or OD strategy). Regardless of presentation, it needs to set out clearly how it fits in with the trust's overall strategy and how it supports the delivery of related strategies.
- It aligns to your gap analysis against the recommendations from the National Guardian.
- It describes ambitions and aims based on a diagnosis of the issues the trust currently faces in relation to FTSU.
- It includes clear objectives, measures and targets to demonstrate improvement.
- The objectives include a focus on the development of leadership values, behaviours, skills and knowledge that would support the delivery of the speaking up vision. Any training in FTSU should be in accordance with national guidance from the National Guardian.
- It contains information about the systems needed to support delivery (ie IT, HR, quality, governance, communication and data analysis).
- Ideally, it will be co-produced with a diverse range of relevant stakeholders (including the FTSU Guardian) but at a minimum the draft plan should be shared with key stakeholders (eg staff side and employee representative groups) and their feedback acted on.

Evaluating your strategy

Strategy
What does our FTSU strategy describe?
Does the strategy contain an effective set of measures?
How have workers and managers been involved in the production of the strategy?
How has the board been involved in sign off the strategy?
Oversight
How is the implementation of the strategy monitored?
How have we tested the effectiveness of our assurance?
Systems to support delivery
What are we doing to support delivery of the strategy?
How are we evaluating the effectiveness of that support?
Managers
How are we involving managers in the implementation of the strategy?
Values and behaviours
What values and behaviours are we monitoring in relation to FTSU?
How effectively are we challenging when values and behaviours are not upheld?
Skills/capability/knowledge
What skills/capabilities/knowledge are we looking to develop to deliver the FTSU strategy?
How are workers being provided with these skills/capabilities/knowledge?
How are we assessing the capability of workers, managers and senior leaders in this respect?

5. Triangulating data

Data that could be compared to identify wider issues

Patient safety	Employee experience
Patient complaints	Grievance numbers and themes
Patient claims	Employment tribunal claims
Serious Incidents	Exit interviews themes
Near misses	Sickness rates
Never Events	Retention figures
	Staff survey results
	Polls/pulse surveys
	Workforce Race Equality Standard and Workforce Disability Equality Standard data
	Levels of suspension
	Use of settlement agreements

Questions to ask of your data

- Why do some departments and staff groups have no issues?
- Who are the outliers and why?
- Which departments and staff groups have consistently occurring issues?
- Why have some departments been able to reduce the number of issues?
- What is the cause of unexpected spikes?
- Do patient and employee issues overlap in a department or directorates?

People should be supported by experts to interpret statistical significance and all data and other intelligence should be presented in a way that maintains confidentiality.

6. Board assurance

Elements a board should seek assurance on

- Workers know how to speak up.
- Workers speak up with confidence and are treated well.
- Workers are not victimised or do not suffer reprisals after they have spoken up.
- Managers and senior leaders role-model the right behaviour to encourage speaking up.
- Confidentiality is maintained.
- Concerns are processed in a timely manner.
- Risks are quickly escalated.
- Action is taken to address any evidence that workers have been victimised as a result of speaking up.
- Workers who have suffered victimisation as a result of speaking up are provided with appropriate support and redress.
- Appropriate patient safety and worker experience data is triangulated with the themes emerging from speaking up channels to identify wider concerns or emerging issues.
- Learning is identified and shared across the trust.
- Improvement actions are monitored and evaluated to ensure they lead to improvements.
- The trust's FTSU arrangements are compliant with guidance from the National Guardian and NHS Improvement.

Examples of assurance

- Speaking up concerns: numbers and themes
- Incident reporting: numbers, quality of reports, levels of feedback
- Grievances: numbers and themes
- Initiatives like [Safety Huddles](#) or [Listening into Action](#): number and quality
- FTSU Guardian user feedback
- Polls/surveys/focus group reports
- Analysis of exit interview themes
- Analysis of social media comments including internal electronic message boards
- Reports from boards doing walk-about
- FTSU focus group/steering group reports
- Gap analysis against case reviews produced by the National Guardian
- National staff experience surveys
- FTSU Guardian board report
- Internal audit reports
- Employment tribunal judgements
- National Guardian Office case reviews
- CQC/NHS Improvement led focus groups
- External culture reviews
- CQC inspection reports

7. Guardian report content

Assessment of cases

- Information on the number and types of cases being dealt with by the FTSU Guardian and their local network.
- Analysis of trends, including whether the number of cases is increasing or decreasing; any themes in the issues being raised (such as types of issue, particular groups of workers who speak up, areas in the trust where issues are being raised more or less frequently than might be expected); and information on the characteristics of people speaking up.
- Information on what the trust has learnt and what improvements have been made because of workers speaking up.

Potential patient safety or worker experience issues

- Information on how FTSU matters fit into a wider patient safety/worker experience context, so that a broader picture of FTSU culture, barriers to speaking up, potential patient safety risks, and opportunities to learn and improve can be built.

Action taken to improve FTSU culture

- Actions taken to increase the visibility of the FTSU Guardian and promote all speaking up channels.
- Actions taken to identify and support any workers who are unaware of the speaking up process or who find it difficult to speak up.
- Assessments of the effectiveness of the speaking up process and individual case handling – including user feedback; pulse surveys and learning from case reviews.

- Information on instances where workers feel they have suffered detriment – including what the detriment was; what action has been taken, whether the issue has been resolved, and any learning.
- Information on actions taken to improve the skills, knowledge and capability of workers to speak up; to support others to do so, and respond to the issues they raise effectively

Recommendations

- Suggestions for any priority action needed.

Data and other intelligence must be presented in a way that maintains confidentiality.

8. Speaking Up policy audits

What a comprehensive audit report could include
Do workers feel safe to speak up?
Is the trust acting on allegations of victimisation or perceived detriment?
Is confidentiality being effectively maintained?
Do all workers, bank and agency staff, temporary workers, volunteers and governors know about the policy? How does the trust measure this?
Are managers responding effectively to workers who speak up?
Is the FTSU Guardian responding effectively to workers who speak up?
Are the executive and non executive leads for FTSU responding effectively to workers who speak up?
Are issues that raise patient safety concerns escalated quickly?
Is the training for workers and managers in relation to speaking up effective?
Do workers know about the support that is available to them to speak up?
Are workers thanked, updated and given feedback?
Is the FTSU Guardian collating, evaluating and responding to user feedback?
Is the trust identifying, compiling and sharing learning effectively?
Is the impact of change being measured?
Do board meeting minutes evidence informed and rigorous discussion on FTSU matters?
Are the trust's FTSU arrangements based on the latest guidance from NHS Improvement and the National Guardian?

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