

Guidance for Freedom to Speak Up Guardians
Recording Cases and Reporting Data

Introduction

This document replaces our previous 'Guidance on Recording' document published in March 2020.

Freedom to Speak Up Guardians are required to record **all** cases of speaking up that are raised to them. Your records:

- help you keep track of individual cases
- promote consistency in the handling of cases
- provide a measure of the speaking up culture in your organisation and the use of the Freedom to Speak Up Guardian route
- act as a source of intelligence enabling trends in, and barriers to, speaking up to be identified.

General approach

Cases should be recorded:

- in a consistent and systematic way
- with due regard for confidentiality
- in compliance with local data and information management, and security policies

Confidentiality should always be respected and details of individual cases should not be shared outside the bounds of your agreement with the individual you are supporting. As a general rule, without express consent, this includes not sharing details of individual cases amongst local networks of champions/ambassadors etc. nor with other parts of your organisation, or with outside organisations.

In some circumstances confidentiality may need to be broken (for instance if there is an immediate risk of harm to an individual) – decisions on the extent of information that needs to be disclosed to enable appropriate action will need to be taken on a case-by-case basis.

The Data Protection Act 2018 and the General Data Protection Regulation (GDPR) form part of the data protection regime in the UK. You should seek advice from the experts in your organisation regarding the data you are collecting, how it is processed, stored and retained/destroyed.

Be aware that your records may be requested weeks, months or even years after their creation and this should be taken into account when setting up your systems.

National Guardian's Office data collection

The following items will be requested from Freedom to Speak Up Guardians regarding the speaking up cases brought to them:

Item	Notes
The number of cases raised to FTSUGs, champions, ambassadors etc., in your organisation <u>in total</u> during the reporting period*	Each individual speaking up through the guardian route should be counted as a separate case even if they are speaking up about the same issue, together or separately. Each individual should also be provided with feedback and offered the opportunity to provide feedback to you. When submitting data, all cases that are raised during the reporting period should be recorded in your return to the NGO, whether they are open or closed.
Number of cases raised anonymously*	Anonymous cases are those where the individual speaking up is unwilling to reveal their identity to you or to others i.e. you do not know who they are. The number of anonymous cases received may be an indicator of the level of trust workers have in the speaking up culture in the organisation.
Number of cases with an element of patient safety/ quality*	Any case that includes elements that may indicate a risk of adverse impact on patient safety or the quality of care. Where it is not clear whether there is an impact on safety/quality without further investigation, but the individual raising the case believes that there is, then the case should still be recorded in this category.
Number of cases with an element of bullying or harassment*	Any case that includes an element of bullying or harassment. Where the individual raising the case believes that there is an element of bullying or harassment then the case should be recorded in this category. There are various definitions of bullying and harassment, including the definition below from ACAS: <i>“Bullying and harassment means any unwanted behaviour that makes someone feel intimidated, degraded, humiliated or offended. It is not necessarily always obvious or apparent to others, and may happen in the workplace without an employer's awareness.</i> <i>“Bullying or harassment can be between two individuals or it may involve groups of people. It might be obvious or it might be insidious. It may be persistent or an isolated incident. It can also occur in</i>

	<p><i>written communications, by phone or through email, not just face-to-face.”</i></p> <p>The NGO advises that the terms should be interpreted broadly and that the focus should be on the perceptions of the individual bringing the case.</p>
Detriment*	<p>Detriment can be described as any treatment which is disadvantageous and/or demeaning and may include being ostracised, given unfavourable shifts, being overlooked for promotion, moved from a team, etc.</p> <p>You should record the number of cases brought to you where an individual feels they have suffered detriment as a result of speaking up. In addition, should details of a case reveal elements of detriment as described, these should also be recorded even if the individual bringing the case does not identify detriment.</p>
Professional background	<p>You will want to record a range of information about the individuals speaking up to you. This will enable you to look at trends and themes.</p> <p>The NGO asks for details of the professional background of those speaking up to you according to the following categories. Please assign individuals to one of the described categories wherever possible, rather than using the ‘other’ category:</p> <p>Please look at our new Updated Guidance on Professional Groups (2020-21), which can be found here.</p>
Feedback	<p>Feedback should be obtained when a case is closed, even when the person speaking up may be unhappy with the outcome of their case.</p> <p>You may have your own feedback questions, but the NGO asks all FTSUGs to ask the following question and the results of this question should be reported to the NGO:</p> <p>“Given your experience, would you speak up again?”</p> <p>Options for response are:</p> <ul style="list-style-type: none"> • “Yes/No/Maybe/Don’t know” <p>This should be supplemented with the follow-up question:</p> <ul style="list-style-type: none"> • “Please explain your response” <p>You may wish to categorise the information provided in the supplementary question so that themes and trends can be identified and acted on.</p> <p>Each quarter you will be asked to report:</p> <ul style="list-style-type: none"> • The number of cases during the quarter that you have received feedback on (NB.

	<p>irrespective of the quarter in which the case was originally received)</p> <ul style="list-style-type: none"> • The number of responses in each response category: <ul style="list-style-type: none"> • Yes • No • Maybe • Don't know <p>Brief details of the main themes to the feedback you received (up to three themes) should be recorded.</p>
Learning	<p>Speaking up is an opportunity to learn and improve. Recording the learning points that arise out of each case will enable you to make suggestions for improvement locally, and allow the NGO to spot wider trends and themes.</p>

*This data will be published quarterly at the trust level. To avoid real or perceived breaches of confidentiality, other data will be combined for all trusts before publication. Freedom to Speak Up Guardians should make similar considerations when reporting data to boards.

What else to record

There is a range of information that could be recorded for each case that you deal with. You will want to expand on the above list to include items to help you understand cases better, monitor the use of your service, and identify trends and themes that will enable you to identify barriers to speaking up.

Additional items are likely to include:

Item	Notes
Details of the case	<p>You will want to record a brief factual summary of the case. You will need to be mindful of the degree of urgency with which action may need to be taken and/or a response required. Good listening skills and open questions will help you understand the full picture. A case may be made up of several discrete issues and each may have its own distinct escalation route.</p> <p>When thinking about the case, you will want to note areas that indicate barriers to speaking up experienced by the individual/s involved.</p>
Has the individual spoken up previously?	<p>This may inform discussions around requests for confidentiality. It may also reveal potential barriers to speaking up using other routes.</p>

What is the desired outcome?	This may provide useful information about next steps or potential solutions. It may help inform discussions around managing expectations. Irrespective of the desired outcome, you will want to ensure that all aspects of the case are appropriately handled.
Action taken	It is important to record actions taken and when and to whom referrals are made, together with a record of how, when and how often the individual speaking up wishes to be contacted. This is also another place to note anything that is encountered as the case is progressed that indicates a barrier to speaking up, or that indicates that speaking up policies are not being followed, or that policies or processes need to be improved.
Outside referral	The number of cases that are referred for external investigation may be a useful indicator of both the seriousness of issues being raised and how open an organisation is to external scrutiny.
Open/Closed	A case should not be closed until you are satisfied that all possible routes have been reasonably pursued, including all avenues of dispute. In some circumstances, someone speaking up may decide to 'drop out' of the process – however, you will want to ensure that any action taken in response to a case reaches an appropriate conclusion before it is closed.
Further demographic details	Such as gender, age, ethnicity, sexuality etc. This will enable guardians to understand their 'reach' across the organisation and identify any groups which may be using the Freedom to Speak up route more frequently, or less frequently, than other groups. The point at which feedback is sought may be the best time to give individuals the opportunity to provide this additional information.

Further information

If you have any queries about this guidance, please contact the National Guardian's Office by emailing enquiries@nationalguardianoffice.org.uk or calling 0191 240 4400 (between 10am – 2pm, Monday – Friday).