

News from Henrietta Hughes



Earlier this summer, I published my latest case review report on the speaking up culture at Derbyshire Community Health Services NHS Foundation Trust. In the report, I called for the government to commission guidance to support NHS trusts to investigate speaking up independently and within reasonable timescales. I encourage all healthcare leaders to review the recommendations in the report and apply this learning to their organisations.

In this issue, we will also outline our joint guidance with NHS Improvement for trust boards. The guidance was published along with a self-review tool to help trusts develop their leadership and speaking up governance arrangements and identify areas for improvement. It is essential that the experience of NHS workers and safe, high-quality patient care lie at the heart of developing effective speaking up governance in all NHS organisations.

We have also published our Education and Training Guide for Freedom to Speak Up Guardians, developed in partnership with Health Education England and the NHS Leadership Academy. The guide is a companion piece to the new Universal Job Description and Foundation Training for guardians, which is being rolled out regionally. This job description can be used by anyone in a speaking up role working in the NHS, arm's length bodies and private providers, and expands on the outcomes that guardians are expected to help deliver.

It was wonderful to see so many people at the National Freedom to Speak Up Conference in March. The conference was attended by over 300 guardians and speaking up representatives from NHS, independent providers, arm's length bodies and other sectors. It was great to witness lots of networking amongst delegates and so many fantastic offers of help made during the table work.

It was also great to hear Simon Stevens commit to increasing funding to deliver Freedom to Speak Up in primary care by announcing that NHS England will triple their contribution for my office. It is vital that everyone working in primary care feels safe to speak up knowing that the right actions will be taken as a result. We look forward to working closely with NHS England and other partners to make speaking up business as usual across the whole NHS.

Dr Henrietta Hughes, National Guardian for the NHS

National Guardian calls for independent and timely investigations in latest case review report

The National Guardian for the NHS has called for the Department of Health and Social Care to commission guidance from NHS Employers to support trusts to investigate speaking up in a way that is suitably independent and within reasonable timescales. This comes as part of the [National Guardian's latest review](#) into the handling of speaking up cases at Derbyshire Community Health Services NHS Foundation Trust.

Dr Henrietta Hughes 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."

Caroline Dinenage, Minister of State for Care, 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."

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 learning from this case review for the 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 speak up.

In addition, trust leaders demonstrated a clear commitment to improve 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."

NHS Improvement and the National Guardian's Office outline expectations of boards



Cate Woolley Brown (centre), Freedom to Speak Up Guardian, County Durham and Darlington NHS Trust.

The National Guardian's Office has published joint guidance with NHS Improvement that sets out expectations of board members in relation to Freedom to Speak Up.

The guidance will help boards ensure the speaking up culture in their organisation is healthy and the guardian role is effective.

The relationship between boards and their guardians is key to ensuring workers have confidence in the process and trust that speaking up will be taken seriously and handled appropriately.

Ian Dalton, Chief Executive for NHS Improvement, said, "All staff in the NHS need to feel empowered and supported to speak up when things go wrong."

He said, "Having an open culture is a sign of a well-led trust. Setting out clear expectations for trusts will help ensure that staff have confidence in the process and know that their concerns will be acted on. Ultimately, trusts with an open culture will provide safer care for patients and be a better place to work for all staff."

Dr Henrietta Hughes, National Guardian for the NHS, said, "It is important that high-quality patient care and the experience of NHS workers lie at the heart of developing effective speaking up governance and leadership in all NHS organisations."

She said, "Our joint guidance with NHS Improvement will help trust boards develop their vision for a compassionate and effective speaking up culture in their organisation. It will also help them identify areas for improvement and ensure that the Freedom to Speak Up Guardian role continues to provide a valuable service for NHS workers."

NHS Improvement's regional teams have contacted trust chief executives to ensure their commitment to using the guide and self-review tool.

The National Guardian's Office will be supporting Freedom to Speak Up Guardians to help them work with this guidance locally.

The guidance and self-review tool are available to download from the [NHS Improvement website](#).

Education Guide and Universal Job Description available for guardians across the healthcare sector

The National Guardian's Office has published the Education and Training Guide and Universal Job Description for Freedom to Speak Up Guardians. The guide has been produced in partnership with Health Education England and the NHS Leadership Academy.

The new job description takes into account the broader range of organisations that now have Freedom to Speak Up Guardians in place, including independent providers of NHS services and arm's length bodies. It also makes the purpose and expectations of the role clearer, and details the outcomes that the guardian role is expected to help deliver.

The Education and Training Guide is designed to be used as a personal development tool which will help guardians to identify and address learning needs. The National Guardian's Office also encourages individuals with expertise and experience in the areas highlighted in the guide to share this with their peers in the regional networks.



Anne Burton (left), Freedom to Speak Up Guardian, Sherwood Forest Hospitals NHS Foundation Trust.

Dr Henrietta Hughes, National Guardian for the NHS, said, "I strongly encourage all organisations who focus on patients and service users, and those who treat them, to ensure that speaking up is encouraged and supported.

"Freedom to Speak Up Guardians offer an additional channel for workers to speak up about concerns and highlight areas for improvement. The new job description will help them to do so in a way that is consistent with provider organisations."

She said, "The new Education and Training Guide will help guardians offer an even better service for NHS workers who wish to speak up. With the knowledge, skills and resources required they will be able to meet the needs of workers in their organisation."

The office recommends that the Education and Training Guide is used alongside the new universal job description.

The guide and job description are available to download from the [National Guardian's Office webpages](#).

Freedom to Speak Up Information Sessions now available

The National Guardian's Office has announced Freedom to Speak Up Information Sessions for anyone who has an interest in the Freedom to Speak Up agenda, and the expectations of the Freedom to Speak Up Guardian role.

The sessions serve as Foundation Training for new Freedom to Speak Up Guardians. They are open to workers in NHS trusts and foundation trusts, independent healthcare providers, regulators, and other professional or oversight bodies.

These interactive workshops are designed to give a broad overview of the principles of Freedom to Speak Up and help participants:

- Learn more about the background and expectations of the Freedom to Speak Up Guardian role and its importance in working towards a culture where speaking up is business as usual
- Develop a better understanding of speaking up and how best to support and respond to the people who do so
- Identify barriers to speaking up in your organisation and start to think about how to address these
- Reflect on your feelings about the role and next steps to take whether you are a guardian or supporting speaking up in your organisation in another capacity
- Make connections with others in a similar role

To book a free place, please visit the [National Guardian's Office webpages](#). Following the office's Train the Trainer programme, additional training sessions for guardians are now being delivered regionally.

A Just Culture Guide

NHS Improvement has published a guide that encourages managers to treat workers involved in a patient safety incident in a consistent, constructive and fair way.

The fair treatment of workers supports a culture of fairness, openness and learning in the NHS by helping workers feel confident to speak up when things go wrong, rather than fearing blame.

This guide supports a conversation between managers about whether a worker involved in a patient safety incident requires specific individual support or intervention to work safely.

You can read the guide on the [NHS Improvement website](#).



National Freedom to Speak Up Conference,
March 2018

Improving speaking up cultures from exit interviews

Exit interviews are a potentially great opportunity to find out what workers think about an organisation, including their views regarding an organisation's Freedom to Speak Up arrangements. They are also a point where workers may speak up about a whole range of issues, including matters which potentially impact on patients, staff safety and experience.

Speaking up in exit interviews

Matters that are raised in exit interviews should be looked into in the same way as they would be if the issue were raised in any other context. The worker should be thanked for speaking up. They should be asked about their desire for, and the possibility of, maintaining their confidentiality during any follow-up action. The worker should also be informed of what steps the organisation will take to look into the issue, as well being given appropriate feedback during and following an investigation into the matter raised.

Lessons learnt from issues that workers speak up about in exit interviews should be disseminated and actioned as standard.

Valuing workers

Doing exit interviews well, and communicating changes that happen as a result, may increase the uptake of these interviews and improve an organisation's overall Freedom to Speak Up culture.

The role of Freedom to Speak Up Guardians

Workers who speak up about an issue in an exit interview should be offered the opportunity to approach the organisation's Freedom to Speak Up Guardian for advice and support, even after they leave the organisation. Organisations should also consider offering exit interviews with their Freedom to Speak Up Guardian, if workers would prefer this.

Whoever carries out an exit interview, information gleaned is a potentially valuable indicator of the health of an organisation's Freedom to Speak Up arrangements. Therefore, this information should be shared with Freedom to Speak Up Guardians. This should be done in a way that does not undermine the confidentiality of workers who have spoken up, with information redacted as necessary, and confidentiality preserved.

Case study

Feedback from workers before they leave is key

At Liverpool Heart and Chest Hospital we share the National Guardian's Office's view that someone's departure from an organisation is a great opportunity to seek their opinions on what we do well, what we could do better, and if they have encountered any barriers to speaking up during their employment.

On starting in the organisation in my role as Head of Resourcing, managers reported that they did not receive hard intelligence on why staff chose to leave the trust. In response, my team and I worked with teams across the trust to strengthen the existing process by incorporating an online 'leavers' questionnaire at the point of resignation (rather than waiting until an employee has left the organisation).

Employees are able to complete this questionnaire online and anonymously, or through a one-to-one meeting with an HR representative or manager. This approach has increased our response rate from 18 per cent to 60 per cent, allowed us to collate information to share with teams, and identified key learning for us to explore further.

One of these key learning points was that waiting until someone has made the decision to leave the organisation before seeking their views is a missed opportunity. We are therefore in the process of introducing a series of conversations with staff to include, 'First Impressions' and 'Intention to Leave'.

Our 'First Impression' conversations will focus on those staff who have joined the organisation in the last four to six months and seek feedback on their recruitment, and welcome experience during their first few months in post.

Our 'Intention to Leave' conversation will focus on those staff who have been in post between 12 and 24 months and will focus on two questions, 'What is making you consider leaving the trust?' and 'What would encourage you to stay?'. As a specialist NHS foundation trust we do expect a certain level of turnover as staff seek opportunities in larger more generalist trusts, however we are confident that there will be a small percentage that, with further work, we can retain.

As a CQC rated 'outstanding' trust, we are continually seeking ways to improve our organisation for the benefit of both patients and staff. We hope that the data provided via our approach outlined above will support us in our continued journey to provide excellent, safe and compassionate care for every patient, every day.

*Leanne Williams, Head of Resourcing
Liverpool Heart and Chest Hospital NHS Foundation Trust*

Case study

BMA: the Freedom to Speak Up

The British Medication Association (BMA) is the professional association and registered trade union for doctors in the UK. They have a dedicated team of specialist employee support advisors that help members with any concerns they have relating to all aspects of their working life.

Over the last year the BMA supported a member through a number of challenging employment procedures, including raising patient safety concerns.

Through a collaborative approach involving the employer, and its Freedom to Speak Up Guardian in particular, the BMA was able to secure a positive solution for everyone.

However, it has not been an easy journey, so the BMA wanted to highlight the benefit of getting all parties involved at an early stage.

What happened?

A consultant member was concerned about the actions of a colleague, particularly the way patients were being assigned without checking whether sufficient cover was in place.

She tried to resolve her concerns informally by meeting with her employer at the end of last year. However, due to the challenging logistics arising from working as part of a small team, unfortunately, there was no obvious solution for resolving the concerns and an impasse was reached.

The situation quickly deteriorated, which led to the member going on sick leave for several months.

The BMA initially became involved by supporting the member through the absence management process, but soon realised the severity of the situation.

The BMA asked the trust to get a second opinion on a proposal the member had made and directed them to the Freedom to Speak Up Guardian. Within a month of the guardian becoming involved, the employer agreed to undertake an independent, external investigation. The BMA met with the external investigator, and the member now felt her concerns were being heard and practical solutions considered.

The recommendations that flowed from the report led to changes in the way patients were assigned and a new post being created for the BMA member, in another department, which is what she wanted due to the strained working relationships that had developed.

The employer has also benefitted by getting a highly effective employee back to work whilst avoiding the need for complex, expensive, and protracted litigation.

Guardians are now in place in every NHS trust and foundation trust in the England and thousands of cases have been brought to them. When NHS staff cannot successfully raise concerns through their usual line management chain, guardians are there to support them.

From this case lessons will have been learnt by all involved, but without doubt working together with the guardian broke the deadlock and helped move things forward. Without their intervention it would have been far more difficult to achieve such a positive outcome for the BMA member.

If you have any queries about the contents of this newsletter, please contact the National Guardian's Office by emailing: enquiries@nationalguardianoffice.org.uk