

A summary of  
speaking up learning  
and actions in  
response

June 2020

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## Summary:

1. The National Guardian's Office (NGO) has undertaken a review of the handling of two speaking up cases referred to it by two workers from Whittington Health NHS Trust ('the trust').
2. The cases related to issues raised over a period from 2015 to the time of the review.
3. The office undertook a review because the workers' referral information indicated the trust's response to their speaking up had not been in accordance with its policies and procedures, or good practice. The office decided a review could provide potentially important learning for both the organisation and other NHS trusts.
4. As part of its review, the office also looked at various aspects of the trust's speaking up function to identify any learning and potential improvement, as well as any good practice or innovation. By 'function' we mean the trust's speaking up arrangements, including its relevant policies, procedures and its support for those with specific, trust-wide responsibilities for supporting workers to speak up.
5. The NGO visited the trust in November 2019 to gather information for its review. We returned in January 2020 to discuss our findings with trust leaders and agree on what actions they would take in response.
6. The trust supported the review process by assisting in its planning, providing all requested information and by participating in the engagement process to discuss the review's findings.
7. As part of the review, NGO staff interviewed the workers who had referred their speaking up cases to the office and those in the trust who had knowledge of how the organisation had responded to those cases. In addition, we met with senior leaders responsible for the trust's speaking up function.
8. The review looked at a range of relevant documentation, including the trust's speaking up policies and procedures and an independent cultural review report it had commissioned, published in 2018.<sup>1</sup>
9. At the time of the review, the trust employed a full-time Freedom to Speak Up (FTSU) Guardian, supported by 18 speaking up 'advocates'. In accordance with national guidance for NHS trust boards, the speaking up function of the organisation was also supported by an executive and non-executive lead.<sup>2</sup>
10. The review identified areas of improvement regarding how the trust responded to speaking up cases raised by its workers. These included workers not being thanked for speaking up, delays in responding to matters raised and the need to provide better support and information about processes and procedure to those speaking up and handling their cases.

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<sup>1</sup> <https://www.whittington.nhs.uk/document.ashx?id=10729>

<sup>2</sup> <https://improvement.nhs.uk/resources/freedom-speak-guidance-nhs-trust-and-nhs-foundation-trust-boards/>

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11. The review identified areas of good speaking up practice. Firstly, the trust provided resource for the FTSU Guardian role to be undertaken full-time. Secondly, the FTSU Guardian received regular supervision to support them with their management of complex cases and with their wellbeing. At the time of our review, the FTSU Guardian was also having regular meetings with human resources business partners in the organisation to promote understanding and trust between them regarding their respective roles in supporting speaking up.
12. The trust had decided in 2018 to appoint a full time Freedom to Speak Up Guardian to help ensure its workers received sufficient support to speak up. In doing so, the trust determined the post should be appointed at Band 7, to provide appropriate authority for the post-holder to raise matters with the organisation's leadership, while not being too senior to be regarded as 'remote' to the trust's workforce. In acknowledging the trust's reason for their banding decision, we would observe that the authority of the guardian role in supporting the speaking up culture of an organisation derives from its pivotal role in that culture, rather than any banding given to it.
13. A summary of the review's findings is set out in the table below, incorporating the trust's actions in response to those findings.
14. In accordance with the national board guidance, all NHS trust boards are expected to implement the findings of the office's reviews, where appropriate.

### Whittington Health NHS Trust

15. At the time of the review, the trust provided general hospital and community services to 500,000 people living in Islington and Haringey as well as other London boroughs including Barnet, Enfield and Camden. The trust employed over 4,000 staff across 30 sites.<sup>3</sup>
16. The trust was established in April 2011 following the merger of Whittington Hospital NHS Trust with NHS Islington and NHS Haringey community health services.

### The National Guardian's Office case review engagement process

17. The National Guardian's Office undertook this review using a process of engagement. More information on how the office uses this review method is available on its website.<sup>4</sup>
18. The principal objective of the review engagement process is to work in partnership with the trust concerned and the individual workers who refer their cases to identify learning and areas of improvement and the necessary actions to deliver that improvement.

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<sup>3</sup> <https://www.whittington.nhs.uk/default.asp?c=3920>

<sup>4</sup> <https://www.nationalguardian.org.uk/case-reviews/>

19. As part of its review process, the office shared its findings with the two national bodies responsible for regulating the work of the trust, namely the Care Quality Commission and NHS Improvement.

### Acknowledgements and thanks

20. We would like to thank the following individuals and organisations for their help and assistance in the completion of the report:

- Trust workers who have shared their experiences of speaking up
- The trust's Freedom to Speak Up Guardian
- Trust leaders.

### What will happen next

21. The National Guardian's Office will continue to provide ongoing support to the trust through its training and guidance for those delivering Freedom to Speak Up in the organisation.

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## Review findings and the trust's actions in response

Review findings and comments	Actions in response to findings
<p><b>1. Support for the Freedom to Speak Up Guardian – Good practice</b></p> <p>The National Guardian Office's (NGO) review identified areas of good speaking up practice regarding the Freedom to Speak Up (FTSU) Guardian role:</p> <ul style="list-style-type: none"> <li>• The trust provided resource for the role to be undertaken full-time, whereas previously it had been allocated 1.5 days per week</li> <li>• The FTSU Guardian received regular supervision to support them with their wellbeing</li> <li>• At the time of the review, the FTSU Guardian had initiated regular meetings with human resources business partners in the trust to promote understanding and trust between them regarding their respective roles in supporting speaking up.</li> </ul> <p>The NGO noted the steps taken to promote freedom to speak up in the trust by making the resources available for a full-time post. The need to provide adequate resources for the FTSU Guardian role has been commented on by the NGO in previous case reviews, in annual Freedom to Speak Up Guardian surveys and the NGO Annual Reports.</p> <p>In particular, the NGO noted the level of practical and wellbeing support provided to the FTSU Guardian. This recognised the pressures FTSU Guardians may face in undertaking their role.</p>	<p>The trust continues to improve the support it offers to the FTSU Guardian and has put the following additional steps in place:</p> <ul style="list-style-type: none"> <li>• There are established meetings between the FTSU Guardian and human resources business partners</li> <li>• Liaison with other NHS trusts in London to support the growth of a network of FTSU Guardians. The trust will host future meetings at Whittington Health</li> <li>• A North Central London Partners (ICS) network for FTSU Guardians is being established in 2020/21.</li> </ul>

## 2. Trust 'whistleblowing' policy

The trust policy relating to speaking up (called the 'Whistleblowing Policy and Procedure') was not in accordance with the national standard integrated policy.<sup>5</sup> The standard integrated policy aims to improve the experience of speaking up in the NHS. All NHS organisations in England are expected to adopt the policy as a minimum standard.

Some of the matters noted by the NGO were:

- An over emphasis on the Public Interest Disclosure Act 1998
- Mis-statement of the Public Interest Disclosure Act 1998
- A definition of what constitutes a grievance which was inappropriate, as it would always channel cases that referred to an individual's own experience down the grievance route
- Lack of clarity about who can speak up
- Lack of clarity about what workers can speak up about
- Lack of information about how the trust would support and protect an individual's confidentiality
- Lack of mention of what support the trust would offer workers who speak up – only contact details that the worker can initiate.

Finding trust policies do not align with the national standard integrated policy has been a theme in every case review to date.

The trust had previously commissioned an audit of its complaints and 'whistleblowing' procedures covering 2018 – 19, which concluded in early 2019. Some matters relating to speaking up were not addressed. The current trust policy had been revised in early 2018 and was due for review in March 2021.

The trust welcomed the feedback on its policy and noted similar feedback was not uncommon across other trusts where the NGO has undertaken a case review.

The trust acknowledges the trust policy needs to be reviewed to ensure it is aligned to the national standard integrated policy and will do this when the latest guidance is made available. The national standard integrated policy is over three years old. The revision to the national standard integrated policy is due to be published in 2020 and, in line with that, the trust will be reviewing the trust policy. The trust policy was not reviewed prior to this as a decision was made to await the revised national standard integrated policy.

Once this is available, the policy will be reviewed by the FTSU Guardian and overseen by the Chief Nurse and Director of Workforce. It will be approved by the Trust Management Group after negotiation with the trust's union representatives. The policy will be published on the trust intranet and signposting for staff will be made clear to ensure staff have clear guidance on what to do around Speak Up.

Since the case review, the trust has reviewed the information available to staff and has added links on the trust intranet Freedom to Speak Up/raise concerns page, signposting staff to the Health Education England (HEE) e-learning platform. This includes a link to the NGO's website and information about the Freedom to Speak Up role and responsibility. This is in addition to internal information already available on the intranet.

<sup>5</sup> [https://improvement.nhs.uk/documents/27/whistleblowing\\_policy\\_final.pdf](https://improvement.nhs.uk/documents/27/whistleblowing_policy_final.pdf)

<p>The current standard integrated policy is from April 2016 and revision of this policy is expected to be available in 2020.<sup>6</sup></p>	
<p><b>3. Understanding of the FTSU Guardian role</b></p> <p>The FTSU Guardian provided information on trust activity. The trust provided banners, leaflets, posters and screensavers with information about how to contact the FTSU Guardian. In addition, the trust intranet had details of how to 'raise concerns', a form to do so online and contact details for the FTSU Guardian. The FTSU Guardian had a work twitter account which they used to promote their activities and to provide an avenue to engage with more workers. The intranet contained e-learning from Health Education England on Freedom to Speak Up.</p> <p>However, there were examples of a lack of understanding of the purpose and remit of the FTSU Guardian role from a range of workers at different levels of seniority in different departments of the trust, including believing the FTSU Guardian either to be responsible for only 'signposting' workers or supporting them strictly in relation to 'patient safety' matters.</p> <p>It should be noted that in our discussions with the FTSU Guardian, they demonstrated a clear and accurate understanding of their role and remit.</p> <p>A lack of understanding of the FTSU Guardian's role in the wider trust has been identified in previous case reviews. The NGO would welcome the development of a communications strategy to improve understanding of the FTSU Guardian role. This is a recommendation made previously in the</p>	<p>The trust acknowledges the work the FTSU Guardian has undertaken to raise awareness of Speak Up and feels there is a good foundation to develop this further. The FTSU Guardian will continue to work closely with the Communications Director to review its trust media activity and promotion and will consider the findings of this review.</p> <p>The trust will use the NHS staff survey data and local pulse surveys to get staff feedback on the effectiveness of communication of the FTSU Guardian role.</p> <p>Over the coming year, there will be a focus for the FTSU Guardian to continue to develop the relationship with governance teams (including the legal team) which will provide guidance to support their understanding of the role of the FTSU Guardian.</p> <p>The trust will review the Trust Managers Toolkit to ensure it encompasses enough information on the FTSU Guardian role, including the responsibility of managers to provide feedback to the FTSU Guardian on any concerns raised with them.</p> <p>The FTSU Guardian will attend the Staff Side Partnership Group on a regular basis.</p> <p>The trust will consider further work in relation to the Workforce Directorate and raising the profile of the FTSU Guardian within the department. The FTSU Guardian has commenced training to this group and will continue to do so. There are now regular meetings between the FTSU Guardian and human resources business partners.</p>

<sup>6</sup> [https://improvement.nhs.uk/documents/27/whistleblowing\\_policy\\_final.pdf](https://improvement.nhs.uk/documents/27/whistleblowing_policy_final.pdf)



<p>case review of Nottinghamshire Healthcare NHS Foundation Trust in 2018.<sup>7</sup></p> <p>There is guidance from the NGO and NHS Improvement (NHSI) in relation to the FTSU function at all levels of a trust.<sup>8</sup> The NHSI board guidance sets out the role of the board and supplemental guidance sets out specific responsibilities of directors.<sup>9</sup></p>	<p>The trust has undertaken experiential, challenging bullying and harassment workshops for 600 managers and leaders, which include information on the role of the FTSU Guardian, especially on how this can support staff.</p>
<p><b>4. Support for an individual with a specific Speaking Up responsibility</b></p> <p>A board member with responsibility for speaking up did not feel trained or supported in the role. Therefore, based on advice received, a worker was told support could not be offered to them unless the matter they were speaking up about related to 'patient safety'.</p> <p>The NGO has published guidance on the content of training and is working with Health Education England to develop training for leaders.</p> <p>The NGO notes the FTSU board report should be drafted and presented by the FTSU Guardian. NHSI sets out board responsibilities in relation to the FTSU Guardian report.<sup>10</sup></p>	<p>The trust is committed to working with board members to design a bespoke learning package to support them. This support will reflect the NGO guidance for workers and senior leaders in the NGO training guidance and NHS England/Improvement guidance on responsibilities for directors.</p> <p>The trust will ensure there is appropriate support to undertake the role.</p> <p>The trust will consider the contribution the board member has in relation to the six-monthly trust board report on FTSU.</p>
<p><b>5. Gap analysis of NGO case reviews</b></p> <p>The trust, as required by NHSI board guidance, had not done a gap analysis against case reviews produced by the National Guardian at the time of the case review.</p>	<p>As part of the trust's commitment to Freedom to Speak Up, there is a six-monthly board report. There is also an annual report on the trust's self-assessment against the NHS England/Improvement board guidance for Freedom to Speak Up. The executive lead completed the self-assessment with input from the FTSU Guardian.</p>

<sup>7</sup> <https://www.nationalguardian.org.uk/wp-content/uploads/2019/11/201801107-nottinghamshire-healthcare-nhs-foundation-trust-a-review-of-the-handling-of-speaking-up-cases.pdf>

<sup>8</sup> [https://improvement.nhs.uk/documents/2468/FTSU\\_guidance.pdf](https://improvement.nhs.uk/documents/2468/FTSU_guidance.pdf)

<sup>9</sup> [https://improvement.nhs.uk/documents/5597/FTSU\\_Supplementary\\_information.pdf](https://improvement.nhs.uk/documents/5597/FTSU_Supplementary_information.pdf)

<sup>10</sup> <https://resolution.nhs.uk/ppa-training/>

<p>This was a recommendation from the Brighton and Sussex University Hospital NHS case review in 2019.<sup>11</sup></p>	<p>The trust had recognised one of the gaps identified in the self-assessment was around learning from the NGO's published case reviews. The six monthly speak up report (period September 2019 – February 2020) went to the Trust Management Group on the 24 March 2020. This included learning from the NGO's case reviews. As the trust were in COVID-19 major incident at that time, the paper was stood down due to COVID-19 pressure on the trust board meeting agenda. The next report will go to the trust board.</p>
<p><b>6. Speaking up audit</b></p> <p>The trust had an audit carried out which combined the trust's complaints and 'whistleblowing' procedures, for 2018 – 19. Some matters relating to speaking up were not addressed. The internal audit could have been strengthened if there had been a separate audit for Speaking Up only.</p> <p>An audit should address all aspects of the FTSU Guardian role as set out in NGO and NHSI board guidance.</p> <p>The trust was planning a speaking up only audit as part of its compliance with board guidance.</p>	<p>The trust will make a recommendation at its Audit and Risk Committee that the next internal audits for Freedom to Speak Up should be separated from its audit of complaints management. The scope for the audit will be agreed by the Internal Auditor and the Executive Lead.</p>
<p><b>7. Thanking workers for speaking up</b></p> <p>Neither worker who shared their experiences of speaking up in the trust said they were thanked at the time for raising their concerns by any individual responsible for responding to the matters they raised. One of the workers stated they were 'dismissed, intimidated and misinformed'.</p>	<p>The trust has provided details of how the thanking of staff for speaking up has been embedded in the work of the FTSU Guardian and the trust's Speak Up Advocates. This is included in the training package for new advocates and staff who raise concerns by email should receive a response that very clearly offers thanks to them for speaking up.</p>

<sup>11</sup> <https://www.nationalguardian.org.uk/wp-content/uploads/2019/11/20190619-brighton-and-sussex-university-hospitals-nhs-trust-a-case-review-of-speaking-up-processes-policies-and-culture.pdf>

<p>It should be noted the period these concerns cover was prior to the current FTSU Guardian taking up their post.</p> <p>Workers who speak up should be meaningfully thanked, regardless of the issues raised. This is a recommendation made previously in the case review of Derbyshire Community Health Service NHS Foundation Trust in 2018<sup>12</sup>, and a finding from the North West Ambulance Service NHS Trust case review in 2019.<sup>13</sup> This is also expected of FTSU Guardians in the training provided by the NGO.</p>	<p>The FTSU Guardian will review their staff feedback survey to include the question 'Were you thanked for raising a concern?' This survey is sent to everyone who contacts the FTSU Guardian to speak up.</p> <p>The FTSU Guardian includes the need to thank people for speaking up in training and when visiting different services/managers within the trust. This will be an ongoing programme of work.</p>
<p><b>8. Lack of response to speaking up in accordance with trust policy</b></p> <p>Following a worker speaking up about bullying and harassment, there was considerable delay in responding to them. Having originally spoken up, they were offered mediation, in accordance with trust policy, but they declined, and no further action was taken in respect of the matter.</p> <p>When the same worker then raised similar allegations about a different colleague, the trust responded by senior managers visiting the clinical team concerned to tell the team to support the colleague about whom concerns were raised. This was not in line with trust policy.</p> <p>There was a further example where the worker in question believed the matter they raised was not investigated. This is disputed by the trust.</p>	<p>Both cases reviewed were reported some years ago. The trust has provided details of steps taken to ensure this situation would not arise now at Whittington Health:</p> <ul style="list-style-type: none"> <li>• Implementation of an electronic employee relations case monitoring system which ensures investigations are timely</li> <li>• Accountability, framework and governance arrangements reporting to trust board</li> <li>• Supervision of the FTSU Guardian</li> <li>• Extensive support and training of managers and leaders in managing staff concerns</li> <li>• The FTSU Guardian is providing training aligned with the NGO, NHS England and Improvement.</li> <li>• The grievance policy has been revised and key performance indicators on management of cases is reported to trust workforce committee. This will be written in the revisions to the policy in 2020.</li> </ul>

<sup>12</sup> [https://www.nationalguardian.org.uk/wp-content/uploads/2019/11/20180620\\_ngo\\_derbyshirecommunityhealthservices\\_nhsft-case\\_review\\_speaking\\_up\\_processes\\_policies\\_culture.pdf](https://www.nationalguardian.org.uk/wp-content/uploads/2019/11/20180620_ngo_derbyshirecommunityhealthservices_nhsft-case_review_speaking_up_processes_policies_culture.pdf)

<sup>13</sup> <https://www.nationalguardian.org.uk/wp-content/uploads/2019/11/20190909-north-west-ambulance-service-nhs-trust-a-summary-of-speaking-up-learning-and-actions-in-response.pdf>

<p><b>9. Support for those who handle speaking up and those who raise matters</b></p> <p>One worker who spoke up and their line manager stated they were unsure of what processes and procedures should be followed in response; they found them confusing.</p> <p>They stated they did not feel sufficiently supported in understanding the processes to be followed in response to Speaking Up.</p> <p>Another worker knew what was meant to happen according to trust's policies, but the policies were not followed.</p> <p>The NGO expects all organisations to follow the national guidance on training and provide training on speaking up for all those who deal with speaking up cases.<sup>14</sup></p>	<p>The trust has implemented an electronic case management system to monitor employee relations activity. This enables the human resources service to work with managers to monitor and explain procedures and timescales to respond.</p> <p>There is dedicated human resources business partner support for each business unit in the trust and they work closely with the directors and managers of the services. The FTSU Guardian is currently in the process of providing training to human resources business partners. There is a designated human resources business partner contact who will also support training and provide advice to human resources business partners on an ongoing basis.</p> <p>The trust has 30 'speaking up' advocates to support understanding of processes to be followed in response to Speaking Up.</p>
<p><b>10. Feedback in speaking up cases</b></p> <p>A worker who spoke up about bullying did not receive feedback regarding the trust's response. The same worker, who spoke up about alleged fraud by a colleague, did not receive feedback about whether the matter was investigated.</p> <p>In another matter relating to patient safety, feedback was not provided in a timely manner.</p> <p>A different worker who spoke up about bullying and who then declined the mediation that was offered in response received no further feedback about how the trust intended to handle the matter.</p> <p>It is noted the current trust 'whistleblowing' policy states, 'the trust may not be able to freely provide full feedback' and feedback may be given 'subject to the trust's legal obligations of confidentiality.'</p>	<p>The trust has provided details of the steps taken to ensure this situation would not arise now at Whittington Health. There are now regular meetings between human resources and the FTSU Guardian, and a link person between human resources and the FTSU function was also appointed to facilitate communication and feedback.</p> <p>The training for the FTSU Guardian and the Speak Up Advocates also includes how to provide feedback.</p> <p>The trust is keen to enhance the work around Freedom to Speak Up and is planning to promote this through trust communications.</p> <p>The trust FTSU Guardian reports a positive relationship with the NGO and feels able to freely contact the NGO for support and guidance.</p>

<sup>14</sup> <https://www.nationalguardian.org.uk/wp-content/uploads/2019/10/20190812-national-guidelines-on-freedom-to-speak-up-training-in-the-health-sector-in-england.pdf>

<p>Workers should receive meaningful feedback to provide assurance the organisation has listened to them and taken action. The trust should ensure the training around Freedom to Speak Up includes clear guidance on the type of feedback that can be provided, and the risk associated with not providing appropriate feedback.</p> <p>The ability to provide feedback to a worker who speaks up to them is essential for a FTSU Guardian.</p> <p>Refusal to provide feedback can result in continuing concerns around risks to patient safety.</p> <p>The failure to provide feedback is a recurring theme in case reviews to date and has been the subject of previous recommendations.</p>	
<p><b>11. Delays in handling grievances</b></p> <p>Details from grievance cases raised by two workers triggered by the trust response to their speaking up matters showed the trust's response significantly exceeded the timeframes provided in the grievance policy. The trust acknowledged the delays in these cases, which occurred some time ago.</p> <p>The trust did not respond to the first grievance raised for over two months; in the second case, it took the trust over 10 months to conclude.</p> <p>In another case raised there was delay, and on this occasion where the worker who spoke up was kept informed of the delay and the reasons for this, they found this helpful and supportive.</p> <p>The trust grievance policy states 'informal' resolution will take "no more than 10 calendar days from the date of the request"; 'formal' resolution will take 21 calendar days.</p> <p>The trust should take appropriate steps to ensure grievance cases are addressed within</p>	<p>The trust has provided details of the steps taken to improve the trust's management of grievances. A new policy is in place. At the next review of the policy, information in the policy will be further strengthened with reference to the role of the FTSU Guardian.</p> <p>The trust undertook an in-depth review of the culture of the organisation, specifically looking at bullying and harassment. This report was published in June 2018. All recommendations have been considered and taken forward (reported to the Trust Board) in July 2018 and records of the meeting which are in the public domain can be found on the trust website.</p>

<p>the time frames set out in its policies and procedures.</p>	
<p><b>12. Conflict of interest in grievance proceedings</b></p> <p>A potential conflict of interest arose during a grievance process following a worker speaking up.</p> <p>A manager was called as a witness in support of the worker about whom the grievance had been raised and was also responsible for implementing any findings that came out of the grievance hearing.</p> <p>The worker raised the matter but was told the manager was not conflicted. The manager expressed to our review they could understand the views of the worker at the time, adding 'It didn't feel quite right to do it' but was advised by human resources it was appropriate.</p> <p>The rules of natural justice apply to grievance proceedings, as set out in national ACAS guidance and codes of practice.<sup>1516</sup> These circumstances constitute a potential breach of those principles.</p> <p>Issues relating to conflicts of interest were raised in the case reviews of Royal Cornwall NHS Trust in 2018<sup>17</sup> and North West Ambulance Service NHS Trust in 2019.<sup>18</sup></p>	<p>The trust has implemented processes and procedures to ensure conflict of interest is considered. References to these procedures are included within relevant trust policies.</p> <ul style="list-style-type: none"> <li>• Use of external investigators for formal reviews and investigations</li> <li>• Review of the human resources employee relations department</li> <li>• Electronic case management system to monitor activity</li> <li>• Fair treatment panel for all disciplinary investigations.</li> </ul>
<p><b>13. Failure to disclose the details of a grievance</b></p> <p>A group of workers against whom a grievance was raised were initially told they were not entitled to know what the grievances were about. One of the workers said they were told to attend mediation and disciplinary action</p>	<p>The trust has provided details of its new grievance policy which has been shared across the organisation as well as being jointly approved by the trust and staff side. The human resources business partners are aligned to each of the business units in the trust and they play an important role in supporting managers through the process.</p>

<sup>15</sup> [https://archive.acas.org.uk/media/1043/Discipline-and-grievances-at-work-The-Acas-guide/pdf/DG\\_Guide\\_Feb\\_2019.pdf](https://archive.acas.org.uk/media/1043/Discipline-and-grievances-at-work-The-Acas-guide/pdf/DG_Guide_Feb_2019.pdf)

<sup>16</sup> <https://www.acas.org.uk/acas-code-of-practice-for-disciplinary-and-grievance-procedures/html>

<sup>17</sup> <https://www.nationalguardian.org.uk/wp-content/uploads/2019/11/20181219-royal-cornwall-nhs-trust-a-review-of-the-handling-of-speaking-up-cases-.pdf>

<sup>18</sup> <https://www.nationalguardian.org.uk/wp-content/uploads/2019/11/20190909-north-west-ambulance-service-nhs-trust-a-summary-of-speaking-up-learning-and-actions-in-response.pdf>

<p>would be taken if they did not. This was contrary to the trust grievance policy.</p> <p>The trust should take steps to ensure this aspect of its grievance policy is always followed.</p>	<p>The trust has trained 80 mediators to support managers and staff.</p> <p>The trust has 30 Speak Up Advocates.</p>
<p><b>14. Exit interviews</b></p> <p>One of the workers who spoke up about a range of matters and who raised a grievance about how the trust had responded to the matters they had raised was not offered an exit interview before they left the trust.</p> <p>This did not give them an opportunity to speak up and provide feedback about the trust's working culture, or the emotional distress they experienced.</p>	<p>The trust is planning a review of exit interviews and questionnaires in 2020/21 which will include a question regarding FTSU/raising concerns. The FTSU Guardian will be informed when the feedback references the role.</p> <p>The trust is launching a new staff engagement application which will include information and a facility for staff to engage with an exit interview, information sharing and staff experience.</p>

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## Annex A:

### The scope of the role of Freedom to Speak Up Guardians

The purpose of the Freedom to Speak Up Guardian role is set out in a job description, issued by the National Guardian's Office in March 2018,<sup>19</sup> which states:

#### Freedom to Speak Up Guardians help:

- Protect patient safety and the quality of care
- Improve the experience of workers
- Promote learning and improvement

#### By ensuring that:

- Workers are supported to speak up
- Barriers to speaking up are addressed
- A positive speaking up culture is fostered
- Issues raised are used as opportunities for learning and improvement

As implied by this summary, the range of issues a Freedom to Speak Up Guardian can support a worker to raise is not restricted to any type and instead covers a range of matters, including, but not limited to:

- concerns about unsafe clinical practice
- staffing and resource levels
- cultural concerns
- bullying and harassment
- training and improvement ideas
- personal employment issues
- dignity at work issues

The NGO has observed in its case reviews that a barrier to speaking up has been created where workers are told by their employer the matters they wish to speak up about are not within the scope of the FTSU Guardian to support.<sup>20</sup>

Many of the matters a FTSU Guardian can support a worker to raise will carry their own set of policies and procedures. In such circumstances, the FTSU Guardian can help a worker explore the best way to speak up under those processes, including helping them to understand their rights and obligations under that policy.

As stated in the job description, FTSU Guardians also promote learning and improvement within their organisation, helping to ensure lessons learned from the issues raised by workers are actioned appropriately to deliver lasting improvement.

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<sup>19</sup> [https://www.nationalguardian.org.uk/wp-content/uploads/2019/10/20180213\\_ngo\\_freedom\\_to\\_speak\\_up\\_guardian\\_jd\\_march2018\\_v5.pdf](https://www.nationalguardian.org.uk/wp-content/uploads/2019/10/20180213_ngo_freedom_to_speak_up_guardian_jd_march2018_v5.pdf)

<sup>20</sup> <https://www.nationalguardian.org.uk/wp-content/uploads/2019/11/201801107-nottinghamshire-healthcare-nhs-foundation-trust-a-review-of-the-handling-of-speaking-up-cases.pdf>



The job description makes clear Freedom to Speak Up Guardians should act '*independently, impartially and objectively.*' They should therefore neither act, nor be seen to act, as either the representative of an individual worker, or for an organisation, but instead be an independent arbiter for their organisation's speaking up processes, helping to lead cultural change and improvement.