

**National Guardian**  
Freedom to Speak Up

**Evaluation and Learning from the National  
Guardian's Office Case Review Pilot**

A Summary

## **Background**

In line with its remit to review speaking up cases in NHS trusts and foundation trusts, the National Guardian's Office (NGO) commenced a 12-month pilot of a process to review cases referred to it. This pilot was completed in June 2018.

Following the pilot, the office commissioned an independent evaluation to identify areas of learning and improvement. The evaluation began in August 2018 and took place over approximately three weeks.

The evaluation was not the only source of information the office used to help identify improvements to the process. It also sought comment and feedback from Freedom to Speak Up Guardians in NHS trust, members of its Advisory Working Group and from its Accountability and Liaison Board.

## **The purpose of the evaluation**

The evaluation was an independent assessment of whether the NGO delivered the pilot as its management said it would be. Its purpose was to help the management of the office decide whether to extend the pilot, or to implement a more permanent process going forward.

The evaluation assessed the delivery of the pilot process and made suggestions regarding its design and operation.

## **How the independent evaluation was carried out**

The independent evaluators looked at a range of documents in relation to the operation of the process, including referral forms, summaries of the process and checklists, as well as a detailed evaluation of all documentation in relation to two of the three published reviews.

They interviewed a range of individuals involved with the case review process. These included those who had referred cases to the office, workers in the trusts where the office had conducted reviews, staff from NHS Improvement, with whom the office had collaborated and NGO team members.

As part of the evaluation process a survey was sent to all individuals who had made a referral to the NGO for the office to review their case. The survey asked for individuals' experience of the process. 19 individuals completed the survey.

At the time of the evaluation in August and September 2018 the office had published three case review reports.

The evaluation provided 27 'suggested actions' to help improve the case review process.

The evaluation provided analysis and findings to the office on the following areas of the case review pilot process:

- the scope of case reviews
- resources
- handling of referrals
- handling of communications
- fieldwork
- reporting and action planning

## **The evaluation's conclusions**

The evaluation reached the following conclusions:

- All interviewees were positive about the process and the professional approach of the NGO staff to deliver them.
- Referrers felt positive about having someone listen to their case, as part of a process they believed could help others
- Some interviewees believed the NGO should review cases at an earlier stage, to potentially affect outcomes for individuals and the support they receive
- The office needed to address a potential conflict between the reason it selected cases and the time it took to commence them. Cases were chosen to review on the basis that they could provide important learning, but then only took place once the necessary resources to undertake them were available
- The office should consider whether its messages about the scope needed to be clearer. Some interviewees raised questions about whether the scope of the process was limited to reviewing speaking up in relation patient safety, or whether it also included reviewing matters perceived as HR and grievance issues
- The NGO should consider developing mechanisms to ensure those involved in referrals and reviews received updates in a more timely and frequent manner.
- The NGO lacked a case management and document system to properly support the process
- The NGO should consider better documenting its review and decision-making processes

## **Suggested actions**

The evaluation made the following suggestions for the NGO:

### Scope

- The office should consider whether it needs to be clearer about defining the scope of its review process, including any necessary distinction between those speaking up cases it would review and any HR matters it might not consider suitable
- The office should continue to consider whether any review might be possible in relation to matters where outstanding decisions remained to be taken e.g. employment tribunal decisions
- The NGO should consider whether it was necessary to apply an upper time-limit to cases it would consider relating to when the original issue in the referral took place
- The office may wish to consider whether it should continue to describe reviews as 'case reviews'
- The office should consider reviewing its communications and published materials, including its referral forms, to determine whether they could be made clearer in respect of the scope of reviews

### Resources

- The office and its Accountability and Liaison Board should consider aligning the criteria for undertaking reviews with the resources available to complete them
- A formalised prioritisation process may need to be developed

### Referrals

- The office should review the need for its referral form and whether all the requested information on it is required. It should also determine whether a data processing notice on the form is necessary
- The office should consider developing mechanisms and standard timescales for corresponding with individuals
- The NGO should develop a template for recording decisions made in relation to referrals
- The office should ensure that acceptance and rejection letters contain a clear rationale for the decision taken

### Duration of reviews and communications

- The office should consider communicating to the trust at the initial review planning stage a specific time plan for the return of information and completion of the fieldwork
- The office should consider a mechanism to ensure regular communications and updates with relevant stakeholders

### Fieldwork

- The office should develop a review plan template, summarising the planned approach and scope of each review, including the expected communications to be issued and the reporting timetable
- The NGO should continue to consider the introduction of a case management system
- The office should ensure it properly records, for internal purposes, summaries of findings and evidence gathered
- The office should ensure checklists of fieldwork are completed
- The office might consider whether its team needs additional training or support relating to the handling of HR matters

### Reporting and action planning

- The NGO may consider it helpful to make a record of the closing feedback discussions had with trust leaders at the conclusion of fieldwork
- During the planning stage the office could offer to schedule a meeting with trust leaders to discuss the draft report
- A clear timetable for the report finalisation stage would be helpful to trusts
- The NGO should consider introducing a report approvals checklist for completion that can record the agreement of the relevant parties to the wording of the report.
- If this includes allowing referral to the trust board pre-publication, then consideration needs to be given to the schedule of the board's meetings
- Review recommendations could reference measures it expects trusts to take to evaluate their impact and/or success.
- Alternatively, the office could ask the trust to consider these measures when drafting their action plans to implement the recommendations

## NGO actions in response

At the time of writing of this summary (March 2019) the office is in the process of updating its case review process to reflect many of the above suggestions from the evaluation, as well as the feedback it received on the pilot process from Freedom to Speak up Guardians, its Advisory Working Group and its Accountability and Liaison Board.

The NGO plans to launch the new updated process in summer 2019.

In addition, the office has already implemented several of the suggestions from the evaluation to improve the operation of its current review process:

- Obtaining a comprehensive case management system for the whole of the National Guardian's Office, including its case review process. This system is expected to be fully operable by summer 2019
- Implementing a process to review stakeholder engagement, to help ensure that the office provides regular updates individuals involved in cases and referrals
- Ensuring the language used to describe the forthcoming revised review process more clearly defines its purpose and ambit
- Undertaking revisions to the review referral form
- Implementing a standard response time of two working days for the acknowledgement of all referrals
- Recording office case review decisions using a new template
- Ensuring that communications about the office's decisions relating to referrals contain clear reasons why it reached those decisions
- Introducing more detailed and concise records of evidence gathered on a review
- Completing checklists for completed fieldwork
- Recording headline feedback given to trusts upon the completion of fieldwork