

National Guardian Freedom to Speak Up

**How the National Guardian's Office will
deal with issues raised about Freedom
to Speak Up Guardians**

Summary

This note sets out how the National Guardian's Office (NGO) will deal with issues raised about Freedom to Speak Up Guardians (FTSUGs). It includes details of the process that will be used and the principles that will be upheld.

Background and scope

FTSUGs are appointed and employed by their trust, though their remit requires them to act in an independent capacity. FTSUGs are trained, supported and advised by the NGO. All FTSUGs are expected to support their trust to become a place where speaking up becomes business as usual. The FTSUG role and supporting processes, policy and culture are there to meet the needs of workers in this respect, whilst also meeting the expectations of the NGO, as set out in the example job description for the FTSUG role.

Scope

This note applies to concerns that are raised about the suitability and conduct of individuals appointed to the FTSUG role. It does not cover the process of how trusts appoint to the FTSUG role or how FTSU mechanisms are implemented, nor does it cover the conduct of local FTSU 'ambassadors' or similar appointments which are matters for trusts to consider at the local level.

Concerns raised about the cases that FTSUGs deal with should initially be dealt with through local processes, which may include the employment of a local case review process. Individuals may also refer cases to the NGO for review.

Origin of concerns

Anyone may speak up and raise concerns about a FTSUG to the NGO.

Principles

In all cases, the NGO will act so that:

- FTSUGs and those who are speaking up are treated fairly
- confidentiality is preserved as appropriate
- issues being raised are investigated well
- any opportunities for learning are taken
- the process operates with maximum transparency

Process

Step 1

The NGO will endeavour to seek as much relevant information related to the concern as possible from the person who is speaking up.

The NGO will ascertain whether the person speaking up wishes their identity to remain confidential, and discuss the level of confidentiality that can practically be preserved. It is likely to be easier for a trust to conduct a more thorough investigation into issues that are raised if the person speaking up is willing to have their identity revealed, but confidentiality will be preserved where this is requested, unless this would result in an immediate risk to patient or staff safety, or there would be a legal obligation for the individual's identity to be disclosed.

Matters raised anonymously will proceed directly to Step 2.

Step 2

The NGO will raise the issue with the trust Chief Executive. The NGO will provide as much relevant information as possible to enable the trust to respond fully to the issue being raised, whilst preserving the confidentiality of the person speaking up (subject to the constraints set out above). The NGO will ask for assurance that the FTSUG role is being implemented in a way meets the needs of workers in the organisation and the expectations of the role set out by the NGO. The NGO will also ask the trust to respond to any particular areas of concern that the issue raised highlights. The trust will be given a 2-week timeframe in which to respond.

Where possible, the NGO will notify the FTSUG that an issue has been raised at the same time as the Chief Executive is notified. However, this will not be done if it appears that, by doing so, the confidentiality of someone raising an issue, or any likely investigation or other action that a trust may wish to take, may be compromised.

The person raising the issue will be informed of the action that the NGO takes.

Step 3

On receiving a response from a trust the NGO will consider whether further action is needed or not. Details of the response received from the trust and the action (if any) that the NGO proposes will be fed back to the person speaking up. The response received from the trust will be disclosed in its entirety to the person who has spoken up unless, by doing so, confidentiality will be breached or if it appears that any actions that are proposed may be compromised.

If the NGO receives no response from the trust or the response appears in any way inadequate, and the trust cannot provide any other means of assurance that the matter has been dealt with appropriately, the matter will be escalated to NHS Improvement or the CQC as appropriate.