

Case Reviews

Frequently asked questions

What is a case review?

The Freedom to Speak Up Review conducted by Sir Robert Francis looked into whether the concerns of NHS workers who raised concerns in the workplace were handled appropriately. The review received significant evidence that this did not always happen. It therefore recommended the establishing of an independent national officer to review cases to identify how concerns should have been better handled. Following publication of the review in 2015 the role of National Guardian was set up, with the reviewing of such cases as one of its functions.

Why will the National Guardian's Office review cases?

The emphasis of a case review is to learn and improve. A case review will identify any areas where the handling of NHS workers' concerns does not meet the standards of accepted good practice in supporting speaking up. Recommendations will be made to NHS organisations to take appropriate action where they have failed to follow good practice. Case reviews will also commend areas of good practice.

What types of cases can be reviewed?

For a case to be suitable for review a referral should meet the following criteria:

- The case referred relates to the failure of a NHS trust to respond appropriately to a concern relating to the treatment of patients and/or workers
- There is evidence to show that learning may be obtained from reviewing the case
- It is practicable for the National Guardian's Office to review the case
- If the case is referred by someone who previously worked in the NHS they should have ceased working for a period not exceeding two years prior to the referral

The National Guardian is not able to investigate the merits of the original concern to determine whether there was evidence to support that concern or not. Such an investigation is the responsibility of other bodies, including the relevant NHS trust.

The National Guardian cannot review cases that are the subject of a criminal investigation or an investigation by NHS Protect.

Who can refer a case to the NGO for review?

Anybody can submit a case, including whistle-blowers, as long as the person raising the concern has been employed by the NHS within the last two years

When will the National Guardian's Office review cases?

The National Guardian will initially review cases referred to them for a 12 month trial period, after which they will assess and refine the process according to feedback received, including from case referrers, Freedom to Speak Guardians and NHS bodies.

How will the National Guardian select cases for review?

The National Guardian will select cases on the basis of all the information provided in the referral. As part of the referral process the National Guardian's Office may ask for additional information from the referrer to help identify the issues in the case.

The National Guardian will select a case to review which meets the above criteria. Where appropriate, the National Guardian will prioritise those cases where there is evidence that the handling of a concern caused significant harm to staff or patients, or created the risk of such harm.

Who will review cases?

Case reviews will be undertaken by staff from the National Guardian's Office.

How can I submit a case?

To submit a case to be reviewed please use the referral form and user guide available on the National Guardian's Office webpages.

Is the information in a case review referral treated confidentially?

All referrals are treated in confidence. Please note however, that the National Guardian may share referral information with relevant agencies where it is necessary to protect the welfare of individuals, for example where the information relates to a child or adult safeguarding matter.

Will a case review be published?

Yes, once a review is complete a review report will be published on the National Guardian's Office webpages. We expect trusts to publish an action plan setting out how it will respond to the findings of a review.

What will the National Guardian do to commend areas of good practice?

The National Guardian's Office commends good practice, wherever it is found. Good practice will be highlighted in review reports.

What happens if NHS trusts do not implement case review recommendations?

The National Guardian will monitor the action plans that trusts put in place to implement case review recommendations. Where trusts fail to implement such plans the National Guardian will refer the matter to those bodies responsible for regulating trusts, so that they may use their regulatory powers to ensure trusts take effective action.