A Guide for NHS Trusts & NHS Foundation Trusts in establishing the Freedom to Speak Up Guardian

Introduction

The Department of Health responded to the Sir Robert Francis report on ‘Freedom to speak up’¹ and the investigation at Morecambe Bay University Hospitals NHS Foundation Trust² in their report ‘Learning not Blaming’³, published in July 2015. In this report, the department accepted a number of recommendations including the one that there should be a “Freedom to Speak Up Guardian” in every NHS trust and NHS foundation trust, appointed by the chief executive, to act in a genuinely independent capacity to provide the leadership and support to create a culture where staff understand and feel confident in raising concerns, however insignificant they may appear, so that it becomes part of normal, everyday practice. As well as ensuring staff know how to and where to raise concerns, they should feel entirely confident that their concerns will be listened to and acted upon as necessary and, most significantly, that they will not experience any detriment for having raised their concerns. These new local roles are being supported through a network by the newly established office of the National Guardian.

Staff in this context includes all the workforce, including temporary and agency workers, students on placement and staff working for contractors.

The success criteria for the Office of the National Guardian and the Freedom to Speak Up Guardians are to be determined with our stakeholders, but they will fall into three main areas:

- There are Freedom to Speak Up Guardians in place in every trust, supported by and engaged with the Office of the National Guardian
- Staff in NHS trusts feel more confident about speaking up and more confident that their concerns will be addressed, based on measures from the staff survey
- Those raising concerns will be feel more positive about the experience, based on measures to be determined by our Board of experts by experience

Since the publication of the report a number of NHS trusts and NHS foundation trusts have already taken forward the appointment of their guardian, and are reviewing their approaches to speaking up and are also in a position to share best practice. This is to be commended. However, other organisations are waiting for guidance from the National Guardian.

The following document therefore sets out guidance for organisations on establishing the role of the Freedom to Speak Up Guardian. A detailed job description has not been created; it is for the discretion of each organisation how it wishes to take the

¹ https://www.gov.uk/government/publications/sir-robert-francis-freedom-to-speak-up-review
requirement forward, as no one model will fit every situation. However, it is important that the Freedom to Speak Up Guardian role is consistent across the NHS. The document does include advice on what has worked well and what hasn’t from those organisations which have already put these posts in place.

This document also includes the initial proposals for how the National Guardian’s Office will support those appointed, but these will be developed with Freedom to Speak Up Guardians themselves.

At present the remit of the National Guardian’s Office extends to NHS trusts and NHS foundation trusts. During the year from April 2016, the National Guardian’s Office will be working with NHS England to consider how this remit might be extended to cover primary care. However, this does not stop any primary care organisation or other body in establishing their own Freedom to Speak Up Guardian role and using this guidance.

The appointment of a Freedom to Speak Up Guardian is part of a much bigger picture in relation to changing the culture of NHS organisations – to make raising concerns and speaking up a normal part of working life, and improving how those who raise concerns are treated. Therefore, the Freedom to Speak Up Guardian should sit as part of a wide range of activities.

**Establishing the Role of Freedom to Speak Up Guardian**

Every NHS trust and NHS foundation trust will be required to have appointed a Freedom to Speak Up Guardian during the coming financial year (2016/17). This is, however, not an appointment to be rushed. Trusts are expected to have plans in place by September 2016, based on local needs and how confident staff already are about raising concerns and speaking up.

The title of these roles is to be the same across the NHS to ensure clarity and provide support for members of staff who move between organisations. How the role is configured and the specification for the post is in the attachment.

The following points should be considered before finalising plans for making an appointment. Where an appointment has already been made, these provide a framework for a review of the current arrangements.

- Consult with a broad range of staff to seek their views on whether this should be an internal or external appointment
- Consider how members of staff who work across seven days and a variety of shift patterns will have access to support and advice out of hours
- Consider how members of staff have access to independent external advice in addition to the Freedom to Speak Up Guardian
• Consider, depending on the size and complexity of your organisation, whether you need to have a network of roles underneath the Freedom to Speak Up Guardian, such as advocates and ambassadors

• Build in a process for regular review of the role to ensure it is meeting your organisation’s needs.

The Freedom to Speak Up Guardian needs to be accessible and trusted by all staff and to have sensitivity, respect and credibility. Freedom to Speak Up Guardians also need to have an in-depth understanding about how difficult it is for someone to raise a concern and to be confident about supporting staff in using local policies and advising local managers to use those procedures appropriately, including the national NHS whistle blowing policy.

Freedom to Speak Up Guardians should be appointed by and accountable to the Board and they should have open and frequent access to the members of the Board. They must also feel confident and have the necessary authority should they need to raise concerns externally and be able to act as ambassadors, liaising with key organisations, such as universities.

What has worked well for those who have already established Freedom to Speak up Guardians?

The following are examples of what has worked well based on engagement with existing Freedom to Speak Up Guardians:

• The freedom to establish the role in a way determined by local need and culture rather than a prescribed form

• Including a broad range of staff, including different professional and backgrounds, from across the organisation in the appointment process

• Direct access to the chief executive and members of the Board, and giving authority to the Freedom to Speak Up Guardian, so that they can go anywhere and speak to everyone and anyone

• Access to an independent advisor such as a nominated non-executive director and the establishment of an internal advisory board

• Proactive sharing of key information with the Freedom to Speak Up Guardian, which may not be widely published, such as staff survey results, GMC survey results, family and friends test reports and incident and complaint trends
Providing external advice and support to the Freedom to Speak Up Guardian, ensuring that there is a clause in the employment contract (if applicable) confirming the post’s independence and giving permission to support staff and to report issues freely

An office away from the senior management team, located in an area which will afford confidentiality

Establishing the role as part of the broader framework for developing an open transparent culture, not rushing it but being clear about expectations

Setting very clear boundaries for the role

Having clearly designated time for the role rather than the role being in addition to a current post

One clearly identified Freedom to Speak Up Guardian who is highly visible and accessible across the organisation, supported by the trust’s communication team

Providing designated administrative support for the Freedom to Speak Up Guardian and access to a confidential email address, a restricted area on the local IT system, and a dedicated telephone line

Establishing regular events which are an open forum for staff to raise concerns

Regular reporting on the work of the Freedom to Speak Up Guardian across the organisation

Including the role of the Freedom to Speak Up Guardian in induction programmes, including those for students and the staff of contractors

What hasn’t worked so well?

The following are examples of what has not worked so well:

- No designated time, adding this onto someone’s already very busy day
- Establishing the role without it being part of an overarching framework to improve culture about raising concerns and transparency
- Adding the role to a non-executive director’s portfolio
- No regular access to the chief executive and a lack of open Board support and sponsorship
- Having the Freedom to Speak Up Guardian working in the HR team
Support from the National Office

From April 2016 the Freedom to Speak Up Guardians will be supported through a network established by the Office of the National Guardian. The National Guardian will be appointing national leads who will manage and support the network.

Once the Office of the National Guardian has been launched, it will proactively support Freedom to Speak Up Guardians and trusts. Initial plans for how this will be achieved are being developed and will follow. There will be training and network days as part the support programme and support from trusts for Freedom to Speak Up Guardians in attending these will be welcomed. The training and events will be free, but the Office of the National Guardian will not be able to cover the cost of travel and accommodation. However, arrangements will be made to ensure these are kept to a minimum.

Please email national.guardian@nationalguardianoffice.org.uk with the name and contact details of your Freedom to Speak Up Guardian once an appointment has been made and the National Guardian’s Office will be in touch with them directly.

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