

From: "LAWSON, Emily (NHS ENGLAND)" <*****>
Subject: RE: Diversity of NHS England's Speak Up Guardians and NHS England's internal whistleblowing protocols.
Date: 17 April 2018 at 16:02:23 BST
To: Minh Alexander <*****>
Cc: *****

Minh

On your third point, I am finding it hard to reply in a way that satisfies you. To summarise:

One third of those FTSU guardians who revealed their ethnicity are BME We have not specified how much time they should spend on their role as FTSU guardians. We have committed that we will protect the time they need to spend, including on training.

For time we can predict in advance, e.g., training, that will be the same for any guardian, so there is no point creating data on this split by ethnicity. It will, by definition, be one third of the time spent by guardians who report their ethnicity. We do not yet know how many queries or requests will be made on their time, so we cannot provide data on what proportion this will be by ethnicity.

We have committed to seek regular feedback from FTSU guardians to make sure the role is manageable. At the end of each six month period we will review how the guardians are finding their role, and make adjustments as needed.

Representatives of our networks that support colleagues with protected characteristics are supportive of the approach we are using.

I don't think it is productive to continue to correspond on this particular issue. When we have insight into how this approach is working, we will amend our approach in consultation with our FTSU guardians and our colleague representatives, as well as the National Guardian's Office.

On your other requests the team will respond in due course.

Yours sincerely

Emily Lawson.

From: Minh Alexander <*****>
Sent: 17 April 2018 15:45
To: LAWSON, Emily (NHS ENGLAND) <*****>
Cc: *****

Subject: Diversity of NHS England's Speak Up Guardians and NHS England's internal whistleblowing protocols.

By EMAIL

Emily Lawson
Director of Transformation and Corporate Operations
Freedom To Speak Up Lead
NHS England

17 April 2018

Dear Emily,

Diversity of NHS England's Speak Up Guardians and NHS England's internal whistleblowing protocols.

Thank you for your reply to my letter of 24 March 2018.

1. Protection for NHS England whistleblowers and Speak Up Guardians
Thank you for confirming that NHS England's internal whistleblowing will specifically indicate that NHS England's own Freedom To Speak Up Guardians will be free to contact the National Guardian's Office (NGO) for guidance, and that NHS England will voluntarily provide the NGO with data about cases as a matter of good practice.

I accept that the National Guardian's remit does not currently include conducting case reviews of NHS bodies other than NHS trusts. Indeed, this was a central weakness of the Freedom To Speak Up Review

recommendations, which did not address whistleblowing about misconduct by central NHS bodies and the Department of Health. Whilst accepting that NHS England's Speak Up Guardians could not currently escalate cases to the NGO for the purposes of triggering case review, it is nevertheless part of the NGO's brief to identify barriers to speaking up across the NHS.

It would give your Speak Up Guardians and NHS England staff in general firmer reassurance if NHS England's policy makes it clear that your Speak Up Guardians can not only contact the National Guardian for guidance, but may report concerns that they have been unable to resolve internally, albeit with the proviso that the National Guardian cannot conduct a review in the accepted sense. Unless of course, NHS England also voluntarily opens itself up to such review.

2. Request for a report which showed that 53% of BME NHS England staff reported experiencing bullying

[NB Erratum 22.04.2018 – the statistic is 55% - see below]

Many thanks for the link to an NHS England report of staff experience, which is helpful.

However, I do not believe it is the report that I asked you for. The Health Service Journal reported in December 2017 that a leaked NHS England report showed:

[“55 per cent of BME staff say they were bullied by their line manager since starting work at NHS England”](#)

The report to which you have directed me does not contain this 53% bullying statistic and it is dated March 2018:

['NHS England progress on staff engagement March 2018'](#)

so it does not seem to be the report that I requested.

I would be very grateful as requested for a copy of the NHS England report cited by the HSJ which contains the 53% statistic about bullying. *Please consider this an FOI request.*

3. Diversity of NHS England's Speak Up Guardians

To recap, Simon Stevens promised in October 2017, in the aftermath of concerns that there was BME under representation across NHS Freedom To Speak Up Guardians in general, that one third of NHS England's Speak Up Guardians would be BME.

This was of great significance not only from the perspective of whistleblowing governance, but also potentially had national implications for how the NHS approaches diversity and recruitment.

In parallel with this, I raised concerns with the Department of Health and I have been asking NHS England questions about the diversity of Speak Up Guardians since September 2017,

[Correspondence with Department of Health and NHS England Sept 2017 about Ethnicity of Freedom To Speak Up Guardians](#)

both via the Workforce Race Equality Standard work stream and via the Speaking Up work stream.

However, I remain largely unclear about the specific interventions by NHS England that the former Minister Phillip Dunne advised me were being considered:

"...consider the identification of interventions that may help to improve the diversity of Freedom to Speak Up Guardians"

Since Mr Stevens publicly announced on 6 March 2018 that NHS England had met its target of one third BME Speak Up Guardians, I have been unable to clearly establish from NHS England the basis for this claim.

So far, NHS England has indicated that in crude headcount, one third of its Speak Up Guardians who returned data on their ethnicity are BME. However, NHS England has drawn a veil in response to my questions about whether one third of the Speak Up Guardian service is BME in terms of WTE distribution.

In total, NHS England has now thrice omitted to answer specific questions about the WTE distribution of Speak Guardians by Race. In your latest response, you contend that the WTE commitment of Speak Up Guardians is irrelevant to the service that they provide:

Your email of 16 April 2018

“I will not be able to provide data on this time commitment, as Guardians are not required to record how much time they spend within their FTSU roles. Time is not considered a reporting factor; Guardians are focused more importantly, on ensuring colleagues feel empowered to raise their concern(s) via the FTSU process without any time constraints. Any time spent within the Guardian role is protected time and the Guardians are fully supported to take as much time necessary to ensure the FTSU process fully supports colleagues when raising their concern(s).”

You also advised on 23 March that:

“The FTSU Guardian responsibilities are part-time, with a voluntary undertaking that is in addition to the Guardians’ existing contracted role”

However, on 8 March you kindly supplied me with the NHS England Speak Up Guardian job description, which indicated that there is designated time for these roles:

“With sufficient designated time to carry out their role, participate in external FTSU activities, and take part in staff training , induction and other relevant activities”

Although you contend that the designated time is ‘not considered a reporting factor, the Freedom To Speak Up Review emphasised that the Freedom To Speak Up role should not be squeezed in on top of existing duties:

“It is essential however that this is not additional to their existing duties.”

The NGO has also expressed concern about a national picture of variable time investment in the Speak Up Guardian role, and the need for some Guardians to be given substantially more time to discharge their Speak Up duties:

*“... they [Speak Up Guardians] need sufficient time to enable them properly to meet the needs of the workers they support. NHS leaders should provide that time as an investment in their staff.”
Press statement 18 September 2017*

“We strongly recommend that all trusts provide ring-fenced time for anyone appointed as a guardian / ambassador / champion to carry out their role and attend training, regional and national network meetings, and other events.” NGO report September 2017 of a Speak Up Guardian Survey

I am concerned that NHS England’s reluctance to share the requested data suggests that an examination of the WTE distribution by Race of NHS England’s Speak Up Guardians may show that there is no solid basis for Simon Stevens’s announcement that the one third BME target has been achieved.

With best wishes,
Minh

Dr Minh Alexander

Cc Simon Stevens Chief Executive NHS England
Prof Mala Rao WRESAG
Marie Gabriel WRESAG Chair
Yvonne Coghill Director of NHS England WRES
Programme
Victor Adebowale NHS England NED
Moirra Gibb NHS England NED and Chair of National
Guardian’s Accountability and Liaison Board
Dr Henrietta Hughes National Guardian

From: "LAWSON, Emily (NHS ENGLAND)" <*****>
Subject: RE: Diversity of NHS England’s Speak Up Guardians and NHS England’s internal whistleblowing protocols
Date: 16 April 2018 at 14:16:14 BST
To: Minh Alexander <*****>

Dear Minh,

Further to your email dated 24 March 2018. I hope you find the following helpful in addressing the questions and points you have raised regarding

NHS England's Freedom To Speak Up (FTSU) Guardians; the internal Voicing Your Concern (Whistleblowing) policy; and our working relationship with the National Guardian's Office (NGO).

The case reviews you refer to are conducted by the NGO on FTSU governance and processes within NHS Trusts and Foundation Trusts, where there is evidence that they have failed to meet the standard of accepted good practice in supporting FTSU. The NGO does not currently accept case reviews in respect of other NHS organisations. To ensure good practice within NHS England's FTSU process and continued collaborative working with the NGO, we will be voluntarily providing them with data of the formal cases raised within NHS England. Our reporting templates will be developed in accordance with the "Guidance for Freedom to Speak Up Guardians" guidelines, provided by the NGO. Importantly, one of the templates will also focus on capturing feedback from colleagues on their experience when using the FTSU process. This feedback will be considered as part of the on-going review and development of the FTSU process.

NHS England has always encouraged FTSU Guardians to contact the NGO for guidance in regards to issues they may have experienced. The NGO supports a growing network of Freedom To Speak Up Guardians in NHS trusts, the independent sector, regulators and arms' length bodies by providing training on the purpose and expectations of the role and providing guidance to Guardians.

As part of the Voicing Your Concerns (Whistleblowing) Policy review, updates to reflect this and other the developments within NHS England's FTSU process will be included. This will reinforce the message we have already widely communicated, that FTSU Guardians can contact the NGO for guidance at any time.

Apologies for not having attached the BME Staff Network Report in my previous reply - please find attached. You can find information on NHS England's staff survey results

here: <https://www.england.nhs.uk/publication/nhs-england-progress-on-staff-engagement-march-2018/>

It is difficult to estimate how much time commitment has been spent and will be required going forward for the FTSU Guardian roles, as it is largely dependent on the volume and complexity of cases. I will not be able to provide data on this time commitment, as Guardians are not required to record how much time they spend within their FTSU roles. Time is not considered a reporting factor; Guardians are focused more

importantly, on ensuring colleagues feel empowered to raise their concern(s) via the FTSU process without any time constraints. Any time spent within the Guardian role is protected time and the Guardians are fully supported to take as much time necessary to ensure the FTSU process fully supports colleagues when raising their concern(s).

Thank you again for your interest in the process and development of NHS England's FTSU network.

Yours sincerely,

Emily Lawson
National Director: Transformation and Corporate Operations
NHS England, Skipton House, 80 London Road, London, SE1 6LH

From: "LAWSON, Emily (NHS ENGLAND)" <*****>
Subject: RE: Diversity of NHS England's Speak Up Guardians and NHS England's internal whistleblowing protocols
Date: 11 April 2018 at 10:28:49 BST
To: Minh Alexander <*****>

Dear Minh, with apologies for the delay in responding, I confirm receipt of your email, in response to mine, dated 24 March 2018.

I will provide a response to this quite soon and hope this reassures you.
Many thanks
Emily

From: Minh Alexander [mailto:*****]
Sent: 05 April 2018 17:20
To: LAWSON, Emily (NHS ENGLAND)
Subject: Diversity of NHS England's Speak Up Guardians and NHS England's internal whistleblowing protocols

Hi Emily,

Would you mind confirming receipt of my email below, of 24 March?

BW

Minh

From: Minh Alexander <*****>

Subject: Diversity of NHS England's Speak Up Guardians and NHS England's internal whistleblowing protocols

Date: 24 March 2018 at 08:06:33 GMT

To: Emily Lawson <*****>

Dear Emily,

Thank you very much for your helpful reply and for confirming that the National Partnership Forum Policy sub group will review the suggestion to embed audit in NHS England's whistleblowing policy.

1. I do appreciate, as you point out, that the National Guardian's Office does not consider itself as a means of appeal or investigating whistleblowers' concerns. However, it does in principle conduct reviews and sometimes make general enquiries when concerns about poor whistleblowing governance are brought to its attention, including concerns escalated by local trust Speak Up Guardians.

In my email to you of 9 March I suggested that NHS England's own Speak Up Guardians should have the same formal relationship and ability to escalate concerns to the National Guardian if they think they have not been properly handled by NHS England, and that this should be made clear in NHS England's policy.

Should I understand from the lack of confirmation in your email, about revising this aspect of the policy, that NHS England does not intend to allow its Speak Up Guardians to formally escalate concerns to the National Guardian about NHS England's handling of whistleblowing?

2. Thanks for agreeing to let me have a copy of the BME Staff Network Executive Committee. It does not appear to be attached to your email. I would be grateful for a copy. As you say that this survey does not correlate with the NHS England staff survey, please may I also have a copy of the latest NHS England staff survey report to cross reference.

3. My question about the FTE of BME vs White Speak Up Guardians remains unresolved I think. I am aware that NHS England's Speak Up Guardians are all part time. It is the degree to which they are part time that I wished to know about.

To fully clarify the matter could you possibly let me have the following:

1. Total FTE of all white NHS England Speak Up Guardians (ie. the cumulative statistic from adding up all the sessions of protected time currently given to NHS England Speak up Guardians for FTSU activities)
2. Total FTE of all BME NHS England Speak Guardians
3. Total FTE of all white NHS England lead Speak Up Guardians
4. Total FTE of all BME NHS England lead Speak Up Guardians
5. Total FTE of all White NHS England support Speak Up Guardians
6. Total FTE of all BME NHS England support Speak Up Guardians

With best wishes,

Minh

Dr Minh Alexander

From: "LAWSON, Emily (NHS ENGLAND)" <*****>
Subject: Diversity of NHS England's Speak Up Guardians and NHS England's internal whistleblowing protocols
Date: 23 March 2018 at 12:29:48 GMT
To: Minh Alexander <*****>

Dear Minh,

Thank you for your email dated 9 March 2018. I hope that you find the following helpful in addressing the additional questions and points you have raised regarding NHS England's Freedom To Speak Up (FTSU) Guardians and the internal Voicing Your Concern (Whistleblowing) policy and procedure.

As noted previously, none of the 37 FTSU roles are Full Time Equivalent (FTE) roles. The FTSU Guardian responsibilities are part-time, with a voluntary undertaking that is in addition to the Guardians' existing contracted role. All FTSU Guardians have protected time to carry out their FTSU duties and have their line manager's full support. The ethnic origin of all 37 FTSU Guardians was provided in my previous reply.

Further to your request for a more detailed analysis of the FTSU Guardians ethnic origins, I can confirm the ethnic origins of our Lead FTSU Guardians are: White 55.5%; BME 22.2%; and 22.2% Undisclosed. Out of the potential 10 Lead FTSU Guardian roles, only nine roles were included within this analysis. This is due to the Lead FTSU Guardian role within the Contact Centre being vacant and currently being recruited too. For the 28 Support FTSU Guardians, I can confirm their ethnic origins are: White 46.4%; BME 35.7%; and 17.9% Undisclosed.

To ensure the continued development and implementation of the FTSU recommendations made within the Freedom To Speak Up report, there was no written methodology produced in the initial stages of establishing the FTSU network. The best approach at the time was to utilise the strong existing relationships with our staff networks. General discussions were held with them and the FTSU implementation team on how best to improve the diversity of staff applying to become FTSU Guardians to supplement asking staff to step forward via our internal communications channels and briefings. The steps agreed and taken following these discussions were also outlined in my previous reply.

In regards to your question on the proportion of staff that applied to become FTSU Guardians, the appointments made and their ethnic origins, I can confirm that all 37 staff who applied to become FTSU Guardians were appointed to either a Lead or Supporting role. I think this, coupled with the information I have previously provided on the ethnic origins of all 37 FTSU Guardians, answers your question.

At the National Guardian's Office (NGO) training provided to NHS England's FTSU Guardians, it was made very clear that FTSU Guardians can contact the NGO for support and advice. The NGO advises that it is generally best for issues to be addressed locally, where appropriate action can take place quickly and effectively. The role of the NGO is to advise FTSU Guardians on best practice, to encourage and enable staff to speak up safely within their own workplaces. It is not seeking to replace local responsibility for enabling staff to speak up. The NGO is not an arbitration or appeals service and cannot investigate the detailed concerns raised in specific cases. NHS England staff should raise concerns through one of the various channels made available in the Voicing Your Concerns (Whistleblowing) policy and produce, falling that the relevant health service regulator. The NGO confirmed at their

National Conference on 6 March, that they are also developing a toolkit to help provide further support and guidance for FTSU Guardians.

Following a meeting of the FTSU Lead Guardians on 7 March 2018, a process has been agreed for reporting FTSU case data and is outlined in the FTSU project's governance arrangements. This now includes producing a template that will allow reporting at a national level to NHS England's Board and also provides a standardised reporting template for Lead FTSU Guardians to meet local reporting requirements, within their Regional settings. It was also agreed, as part of FTSU network's objectives, to develop an approach for FTSU Guardians to record the number of instances they have experienced staff not wanting to formally raise concern(s). This process will also focus, more importantly, on understanding why this happens and the barriers staff are potentially facing within the organisation and the possible influence on their decisions.

We propose to do this by developing an anonymous form to accompany the Voicing Your Concerns (Whistleblowing) policy and produce. The objective being, to help FTSU Guardians capture why staff did not want to raise their concern(s) formally, any barriers that may have influenced them and also feedback on the FTSU process as a whole. Any feedback received will then be reviewed and relevant changes and improvements made to the FTSU process to ensure staff are fully supported. This will also contribute to ensuring the FTSU network's objective of a continual review process is achieved.

To complement all this existing work, Gemma Morris, FTSU Business Manager, is having a discussion next week with the NGO on NHS England's potential reporting requirements, both internally and externally, on the number of FTSU cases and feedback received on the FTSU process.

NHS England's HR policies are developed in partnership with our Trade Union colleagues as part of our National Partnership Forum arrangements, established to create a fair and consistent working environment across the organisation. The Voicing Your Concerns (Whistleblowing) policy and procedure are currently being reviewed to ensure that the organisation's strengthened FTSU arrangements are fully reflected.

As part of this review, we will ensure that your suggestions around audit are considered as part of this official review by the members of our National Partnership Forum Policy Sub Group.

The survey you are referring to was conducted by NHS England's BME Staff Network Executive Committee. Please note that it does not correlate with the wider NHS England staff survey, as the baseline questions used were not the same. I have attached a copy of this report. And I hope you would agree that within NHS England's FTSU network, we have demonstrated a visible commitment to address Diversity and Inclusion issues through the recruitment of a FTSU Guardian that will lead on BME related issues.

Thank you again for your interest in the process and development of NHS England's FTSU network.

Yours sincerely,

Emily Lawson
National Director: Transformation and Corporate Operations,
NHS England, Skipton House, 80 London Road, London, SE1 6LH

From: Minh Alexander <*****>
Subject: Diversity of NHS England's Speak Up Guardians and NHS England's internal whistleblowing protocols
Date: 9 March 2018 at 09:58:19 GMT
To: Emily Lawson <*****>
Cc: *****

By EMAIL

Emily Lawson
Director of Transformation and Corporate Operations
Freedom To Speak Up Lead
NHS England

9 March 2018

Dear Emily,

Diversity of NHS England's Speak Up Guardians and NHS England's internal whistleblowing protocols

Many thanks for your response below of 8 March 2018, the information therein and for the attached documents.

These are important matters and I make some observations below based on awareness that there have been at least two recent, serious employment disputes between NHS England and workers, featuring allegations of whistleblower reprisal and Race detriment. I draw no conclusions about the merits of these individual cases but I do note that poor Race metrics have been reported in relation to NHS staff experience:

[NHS England BME staff report widespread bullying, Health Service Journal 20 December 2017](#)

BME Guardians at NHS England

Your answer gives useful raw information on numbers of NHS England Speak Up Guardians and ethnicity, where the individuals concerned gave indication of their ethnicity (81%).

However, I still have unresolved questions about what the distribution of BME staff is after FTEs are taken into consideration, and whether BME Guardians are represented amongst Lead Guardians, or mainly distributed amongst the Support Guardians.

To that end, can you please advise me what the total FTE is of NHS England Speak Up Guardians who have indicated that they are BME, and what is the total FTE of NHS England Speak Up Guardians who have indicated that they are white.

Similarly, can you advise how many of the Lead Guardians have indicated that they are BME and how many have indicated that they are white, and how many Support Guardians have indicated that they are BME and how many have indicated that they are white.

I remain interested to know how NHS England set out to achieve Simon Stevens' quota of one third BME Guardians. Was there a written methodology and if so may I see it? This is a matter that has national workforce practice implications for the NHS, and I imagine that NHS England would surely be pleased to share good practice.

Also, was the proportion of BME staff amongst those who were appointed as Guardians different to the proportion of BME staff amongst those who applied to be Guardians? What proportion of staff who applied to be Guardians described themselves as BME?

NHS England's protocols on Speaking Up

Thank you for sharing these documents.

I would suggest that NHS England considers some key amendments

1) Escalation of concerns to National Guardian

It would be a helpful protection and a supportive message to your Guardians if the job description and role description explicitly state that it is part of their role to escalate concerns to the National Guardian's Office, if they feel that it has not been possible to resolve matters internally within NHS England

2) Staff feedback

As a key link in the chain between policy and delivery, I would suggest that both Lead and Support Guardian's job descriptions and role descriptions explicitly require them to routinely collect feedback data on the experience of NHS England staff who have used their services

3) Audit

As another key link in the chain between policy and delivery, I would suggest that NHS England's internal whistleblowing policy for its own staff ('Voicing your concerns policy for staff') should feature an explicit requirement for regular audit of whether the policy is being implemented effectively, including measurement of staff experience of using the policy.

It is positive that NHS England's policy recognises the need for implementation to be regularly reviewed, but I think the manner of review needs strengthening.

At present, the section in NHS England's policy on 'Monitoring Compliance' * states only that 'review' will be undertaken by overview of collated reports and that the NHS England board will seek 'reassurance' that there has been no reprisal against staff who raise concerns.

This is not sufficient protection for staff. I would suggest that that clear, transparent, auditable standards are set and incorporated into the policy, and that there is periodic audit, the results of which are published and available to the Board.

Instead of receiving mere assurance, the Board should also receive data on staff experience of using the policy (including feedback data gathered by your Speak Up Guardians) and it should be apprised of any legal action against NHS England on grounds of whistleblower detriment.

Report which showed perception of bullying by NHS England BME staff

I would be most grateful if as a show of good faith, and in the interests of setting an example on transparency, NHS England could share a copy of this leaked report which formed the subject of the above HSJ report of 20 December 2017.

With best wishes,

Minh

Dr Minh Alexander

cc Neil Churchill NHS England
Kate Milton NHS England
Dame Moira Gibb NHS England
Lord Victor Adebawale NHS England
Prof Mala Rao WRESAG
Marie Gabriel WRESAG
Yvonne Coghill WRES

Sir Robert Francis CQC NED and Chair of National Guardian's
Liaison and Accountability Board
Dr Henrietta Hughes, National Freedom To Speak Up Guardian, CQC

*** NHS England 'Voicing your concerns policy for staff', 11 January 2016:**

"4 Monitoring Compliance

4.1 An annual summary on all reports which have been received under this policy, on a completely anonymous and confidential basis, will be reported to the Freedom to Speak Up Guardian and nominated Non-Executive Director.

4.2 The purpose of this review will be to ensure that the policy is working effectively and that issues raised are being dealt with in an appropriate and timely manner.

4.3 The NHS England Board will also be seeking reassurance that no form of harassment or other disadvantage has been taken against people who have raised matters under this policy in good faith.

4.4 The legal requirement on NHS England for compliance with The Public Interest Disclosure Act 1998 is met.

4.5 To ensure transparency NHS England will publish within the Annual report the number of formally reported concerns."

<https://minhalexander.files.wordpress.com/2018/03/voicing-your-concerns-for-staff-whistleblowing-policy.pdf>

From: "LAWSON, Emily (NHS ENGLAND)" <*****>
Subject: Freedom to Speak Up Guardians
Date: 8 March 2018 at 15:35:59 GMT
To: Minh ALEXander <*****>

Dear Minh,

Firstly, thank you for your patience while we finalise the Freedom To Speak Up (FTSU) appointments within NHS England. Having now neared completion of this stage and the majority of roles being appointed to, we are in a better position to provide you with the answers to the questions you raised via email on 19 January 2018 (and via a tweet around the same time).

In summary, NHS England's FTSU network currently consists of 37 FTSU Guardians, 9 Lead Guardians, together with 28 Support Guardians. The Lead Guardian roles will eventually comprise five within our regional teams, two within our centrally based teams in London and Leeds, one within our medical directorate, one within our contact centre and myself, as Principal FTSU Guardian. We were unsuccessful in appointing to one of the Lead Guardian roles, with another recruitment process currently underway. After conducting a demographic analysis, I can now confirm the ethnic origin of our Guardians are White: 19; BME: 11; Undisclosed: 7. This means that 37% of the Guardians who felt comfortable disclosing their ethnic origin have a BME background. This was the basis of Simon's answer to the question on Tuesday.

Our strategy when recruiting to the FTSU Guardians roles was to work with all our staff networks, including the BME network, to make the opportunity to become a FTSU Guardian widely known. This was conducted through direct communications with network Chairs, discussions at network meetings and national-focused communication within NHS England. One of our FTSU Guardians has volunteered to lead on BME related issues. We will continue to work with staff networks to ensure we increase the number of guardians from all protected characteristic groups and identify any barriers that would deter these colleagues from applying to become a FTSU Guardian.

In terms of capacity, I can confirm that in the planning stages of establishing a FTSU network, we did consult with other FTSU Guardians in NHS Trusts. It was concluded that this will vary, dependent on the number of cases raised and the level of participation required by the Guardian, dependent on the type of case. Indications from colleagues in NHS Trusts are that Guardians are spending between half and one and a half days a week on their FTSU role. With regard to any capacity required, there is an expectation that NHS England FTSU Guardians will be given protected time to carry out their duties and all Guardians have their line manager's full support. We will, of course, be monitoring this

over time. With reference to your question to Gemma yesterday, none of the Guardian roles are full time – these are additional, part-time responsibilities that the Guardians have volunteered to take on.

Now that NHS England’s network and supporting mechanisms are in place, we will be able to record more detailed information on the cases received and what that means in terms of time and capacity commitments required from our Guardians. We agreed in our Lead Guardian meeting yesterday to monitor this, and review in six months’ time.

As requested, I have attached NHS England’s Voicing Yours Concerns policy and procedure that underpins the FTSU process. Also attached are the roles and responsibilities definitions used for the recruitment of the Lead and Support Guardian roles.

Thank you for your interest in NHS England’s FTSU network.

Yours sincerely

Emily Lawson
National Director: Transformation and Corporate Operations,
NHS England, Skipton House, 80 London Road, London, SE1 6LH

From: Minh Alexander <*****>
Subject: Diversity of NHS England's Speak Up Guardians
Date: 7 March 2018 at 16:40:52 GMT
To: England Ftsu <england.fts@nhs.net>
Cc: *****

Hi Gemma,

I would be grateful to hear from you and to have answers as promised to my questions below of 19 January 2018.

I attended the National Guardian’s conference yesterday where Simon Stevens spoke, and he advised that the one third BME target for NHS England’s Speak Up Guardians has been achieved, in that one third of 37 Guardians are BME.

I would be grateful if you would support this with more detail about FTEs and roles, given that NHS England has disclosed that some Guardians are part time, and that there are 'Lead' Guardians and less senior supporting Guardians.

Please may I have:

- a) The information as requested about whether NHS England has achieved Simon Stevens' October 2017 quota of one third BME Speak Up Guardians in NHS England in the fullest sense
- b) Details of the methodology applied in reaching this target.

Many thanks,

Dr Minh Alexander

cc Neil Churchill NHS England
Kate Milton NHS England
Moirra Gibb NHS England
Victor Adebawale NHS England
Prof Mala Rao WRESAG
Marie Gabriel WRESAG
Yvonne Coghill WRES
Sir Robert Francis CQC NED and Chair of National Guardian's
Liaison and Accountability Board
Dr Henrietta Hughes CQC, National Freedom To Speak Up Guardian
Emily Lawson NHS England National Director for Transformation and
Operations and Freedom To Speak Up Lead

From: Minh Alexander <*****>
Subject: NHS England's Speak Up Guardians
Date: 3 March 2018 at 15:43:29 GMT
To: england.fts@nhs.net
Cc: Kate Milton ***** , Neil Churchill
<*****>

Hi Gemma,

Thanks for your email below of 7 February 2018.

I presume that as per your email , the internal NHS England Speak Up Guardian appointments will have been made by now.

Please may I now have a response to my original questions of 19 January 2018, also copied below.

BW,

Minh

From: "FTSU, England (NHS ENGLAND)" <england.fts@nhs.net>

Subject: NHS England's Speak Up Guardians

Date: 7 February 2018 at 15:49:54 GMT

To: Minh Alexander <*****>

Cc: "MILTON, Kate (NHS ENGLAND)" <*****>

Dear Minh,

I am writing with reference to your email date 19 January 2018.

Firstly, I apologise for the delay in replying to your email. I can confirm that we are in the final stages this week, of appointing to NHS England's Freedom To Speak Up Lead and Support Guardians roles. Applicants will be informed of their positions next week .

At this point, we will be in a position to reply in more detail to the points and questions you have raise and will be back in touch shortly.

Kind Regards,

Gemma Morris

Business Manager | Freedom To Speak Up

Change & Programme Delivery|Transformation and Corporate
Operations

5th Floor |Stephenson House | 75 Hampstead Road | London | NW1
2PL

“High quality care for all, now and for future generations”

From: Minh Alexander [mailto:*****]

Sent: 19 January 2018 17:25

To: MILTON, Kate (NHS ENGLAND)

Subject: NHS England's Speak Up Guardians

Hi Kate,

Thanks for the information about NHS England's internal Speak Up Guardian's appointments to date.

From tweeted information by Neil Churchill and other NHS England staff from the WRES conference staff on 31 October 2017, and information published by NHS England itself, I understood that there would be 15 NHS England Freedom To Speak Up Guardians and that one third of these would be BME.

From your tweeted advice today, I understand that there are so far

- “demographic data of our [NHS England's] lead guardians is that 22% are from a BME background and 22% are unknown”

- “5 guardians for CSUs, 6 confirmed for NHS England - 2 lead roles being reviewed, and we will be appointing up to 30 support guardians across the country”

Can I just clarify what all this put together means?

Does it mean that NHS England (including CSUs) so far has:

- 11 Speak Up Guardians (referred to as 'lead guardians)?
- If I understand that correctly, what does the FTE of these 11 Speak Up Guardians amount to?
- What is the budgeted maximum FTE capacity for these lead Guardians?

- Does the 22% BME figure for lead guardians relate to the 11 Speak Guardian head count, or does it relate to the total FTE of these 11 people?

What is the budgeted maximum FTE capacity for the 30 support Guardians?

Is it possible to have a copy of the methodology for achieving the one third BME Guardians target set by Simon Stevens?

Also copies of any policies and job descriptions relating to your lead Guardians and support Guardians?

Thanks and BW,

Minh

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