

National Guardian's Office

Derbyshire Community Health Services NHS FT – A case review

Recommendation 1

Within 3 months the trust should publish its new speaking up policy. The new policy should be written in a way that encourages workers to speak up and is easily understood.

Unnecessary references to PIDA and malicious intention in speaking up should not be present. **ESNEFT COMPLIANT**

Recommendation 2

Within 6 months the trust should take steps to ensure all existing and new workers are aware of the contents of the new freedom to speak up policy. **ESNEFT COMPLIANT**

Recommendation 3

Within 3 months the trust should ensure that workers who wish to raise matters with the trust non-executive director responsible for speaking up are able to do so via routes of communication that appropriately support their confidentiality. **ESNEFT COMPLIANT**

Recommendation 4

Within 3 months the trust should ensure that, in line with its practices, it continues to value the views of its workers, including consulting staff about changes to their services where appropriate. **SPECIFIC TO TRUST**

Recommendation 5

Within 3 months the trust should take all appropriate steps to ensure that all cases of speaking up are investigated within reasonable timescales and without undue delay.

SPECIFIC TO TRUST

Recommendation 6

Within 3 months the trust should take appropriate steps to ensure that all cases of speaking up are investigated by suitably independent persons. **SPECIFIC TO TRUST**

Recommendation 7

Within 3 months the trust should take all appropriate steps to ensure that responses to cases of workers speaking up, including decisions relating to the investigation of those cases, are

not focused on whether or not the matters in those cases are qualifying disclosures under the Public Interest Disclosure Act. **SPECIFIC TO TRUST**

Recommendation 8

Within 12 months the trust should develop a plan for embedding speaking up in the organisation. This plan should consider the use of staff inductions, team meetings, leadership training and other mechanisms to ensure that all staff have the necessary skills and knowledge to speak up well and respond to issues being raised appropriately.

ESNEFT COMPLIANT

As part of this plan, a communication strategy should be developed to promote the trust's Freedom to Speak Up Guardian and encourage workers to speak up to them when they feel they cannot speak up using other channels **ESNEFT COMPLIANT**

Recommendation 9

Within 3 months the trust should ensure that their speaking up arrangements, including the support provided by the Freedom to Speak Up Guardian, appropriately protect workers' confidentiality, and demonstrates appropriate understanding and empathy for the needs of individuals. **ESNEFT COMPLIANT**

Recommendation 10

Within 3 months the trust should ensure that the Freedom to Speak Up Guardian records all instances of speaking up raised to them, not just those cases where workers state that they are raising a matter 'formally'. **ESNEFT COMPLIANT**

Recommendation 11

Within 3 months the trust should take appropriate steps to ensure that where the grievance process is used to respond to a worker speaking up the trust's grievance policies and procedures are correctly followed, including in respect of providing an initial scoping meeting to discuss the matter the worker is speaking up about and the range of alternative processes for handling it. **AUDIT ?**

Recommendation 12

Within 12 months the trust should take appropriate steps to ensure that all workers who speak up are meaningfully thanked for doing so, in accordance with trust culture, training and good practice. . **AUDIT ?**

Recommendation 13

Within 3 months Capsticks HR Advisory Service should take all appropriate steps to ensure that it communicates to workers at their first contact whose speaking up concerns it is investigating of the actions it takes to ensure the independence of its investigations. This assurance should be provided to the workers concerned prior to the commencement of the investigation. **SPECIFIC TO TRUST**

Recommendation 14

Within 12 months, The Department for Health and Social Care should commission NHS Employers to develop and communicate guidance to NHS trusts and foundation trusts that will help ensure HR policies and processes do not present real or perceived barriers to speaking up. This should focus on how trusts can ensure that investigations into speaking up matters are undertaken by suitably independent persons and are completed within reasonable timescales, to enable workers who speak up to have trust and confidence in the process.

Guidance should also be provided on how to support individuals who are speaking up about a grievance to prevent undue burdens being placed on those individuals and to ensure that they receive the support they need at what is likely to be a difficult and stressful

Northern Lincolnshire and Goole NHS Foundation Trust – A case review

Recommendation 1

Within 3 months the trust should revise its policies and procedures relating to the reporting and handling of incidents to ensure they refer to the support available to staff to do this from the trust Freedom to Speak Up Guardian and Associate Guardians. **ESNEFT COMPLIANT**

Recommendation 2

Within 3 months the trust should revise its policy for dealing with serious incidents to ensure it provides that feedback and any learning should be shared with staff who had spoken up regarding an incident. **SPECIFIC TO TRUST**

Recommendation 3

Within 3 months the trust should revise its current speak up policy to ensure that it is in accordance with good practice and reflects the minimum standards set out in the NHS Improvement speaking up policy for the NHS. **ESNEFT COMPLIANT**

Recommendation 4

Within 6 months the trust should take steps to ensure all existing and new workers are aware of the contents of its new speak up policy. **ESNEFT COMPLIANT**

Recommendation 5

Within 12 months the trust should begin work to ensure that, upon the scheduled review of any trust policy and/or procedure, the policy or procedure in question is in alignment with good practice in relation to the freedom to speak up. **AUDIT ?**

Recommendation 6

Within 6 months the trust board should articulate a vision of how it intends to support its workers to speak up, which encompasses a strategy containing deliverable objectives within fixed timescales and under appropriate executive oversight, and to effectively communicate this to trust workers. **AUDIT ?**

Recommendation 7

Within 6 months trust leaders should identify and employ a range of appropriate measures to monitor speaking up processes and culture within the trust, to ensure they are responsive to the needs of all workers and are developed in accordance with good practice. **ESNEFT COMPLIANT**

Recommendation 8

Within 6 months the trust should ensure that its bullying and harassment policy and procedure is consistent with the standards set out in the bullying and harassment guidance issued by NHS Employers, including how the trust will implement and monitor the revised policy and ensure its contents are shared with all staff. **AUDIT ?**

Recommendation 9

Within 12 months the trust should take steps to address bullying behaviour, including training for all staff relating to the awareness and handling of such behaviour. **AUDIT ?**

Recommendation 10

Within 6 months the trust should continue to ensure that all investigations into the alleged conduct of workers who have previously spoken up also seek to identify whether any such allegations are motivated by a desire to cause detriment because that worker spoke up and, where such evidence is found, take appropriate action. This should include amending the trust disciplinary policy to require such action. **SPECIFIC TO TRUST**

Recommendation 11

Within 3 months the trust should ensure that, in accordance with its own policies and procedures and in accordance with good practice, all managers and leaders responsible for handling speaking up provide feedback to every individual who raises an issue, including any actions they intend to take in response. **AUDIT ?**

Recommendation 12

Within 3 months the trust should ensure that it responds to the issues raised by its workers strictly in accordance with its policies and procedures and in accordance with good practice, including, where appropriate, investigating matters that are raised. **SPECIFIC TO TRUST**

Recommendation 13

Because of the particular needs of the trust to improve its speaking up process and culture it is recommended that, within 12 months, the trust should provide all workers with mandatory, regular and updated training on speaking up, including for those with responsibility for handling concerns. This training should be in accordance with NGO guidance and the trust should monitor that it is effective. **SPECIFIC TO TRUST**

Recommendation 14

Within 3 months the trust should allocate sufficient ring-fenced time for the Freedom to Speak Up Guardian and any Associates to ensure they can appropriately support the needs of workers to speak up. **SPECIFIC TO TRUST**

Recommendation 15

Within 3 months the trust should take appropriate steps to ensure that the role and names and contact details of the Freedom to Speak Up Guardian and Associate Guardians are promoted to all workers across all three trust hospital sites. **SPECIFIC TO TRUST**

Recommendation 16

Within 6 months a communications and engagement strategy should be developed to promote the Freedom to Speak Up Guardian and Associate Guardian's role, and to evaluate the impact it is having, in the longer term. This should include strategies to provide feedback on actions taken in response to speaking up and actions to tackle barriers to speaking up.

SPECIFIC TO TRUST

Recommendation 17

Within 3 months the Freedom to Speak Up Guardian should ensure that their regular reports to the trust board are sufficiently detailed and comprehensive to support the development of a positive speaking up culture. **SPECIFIC TO TRUST**

Recommendation 18

Within 3 months the Freedom to Speak Up Guardian and any Associate Guardians should begin regular attendance at regional meetings of their peers to ensure that they have access to guidance and support to undertake their work, including to assist with the writing of board reports and in order to share learning and good practice with them. **SPECIFIC TO TRUST**

Recommendation 19

Within 3 months the trust should ensure that all HR policies and procedures meet the needs of workers who speak up, including letters to suspended workers that accurately state their ability to access their Guardian or Associate Guardian. **SPECIFIC TO TRUST**

Recommendation 20

Within 3 months the trust should continue its work to ensure that, where a worker is going through a disciplinary process that also encompasses potential patient safety issues or similar matters they have raised, the trust continues to provide that worker with all appropriate support to speak up about those matters and also takes all appropriate steps to maintain the worker's confidentiality. **AUDIT ?**

Recommendation 22

Within 3 months the trust should consider requesting support from the NHS England WRES Implementation Team to help meet the needs of its BAME workers. **SPECIFIC TO TRUST**

Recommendation 21

Within 12 months the trust should take steps to actively promote the use of mediation, where appropriate, to resolve issues arising from speaking up. **AUDIT ?**

Recommendation 23

Within 12 months the trust should take all appropriate steps to identify which staffing groups in the trust feel particularly vulnerable when speaking up, why this is the case and how those groups can be supported to speak up freely and protected from any detriment for having done so. **SPECIFIC TO TRUST**

Southport and Ormskirk Hospital NHS Trust – A case review

Recommendation 1

The trust should publish its new speaking up policy. **ESNEFT COMPLIANT**

Recommendation 2

The trust should take steps to ensure all existing and new workers are aware of the contents of the new freedom to speak up policy. **ESNEFT COMPLIANT**

Recommendation 3

The trust should implement all aspects of its draft Freedom to Speak Up action plan, by the plan's stated completion dates. **SPECIFIC TO TRUST**

Recommendation 4

Within three months the trust should ensure that, in accordance with its own policies and procedures and in accordance with good practice, all those managers and leaders responsible for handling concerns provide feedback to every individual who speaks up, including any actions they intend to take in response. **SPECIFIC TO TRUST**

Recommendation 5

The trust should put in place effective systems to monitor the development of a positive speaking up culture. **SPECIFIC TO TRUST**

Recommendation 6

The trust should develop an action plan to develop a working culture that is free from bullying, including providing anti-bullying training for all staff. **SPECIFIC TO TRUST**

Recommendation 7

Trust leaders should take appropriate steps to ensure that they are visible and accessible to all workers to promote a culture of visible leadership. **SPECIFIC TO TRUST**

Recommendation 8

The trust should ensure that it responds to the concerns raised by its workers strictly in accordance with its policies and procedures and in accordance with good practice and report to the board evidence of this. **SPECIFIC TO TRUST**

Recommendation 9

The trust should ensure that it responds to all concerns raised by its workers in relation to the recruitment of staff strictly in accordance with its policies and procedures and in accordance with good practice. **SPECIFIC TO TRUST**

Recommendation 10

Within 12 months the trust should provide all workers, including all managers, with regular, updated and mandatory training on speaking up and supporting and responding to people who speak up. The trust should monitor the effectiveness of this training. **SPECIFIC TO TRUST**

Recommendation 11

The trust should ensure that appropriate steps are taken to publicise the role of guardian and any staff supporting that role, using methods that reach all workers. **ESNEFT COMPLIANT**

Recommendation 12

The trust should ensure that it provides appropriate resources for the role of Freedom to Speak Up Guardian, in line with guidance provided by the National Guardian's Office, including sufficient cover to support their work in their absence, and alternative routes to handle speaking up matters to overcome any possible conflicts. **ESNEFT COMPLIANT**

Recommendation 13

The trust should take appropriate steps to ensure that minority and vulnerable workers, including black and minority ethnic workers are free to speak up. **AUDIT ?**

Recommendation 14

Within six months the should trust look again at its appointment process for the role of Freedom to Speak Up Guardian and ensure a Guardian is appointed using a process that is open and fair. **SPECIFIC TO TRUST**

Recommendation 15

The trust should seek to share the learning of its cultural review with its workers, taking all necessary steps to protect the confidentiality of individuals. **SPECIFIC TO TRUST**

Recommendation 16

The trust should take appropriate steps to ensure that all aspects of its work are consistent with the Francis Freedom to Speak Up principles, including where it undertakes a Fit and Proper Person review. **SPECIFIC TO TRUST**

Recommendation 17

Within six months the Care Quality Commission should, where regulating matters relating to a fit and proper persons test under section 5 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014, take appropriate steps to assure itself that those tests are conducted in accordance that regulation. **CQC**

Recommendation 18

The trust should take steps to ensure that its policies and procedures are supportive of all workers affected by the speaking up process, including those who are the subject of concerns raised. **ESNEFT COMPLIANT**

Recommendation 19

The trust should take steps to actively promote the use of mediation, where appropriate, to resolve issues arising from speaking up. **AUDIT ?**

Recommendation 20

The trust should take all appropriate steps to address the concerns raised by black and minority ethnic workers in the trust 2016 survey. **SPECIFIC TO TRUST**

Recommendation 21

The trust should appoint a senior member of staff as equality and diversity lead and ensure that position is appropriately resourced. **SPECIFIC TO TRUST**

Recommendation 22

The trust should implement all the recommendations of its cultural review. **SPECIFIC TO TRUST**

Recommendation 23

Within three months the trust should consider requesting support from the NHS England WRES Implementation Team to help meet the needs of its black and minority ethnic workers. **SPECIFIC TO TRUST**

Nottinghamshire Healthcare NHS Foundation Trust

Recommendation 1

Within 3 months the trust should revise its new speaking up policy, to ensure it is in line with the NHS Improvement national speaking up policy. **ESNEFT COMPLIANT**

Recommendation 2

Within 6 months the trust should take steps to ensure all existing and new workers are aware of the contents and meaning of its revised freedom to speak up policy. **ESNEFT COMPLIANT**

Recommendation 3

Within 6 months the trust should undertake a suitably independent review of the speaking up culture in the service relating to Worker A's case and take all necessary steps to implement the review's findings without undue delay. Given the evidence of fear of speaking up in this service, the review should take all reasonable steps to protect individuals' confidentiality. **SPECIFIC TO TRUST**

Recommendation 4

Within 6 months the trust should take steps to ensure that its handling of all workers' cases of speaking up in the service relating to Worker A's case strictly in accordance with the trust's revised speaking up policy and procedure, including informing workers how their case

will be handled, what support they will receive and providing regular feedback on the progress and the outcome of any investigations.

These measures should also include specific and meaningful steps to ensure, in accordance with trust policy, that workers who speak up do not suffer recrimination or disadvantage of any sort for speaking up. **SPECIFIC TO TRUST**

Recommendation 5

Within 3 months the trust should take appropriate steps to ensure that workers who speak up in the service relating to Worker A's case, as well as across the trust, are treated in accordance with the trust's stated values, including with openness, care, compassion and respect. **SPECIFIC TO TRUST**

Recommendation 6

Within 3 months the trust should take appropriate steps to follow their policies, ensuring that workers who take periods of sickness leave, including in relation to their speaking up, are provided with support upon returning from that leave that is in strict accordance with the values, policies, and guidance of the trust. **SPECIFIC TO TRUST**

Recommendation 7

Within 3 months the trust should take appropriate steps to ensure that all staff in Worker A's service with responsibility for supporting workers to return to work from sickness absence are properly capable of implementing the relevant policies and guidance to manage this process. **SPECIFIC TO TRUST**

Recommendation 8

Within 6 months the trust should ensure that, according to the revised speaking up policy, where workers speak up in confidence, all reasonable steps are taken to respond to the issues raised and that matters are investigated as fully as possible, even where the identities of those speaking up are unknown. **ESNEFT COMPLIANT**

Recommendation 9

Within 6 months the trust should ensure that, where investigations are undertaken in response to speaking up issues raised by its workers, the trust provides those individuals with feedback regarding the progress of those investigations in accordance with its revised speaking up policy. **ESNEFT COMPLIANT**

Recommendation 10

Within 6 months the trust should ensure that all workers in the two services to which the case studies relate receive effective communication in respect of the trust's revised speaking up policy and the role of the trust Freedom to Speak Up Guardian. **SPECIFIC TO TRUST**

Recommendation 11

Within 12 months the trust should review its communication activities to date and devise and implement a strategy that addresses any gaps identified, accompanied by measures to demonstrate its effectiveness. **SPECIFIC TO TRUST**

Recommendation 12

The trust continues with its commitment to developing a positive speaking up culture among its workforce by maintaining the support it provides for its Freedom to Speak Up Guardian, including appropriate managerial and emotional support. **ESNEFT COMPLIANT**

Recommendation 13

Within 12 months the trust should complete its planned actions regarding the implementation of its conflicts of interest policy, to ensure all staff are aware of its purpose and all relevant staff make appropriate declarations, including those relating to conflicting loyalty interests. **SPECIFIC TO TRUST**