



**RCN Policy and International Department**  
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# **Briefing on implementing the recommendations of the 'Freedom to Speak Up' review**

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## **Consultation on implementing the recommendations, principles and action set out in the report of the 'Freedom to Speak Up' review**

**March 2015**

### **SUMMARY**

- **DH England has published a consultation on implementing the recommendations made by Sir Robert Francis following on from his independent review into creating an open and honest reporting culture in the NHS.**
- **The consultation was published in March 2015, and runs until June 4 2015.**
- **The consultation is in direct response to the 'Freedom to speak up' report, which followed on from the publication of the Francis reports into Mid-Staffs, and the subsequent government responses.**
- **The 'Freedom to speak up' report proposes twenty principles, grouped under five themes: culture change; improved handling of cases; measures to support good practice; particular measures for vulnerable groups; and extending legal protection.**
- **The consultation asks questions relating to four issues: local implementation; Freedom to Speak Up Guardians; Independent National Officer; Standards for professionals.**
- **A number of other issues raised in the report will be addressed later in 2015: role of national bodies; strengthening legislation.**

### **ABOUT THE RCN**

With a membership of around 420,000 registered nurses, midwives, health visitors, nursing students, health care assistants and nursing cadets, the RCN is the voice of nursing across the UK and the largest professional union of nursing staff in the world.

The RCN promotes patient and nursing interests on a wide range of issues by working closely with the Government, the UK parliaments and other national and European institutions, trade unions, professional bodies and voluntary organisations.

The RCN is a member of the European Federation of Nurses Associations (EFN), the European Federation of Public Service Unions (EPSU) and the European Public Health Alliance (EPHA).

## **BACKGROUND**

A key finding from Sir Robert Francis' investigations into the failings at Mid Staffordshire NHS FT was of the role that workplace cultures play in supporting or discouraging staff to raise concerns.

This insight was the basis for a further focused inquiry on the matter, again led by Sir Robert, into the reporting culture across the English NHS. The review, instigated by the English Secretary of State for Health, was tasked with identifying measures that would,

“help to foster a culture in the NHS in England where staff can feel safe to speak out about patient safety, as well as learning lessons from the existing culture in the NHS by listening to those who have experiences to share, both positive and negative.”

The review reported in February 2015, and outlined twenty principles and actions for their implementation, grouped under five themes:

- *Culture change;*
- *Improved handling of cases;*
- *Measures to support good practice;*
- *Particular measures for vulnerable groups;*
- *Extending the legal protection.*

The Secretary of State accepted in principle the proposals contained in the report, pending consultation taking place on them with local NHS providers, national regulators and oversight bodies, and organisations representing patients and professionals who have been involved in whistle-blowing.

The consultation has proposals on four issues:

- *Local implementation;*
- *Freedom to Speak Up Guardians;*
- *Independent National Officer;*
- *Standards for professionals.*

It also references actions that will be undertaken by their players in relation to the Speaking Up report:

***National Regulators and oversight bodies*** – it is anticipated that they will individually issue their own consultations on key proposals, including applying the principles to primary care, creating national guidance, on the principles and staff training, and the creation of a support scheme for NHS workers.

***National regulators*** – it is anticipated that they will review their approaches to two specific areas, the ‘well-led organisations’ and ‘fit and proper persons test’, and consider how to strengthen their guidance on them.

## **CONSULTATION**

The consultation has nine questions, grouped under four areas:

### ***Local Implementation***

1. Do you have any comments on how best the twenty principles and associated actions set out in the Freedom to Speak Up report should be implemented in an effective, proportionate and affordable way, within local NHS healthcare providers?

In considering this question, we would ask you to look at all the principles and actions and to take account of local circumstances and the progress that has already been made in areas highlighted by “Freedom to Speak Up”.

### ***Freedom to Speak Up Guardian – Role & Title***

2. Do you have any opinions on the appropriate approach to the new local Freedom to Speak Up Guardian role?
3. How should NHS organisations establish the local Freedom to Speak Up Guardian role in an effective, proportionate and affordable manner?
4. If you are responding on behalf of an NHS organisation, how will you implement the role of the Freedom to Speak Up Guardian in an affordable, effective and proportionate manner?
5. What are your views on how training of the local Freedom to Speak Up Guardian role should be taken forward to ensure consistency across NHS organisations?
6. Should the local Freedom to Speak Up Guardian report directly to the Independent National Officer or the Chief Executive of the NHS organisation that they work for?
7. What is your view on what the local Freedom to Speak Up Guardian should be called?

### ***Independent National Officer***

8. Do you agree that the Care Quality Commission is the right national body to host the new role of Independent National Officer, whose functions are set out in principle 15 of the Freedom to Speak up report?

### ***Standards for Professionals***

9. Do you agree that there should be standardised practice set out in professional codes on how to raise concerns?

## **RCN PERSPECTIVE**

The RCN welcomed the Freedom to Speak Up review, and noted that it was a timely and realistic review of how many staff feel about raising concerns, as well as having borne out many RCN members’ experiences.

## **NEXT STEPS**

The RCN will be formally responding to the consultation, and would welcome input from members working across the NHS.

If you would like to comment, or have questions regarding the wider issues, please contact Mark Platt in the Policy and International team, who is co-ordinating the response.

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#### **Further information and reading:**

- Freedom to Speak Up Consultation  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/412171/Freedom\\_to\\_Speak\\_up\\_consultation.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/412171/Freedom_to_Speak_up_consultation.pdf)
- Freedom To Speak Up review Website (contains the report and the executive summary)  
<https://freedomtospeakup.org.uk/>
- RCN response to Freedom to Speak Up  
[http://www.rcn.org.uk/support/raising\\_concerns](http://www.rcn.org.uk/support/raising_concerns)
- RCN Guidance on raising concerns  
[http://www.rcn.org.uk/\\_data/assets/pdf\\_file/0015/510180/Raising-concerns-OAG\\_Final.pdf](http://www.rcn.org.uk/_data/assets/pdf_file/0015/510180/Raising-concerns-OAG_Final.pdf)

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