

## Report on *Freedom to Speak Up Guardian Survey 2020 – Guardian insights on support for and barriers to speaking up*

The National Guardian's Office (NGO) is an independent, non-statutory body, sponsored by the Care Quality Commission (CQC), NHS England and NHS Improvement, with the remit to lead culture change in the NHS so that speaking up becomes the norm. The office supports the national guardian for the NHS, Dr Henrietta Hughes, whose role was established following a recommendation made by Sir Robert Francis' [freedom to speak up review](#) in 2015.

The NGO has today launched the report from its [fourth annual survey of the Freedom to Speak Up \(FTSU\) Guardians](#). The report outlines FTSU Guardian's views on a number of key areas relating to their experience, to gather insight into the role and how it can be improved. This briefing focuses on outlining the key findings, and recommendations and actions for FTSU Guardians, leaders and the healthcare system. Further detail can be found in the survey report.

### Overview

- Speaking up culture was found to have improved from 2019 to 2020, with a correlation between CQC rating and respondents believing their organisation had a positive culture of speaking up.
- The results show that the vast majority of boards are directly accessible to FTSU Guardians.
- Over three quarters of those surveyed had presented reports to board meetings or equivalent in person, indicating the level of visibility being placed on the work of the FTSU Guardian role by senior leaders.
- There remain issues around support and detriment at other levels of organisations, which leaders must play an active role in tackling.
- There's are also still barriers to speaking up in just over half of NHS Trusts.

## Summary of key recommendations and actions

### Actions for FTSU Guardians, leaders and the healthcare system

Further context is provided on these recommendations from page 14 of the survey report.

#### Appointment

- Leaders should appoint Freedom to Speak Up Guardians through fair and open competition
- Leaders should assure themselves that there are no barriers to anyone who may want to apply for the Freedom to Speak Up Guardian role.
- Leaders should take steps to assure themselves that existing arrangements have the confidence of the workforce.
- NHS E/I have been invited to consider how they can support the implementation of these recommendations and the recommendation below regarding ring-fenced time in relation to NHS organisations.

#### Ring-fenced time

- Leaders should provide Freedom to Speak Up Guardians with ring-fenced time for the role, taking account of the time needed to carry out the role and meet the needs of workers in their organisation. Leaders should be able to demonstrate the rationale for their decisions about how much time is allocated to the role.
- CQC are asked to consider the commitment to the Freedom to Speak Up Guardian role, including the provision of sufficient ring-fenced time, as an important element in their assessment of well-led.

#### Feedback on performance

- Freedom to Speak Up Guardians must, with the necessary support of their leaders, including provision of sufficient ring-fenced time, gather feedback on their performance.

#### Speaking up training for workers, managers and senior leaders

- Leaders should provide effective speaking up training for all workers, ensuring this meets the expectations set out in the national guidelines published by the NGO.

#### Groups facing barriers to speaking up

- Leaders should work with their Freedom to Speak Up Guardian(s) to identify potential groups that face barriers to speaking up, and work towards addressing those barriers.

## Characteristics of FTSU Guardians

- Leaders should seek assurance that their speaking up arrangements are effective for workers.

## Detriment

- Leaders must communicate that detriment will not be tolerated, act to prevent detriment occurring and look into cases of detriment when it is reported.

# The Freedom to Speak Up Guardian Survey

FTSU Guardians support colleagues and their organisation to tackle barriers to speaking up. NHS trusts and providers of NHS care subject to the [NHS standard contract](#) are required to appoint a FTSU Guardian and follow the National Guardian's Office's (NGO) guidance on speaking up.

Over 35,000 cases were brought to FTSU Guardians by workers between 1<sup>st</sup> April 2017 and 31<sup>st</sup> March 2020, with a record 9,754 (an increase of 33.7% on the same period in the previous year) between 1<sup>st</sup> April and 30<sup>th</sup> September 2020.

This is the fourth annual survey, with previous [reports available here](#). As well as helping to draw out insights to help improve the FTSU Guardian role, the responses help the NGO assess developments since the launch of the role, and to identify and prioritise changes that they may need to make to support the FTSU network.

All 591 FTSU Guardians on the NGO's directory on 6 October 2020 were invited to take part in the survey. The response rate was 48.7%, with 273 completed surveys and 15 partial survey responses. 73% of respondents were from NHS trusts or foundation trusts.

## Findings

### About FTSU Guardians

- **A greater percentage of respondents were appointed through open competition than in previous years.** Overall, 41% of respondents said they were appointed to their role through open competition, up from 33% in 2019. However, among those who had been in the role for less than three months, a greater percentage (56%) reported they had been appointed without interview than in previous years. There was also an increase in the portion of respondents who had been in the role for three to six months reporting they had been appointed without an interview.

- A greater proportion of respondents had been in their roles for 18 months or longer. 60% of respondents had been in the role for 18 months or longer, an increase from 43% of respondents in 2019. The majority of these FTSU Guardians were operating in NHS trusts.

### Demographics of FTSU Guardians

- Compared to the NHS workforce, some groups of workers were underrepresented, and others were overrepresented:
  - Black and minority ethnic groups were underrepresented. 90% of respondents from trusts identified as white, compared to 79% of the NHS workforce.
  - The proportion of respondents from black and minority ethnic groups was 9%
  - Almost three quarters (74%) of respondents from NHS Trusts were female. This was similar to the results from the previous year's survey and broadly equivalent to the NHS workforce more widely.
  - 6% of respondents from NHS Trusts identified as Lesbian, Gay or Bisexual. 89% identified as heterosexual or straight. This was higher than the NHS workforce in which 2.7% identified as LGBT+.
  - 17% of respondents said they have a physical or mental health condition or lasting illness. This was the same as 2019.
- The NGO has commissioned research to shed light on whether the ethnicity of a guardian acts as a barrier to workers of other ethnicities speaking up, scheduled to conclude in the first quarter of 2021/22.

### About the role

The NGO recommends ring-fenced time should be allocated to those in a speaking up role. This is an aspect of speaking up that is included in CQC's well-led inspection guidance, and [guidance](#) issued to trust boards includes an assessment of the amount of ring-fenced time FTSU Guardians need. The expectation that FTSU Guardians have appropriate access, and present their reports in person, is included in the [Guidance for Boards](#) on Freedom to Speak Up issued by the NGO and NHS Improvement.

- There was an increase in the proportion of respondents with ring-fenced time to carry out the role. 70% of respondents said they had ring-fenced time, up from 56% in 2019.
- Less than half (48%) of respondents said they had enough time to carry out their FTSU Guardian role. This was a slight decrease from 2019, when 50% said they had enough time.

- **A greater percentage of respondents collected feedback on their performance compared to results in previous surveys.** There was a 5% increase, up from 73% in 2019 to 78% in 2020. Respondents from 'outstanding' rated organisations were more likely to gather feedback (90%) compared to FTSU Guardians in other organisations.
- **80% of respondents were part of a network of FTSU Guardians, Champions or Ambassadors in their organisation.** All respondents from large organisations (>10,001 staff) said they were part of a network.
- **94% of respondents had direct access to their chief executive or equivalent (up from 91%) and 87% (up from 81%) had access to the nonexecutive director or equivalent in their organisation who had speaking up as part of their portfolio.**
- **Over three quarters (77%) of respondents presented reports to board meetings or equivalent in person.** This was an improvement from 66% in 2019.

### Speaking up training for workers

Workers need to know how to speak up and how to respond well to others speaking up. This includes thanking workers for speaking up, taking timely and appropriate action in response to the matter raised, and providing and seeking timely and meaningful feedback from those who have spoken up. To help, the National Guardian's Office, in association with Health Education England, launched Freedom to Speak Up training for all workers in October 2020. An e-learning package, '[Speak Up, Listen Up, Follow Up](#)', is aimed at anyone who works in healthcare.

- **71% of respondents indicated that speaking up training was available to workers in their organisation.** In organisations rated 'outstanding', 83% of respondents said there was training available for workers. This was lower for respondents at organisations rated 'requires improvement' (66%) and organisations not rated by CQC (58%).
- **Many FTSU Guardians said speaking up training should be mandatory.** In organisations where this was not already the case, many said they were pushing for this to change.
- **The pandemic had a negative effect on training.** Some FTSU Guardians noted that the pandemic had led to training being paused or moved to online videos, with online videos being noted as not allowing for interaction between FTSU Guardians and other workers.

### Value and support for FTSU Guardians

- **There continued to be a gap in how valued respondents felt by senior leaders compared to middle managers.** 85% of respondents felt valued by senior leaders (up from 78%), whereas only 68% felt valued by middle managers.

- **Almost all respondents (95%) felt valued by the individuals they supported.** This was a small increase from 94% in 2019. 86% of respondents felt valued by workers in their organisation.
- **83% of respondents said they had access to the support needed to carry out their role.** This was a 9% increase from 2019. However, in 'outstanding' rated organisations, there was a 5% decrease from 90% in 2019 to 85% in 2020.

### Perceptions of speaking up

- **There was an increase in the percentage of respondents who believed the FTSU Guardian role was making a difference in their organisation.** 86% of respondents agreed the role was making a difference, up from 80% in 2019. In 'outstanding' rated organisations, 94% of respondents said the role was making a difference.
- **Two-thirds of respondents (67%) said their organisation had a positive culture of speaking up.** In 'requires improvement' rated organisations, 43% of respondents said this compared to 91% from respondents in 'outstanding' organisations.
- **Half of respondents believed managers supported staff to speak up, up from 43% in 2019.** In organisations rated 'requires improvement', this was lower (31%) compared to 'outstanding' organisations (67%).
- **80% of respondents believed senior leaders supported staff to speak up.** This figure was lower (69%) in organisations rated 'requires improvement'.
- **Further improvements were seen in other metrics related to speaking up culture:**
  - Reach across the organisation achieved through the local FTSU Guardian / champion network (68% in 2020 vs 56% in 2019)
  - Confident they are meeting the needs of staff in their organisation (55% vs 53%)
  - Confidence in the FTSU Guardian role is improving amongst senior leaders (68% vs 58%) and workers (71% vs 60%)
  - That speaking up is taken seriously (84% vs 77%)
  - Cooperation across the organisation in responding to FTSU matters is improving (64% vs 48%)
  - Use of learning from FTSU matters to make improvements is improving (60% vs 42%)

### Disadvantageous treatment for speaking up

This year's survey sought to find out more about detriment for speaking up (often referred to as disadvantageous or demeaning treatment) including what forms this takes and to what extent certain



groups of workers were the source of detriment. Forms this can take include being bullied or treated negatively, being overlooked or denied promotion or training opportunities and being perceived as a trouble maker.

- **Detriment for speaking up remained a concern.** Less than half (48%) of respondents said people in their organisation did not suffer detriment for speaking up.
- There were diverse sources of detriment with line managers and middle managers more likely to be reported as a common source. Board members were less likely to be a source of detriment, according to respondents.
- 39% of respondents believed action taken in response to reports of detriment for speaking up was improving. 36% of respondents said it was staying the same and 2% felt it was getting worse.

### Barriers to speaking up

- Half of respondents reported that significant barriers to speaking up did not exist in their organisation. Results varied greatly by CQC rating, with 67% in 'outstanding' organisations reporting significant barriers to speaking up did not exist in their organisation, compared to 30% of respondents from organisations rated 'requires improvement'.
- 64% of respondents from regulators, Arm's Length Bodies (ALBs) or other organisations in the health and care system and 61% of those from independent healthcare providers reported that significant barriers to speaking up did not exist in their organisations. **In comparison, a smaller percentage of respondents in NHS Trusts/Foundation Trusts (46%) and primary care organisations (33%) agreed that significant barriers to speaking up did not exist in their organisations.**
- Respondents identified multiple groups of workers who may face barriers to speaking up. These included black and minority ethnic workers, LGBTQ+ workers and people living with disabilities and long-term health conditions.
- Respondents were acting to support groups facing barriers to speaking up. Actions included joining staff networks and forums, promoting Freedom to Speak Up by a variety of channels and reaching out to different groups to offer further support.

### Characteristics of FTSU Guardians.

- More than half of respondents felt their age, ethnicity, gender and sexual orientation had no influence on whether workers spoke up to them. However, 15% of respondents reported that they believed their ethnicity discouraged workers from speaking up to them.

- Over half (57%) of respondents believed their relationship with others in the organisation encouraged workers to speak up to them. 9% felt it discouraged workers and 22% felt it had no influence.
- 38% of respondents reported that their seniority or banding encouraged workers to speak up to them. 35% felt it had no influence and 11% felt it discouraged workers from speaking up to them.

## NHS Providers view

We welcome the insight found in this year's Freedom to Speak Up Guardian's Survey Report. We are pleased that the report notes the continued commitment from board level to provide support and visibility to the FTSU Guardians' work. It is also heartening that FTSU Guardian's report continued improvements in the speaking up cultures in their organisations. This reflects the sustained focus and determination of trust leaders, during an incredibly pressured year, to continue to make progress on improving the support provided to staff to raise concerns about safety and quality.

It is, however, concerning that over half of the FTSU Guardian's report people in their organisation suffer negative impacts when they do speak up. This can only have a corrosive effect on efforts to build a sense of trust and encourage openness given those who experience detriment, or witness or hear about it happening to others, may then hesitate to speak up in the future.

Our members agree that all workers should be able to speak up about concerns or make improvement suggestions without experiencing negative detriment and will welcome the recommendation to tackle this head on in this report. To help, they would welcome further insight from the NGO on what positive practices are most successful in tackling this.

We also note that there are still barriers to speaking up in just over half of NHS trusts. Trust leaders would welcome further support to better understand why people do not speak up, with guidance on what helps to overcome these. The research being undertaken by the NGO into the connection between ethnicity and barriers to speaking up is essential and will be greatly welcomed as part of this drive to improve.

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