

Press release

Monday 25 June 2018

National Guardian calls for independent and timely investigations

The National Guardian for the NHS has called for the government to commission guidance from NHS Employers to help support trusts to properly investigate speaking up in a way that is suitably independent and within reasonable timescales.

Dr Henrietta Hughes, National Guardian for the NHS, said, “I am making recommendations to the trust, the Department of Health and Social Care and to Capsticks HR Advisory Service. It demonstrates that I will stop at nothing to make speaking up an integral part of NHS culture.

“Today I am saying enough is enough. It’s time that trusts are supported to investigate speaking up cases independently and without delay.”

Minister of State for Care, Caroline Dinenage, said, “NHS staff deserve to be supported and empowered to provide the best possible care to their patients, and on occasions where staff speak out for safety reasons, it is important the investigations are carried out by suitably independent persons.

“These are welcome recommendations from the National Guardian’s Office and through these guidelines we aim to foster an open culture where all workers feel confident to speak up.”

The recommendation for the Department of Health and Social Care comes as part of the National Guardian’s latest case review into the handling of speaking up cases at Derbyshire Community Health Services NHS Foundation Trust.

The National Guardian’s Office is an independent, non-statutory body with the remit to lead culture change in the NHS so that speaking up becomes business as usual. It also provides challenge, learning and support to the healthcare system as a whole by reviewing trusts’ speaking up culture and the handling of concerns where they have not followed good practice.

Last year the National Guardian made a recommendation to the Care Quality Commission (CQC) to improve their Fit and Proper Persons Requirement (FPPR) as part of the first case review report into Southport and Ormskirk NHS Trust. Subsequently new guidelines were published by the CQC in relation to the [FPPR for directors](#).

Dr Hughes said, “My office will continue to make recommendations to bodies both inside and outside the health service that impact on the ability of workers to speak up.

“Not only is there is learning from this case review for Derbyshire Community Health Services NHS Foundation Trust, our case review reports are an opportunity for all trusts to learn and improve. In so doing, we can effect change across the whole sector and remove barriers that prevent workers from speaking up.”

The review found that investigations into speaking up by the trust were not always carried out in a timely fashion, or in a suitably independent way. This led to learning from investigations being delayed and increased stress on workers who had spoken up.

Findings from the review also revealed that the use of grievance processes as a means of investigating worker’s issues did not always meet their needs and that trusts must give their workers better support when considering possible alternatives.

The review also acknowledged a number of areas of good practice, including a detailed communications plan to help ensure that trust staff working across a wide geographical area knew how to raise issues. In addition, trust leaders demonstrated a clear commitment to improving their speaking up policies and procedures.

Chris Sands, acting Chief Executive for Derbyshire Community Health Services NHS Foundation Trust, said: “We welcome the report and the learning it provides for further refining our processes for speaking up. We are fully committed to a culture in which people feel supported to raise any concerns with us, knowing they will be treated with respect and their concerns taken seriously, investigated and acted upon.

“We welcome the acknowledgement from the National Guardian’s Office that the original case preceded the Francis Freedom to Speak Up review. The report identifies examples of good speaking up practice and we are already well advanced in implementing its recommendations which will support us to further embed the speaking up ethos across the organisation.”

ENDS

Notes to editors:

- 1) Current guidance on handling speaking up cases provided by NHS Employers can be [found here](#).
- 2) The National Guardian’s Office supports the National Guardian for the NHS, Dr Henrietta Hughes, in providing leadership, training and advice for Freedom to Speak Up Guardians based in all NHS trusts. Dr Hughes’ role was a key recommendation from Sir Robert Francis’ [Freedom to Speak Up Review](#) in response to the Mid-Staffordshire scandal.
- 3) Freedom to Speak Up feeds into the Care Quality Commission well-led inspection framework, with guardians contributing directly to inspections.
- 4) The case review process was launched as a 12-month pilot in June 2017. Case reviews can be implemented where the NGO recognise that the handling of a speaking up case does not meet with good practice.
- 5) Details of how to submit a case for review are [available here](#).