

Witness Name: Charlie
Cassell
Statement No.: [1]
Exhibits: [XXXX]
Dated: 11/03/2025

THIRLWALL INQUIRY

WITNESS STATEMENT OF CHARLIE CASSELL

I, Charlie Cassell, will say as follows: -

1. I was appointed as Director of Operations and Strategy in August 2023 as a permanent staff member of the National Guardian's Office. I am a direct report of the National Guardian and am responding on behalf of the National Guardian and her Office.

Question 1 - What, if any, auditing does the National Guardian's Office ("National Guardian's Office") undertake in respect of those appointed as Freedom to Speak Up guardians?

2. Due to limited resources and powers, the National Guardian's Office does not undertake audits of appointed guardians.
3. The National Guardian's Office does undertake internal audits relating to the operations of the office. These audits are linked to CQC's internal audit plans however they are not linked to appointed guardians as the National Guardian's Office does not employ guardians.
4. The National Guardian's Office does carry out an annual compliance check using an annual refresher training module for all guardians. Our annual compliance check is based on Freedom to Speak Up guardians being required to complete refresher training, which is launched each April; guardians are given an eight-month window to complete.
5. The National Guardian's Office launched the annual refresher training module in 2023 to support guardians' learning and development needs on changes and updates to the Freedom to Speak Up landscape. It is the responsibility of the Freedom to Speak Up Guardian to comply with training requirements and undertake the refresher module. These requirements are considered parts of guardians' compliance with the guardian role. Guardians must inform the National Guardian's Office of anything that is likely to impact on their ability to complete this training. This is so that we can support and explore solutions with those guardians struggling either in the role or to complete training. We contact the organisation to ensure the guardians are getting the support they need to fulfil the requirements, but non-compliance may result in the guardian being removed from the directory.
6. If, despite support, the guardian is still unable to meet requirements, or the Freedom to Speak Up Guardian dis-engages with the National Guardian's Office or role, they will be removed from the directory and their organisation informed, as well as NHS England and

Care Quality Commission (CQC) as appropriate. A legal opinion was provided by CQC legal advisers that discusses the National Guardian's Office's ability to take such action and the possible responses.

7. On launching the annual refresher module, guardians are given an eight-month completion period and failure to complete the training within this timeframe will result in the National Guardian's Office notifying CQC and NHS England of non-compliance.
8. Part of the Freedom to Speak Up Guardian role is to collect, and report anonymised data on the cases raised with them by workers. Data submissions are reported on a quarterly basis to the National Guardian's Office. Should guardians miss a data submission, the National Guardian's Office contacts the guardian to discuss the reason for non-submission. Should the lack of submission be due to changes to guardian provision the National Guardian's Office will either write to the organisation in the first instance or raise the issue with NHS England or CQC as required.

Question 2 - How is the use of the reflection and planning tool set out at paragraph 27 of your statement being implemented? Does the National Guardian's Office audit its use?

9. Due to limited resources and powers, the National Guardian's Office does not undertake audits of the use of the planning and reflection tool.
10. In 2023, part of NHS England's [Adoption of the national Freedom to Speak Up policy and access to a guardian for primary care workers \(annex A\)](#), NHS England requested confirmation that all "ICB staff have access to routes for speaking up including Freedom to Speak Up guardian(s), and associated arrangements... ICBs were expected to adopt the new national policy and use the guide and improvement tool to map the plan for the next three years."¹ [INQ0108923]
11. The guidance for integrated care boards (ICBs) stated: "NHS England has asked that all NHS trusts adopt the policy and apply the guide and improvement tool over the next 18 months and have provided assurance to their public boards by the end of January 2024." From discussions with NHS England, the National Guardian's Office believes a review of compliance with the guidance and improvement tool was undertaken for the 42 ICBs and discussions were had between NHS England and NHS Regional teams about gaps in provision at ICB level. We do not know if NHS England audited all NHS Trusts.

Question 3a - In relation to paragraph 43 of your statement, in what ways is the implementation of the Freedom to Speak Up Guardian role not always in accordance with the National Guardian's Office's guidance?

12. The [NHS Freedom to Speak Up guide \(eBook\): A guide for leaders in the NHS and organisations delivering NHS services \(Annex B\)](#), published in June 2022, details the role of the guardian, how the role should be recruited, the proactive and reactive elements of the role and the national data submission requirements. The guide should be used alongside the [Freedom to Speak Up - a reflection and planning tool](#) to support [INQ0108924]

¹ NHS England. Integrated care boards, integrated care systems and Freedom to Speak Up. Available at: <https://www.england.nhs.uk/ourwork/freedom-to-speak-up/integrated-care-boards-integrated-care-systems-and-freedom-to-speak-up/> Last accessed February 2025.

organisations to implement freedom to speak up arrangements across their organisation. In addition, the National Guardian's Office has published a universal job description, which is based on Freedom to Speak Up principles to further support organisations to recruit to the guardian role.

13. In accordance with the NHS Freedom to Speak Up guide (eBook), the guardian role is designed to meet several important outcomes. To achieve them, the role involves:
 - a. Reactive elements: Responding to workers who want to speak up and managing each case, including the initial conversation, by accurately recording, following up and feeding back.
 - b. Proactive elements, specifically:
 - looking at barriers to speaking up and working in partnership to help reduce them
 - communicating the role and making sure there is appropriate training on speaking up
 - supporting and challenging senior leaders, including through producing regular reports for the senior team or board.
 - c. National requirements fulfilling the expectations of the National Guardian's Office, including:
 - providing information and regular data returns such as details of the cases they handle
 - reading and carrying out gap analyses based on case review or speaking up review reports
 - playing an active part in guardian networks, including attending regional and national meetings, training, and other events
 - making sure their knowledge and skills are current, including taking part in National Guardian's Office training, keeping abreast of, and implementing national guidance, and taking part in other activities such as webinars and conferences.
 - d. Other elements including self-development, taking part in supervision, or mentoring where needed, and supporting their own emotional and psychological well-being.
14. Unfortunately, there is variation in how the guardian role is implemented with evidence that many guardians do not have enough protected time (also referred to as ring fenced time) to carry out their roles effectively. For example: some guardians are employed to carry out their guardian duties as only part of their role or in a voluntary capacity. This can result in guardians not having enough time to fulfil all the duties of the role, resulting in some elements not being realised, such as limited time for case management or being unable to be proactive and raise the profile of speaking up.
15. Data from the recent compliance cycle (refresher training) identified that most guardians who did not complete mandatory training were those who had limited or no protected time to carry out their role. These findings provide compelling evidence that the guardian

role should not be seen as an 'add on' to someone's 'regular job' and that time should be ring fenced to ensure the post holder can fulfil the requirements of the role.

16. The [National Guardian's Office Guardian survey from 2022/23](#) (Annex C) highlighted INQ0108925 some issues with implementation of the role:

- a. Appointment - All roles should be appointed based on fair and open competition, and the Freedom to Speak Up Guardian role is no exception. This facilitates the appointment of the best candidates and makes it more likely that workers will have confidence in their Freedom to Speak Up Guardian, including their impartiality and ability to handle conflicts of interest. 81 per cent of respondents said they were appointed through fair and open competition, up three percentage points since 2021 (78 per cent).
- b. There was a marked difference in responses when broken down by the type of organisation that the respondents supported: 92 per cent of respondents supporting NHS trusts said they were appointed through an open and fair competition; 65 per cent of those supporting other organisations said the same. This variation is likely attributable to the fact that the guardian role was initially implemented within NHS trusts, resulting in a relatively more mature and embedded position within these organisations, including fair and open appointment of guardians.

17. It is down to the organisation and their leaders to use the tools supplied to determine the amount of resource needed for their Freedom to Speak Up provision. With limited NHS resources, often the 'proactive' element of the role is discounted and there is a higher focus on 'reactive' or the case management side of the role. This focus on the reactive side of the guardian role at the expense of the proactive side of the role can mean that the benefits of the proactive work such as supporting culture change, helping leaders to build an open and just culture, and learning from events are not realised. Without awareness raising and time to work with staff groups, workers may not feel confident in the freedom to speak up mechanisms in place.

Question 3b - What, if anything, does the National Guardian's Office do when it becomes aware that the Freedom to Speak Up Guardian role is not being implemented in accordance with its guidance?

18. Given the lack of statutory/regulatory powers, the National Guardian's Office deploys a supportive approach to situations where the guardian role is not being implemented in accordance with guidance.
19. When the National Guardian's Office becomes aware of issues with the implementation of the guardian role, we offer the guardian a support call for individual support, which may lead to further conversations with organisation leaders.
20. Where the National Guardian's Office discovers there is no guardian provision in an organisation, we write to the organisation's chief executive or the chair of the board to ask about their Freedom to Speak Up plans, highlighting the potential breach to the NHS Standard Contract. We offer a support call and/or a board development session. Once we hear back from the organisation, we discuss mitigating actions with them and offer support, if required, to enable the organisation to improve its provision. In some

instances, where we are concerned about the response received, we will contact NHS England regarding the non-compliance. On most occasions we find the approach from us and subsequent discussion supports the organisation to implement provision.

21. In addition, where Freedom to Speak Up is being implemented beyond NHS Trusts, such as across ICBs and primary care, the National Guardian's Office has created sector-specific guardian networks. These networks support sharing and learning across systems.
22. We have strong partnership working arrangements with NHS England and CQC and have agreements to escalate where we have cause for concern about guardian implementation. Presently, due to the lack of statutory powers, the National Guardian's Office is limited in how involved we can be with providers and rely on NHS England or CQC to be involved in terms of how 'well led' an organisation is.
23. Recently the National Guardian's Office has strengthened the information within CQC well-led quality statements relating to Freedom to Speak Up and we work more closely with inspection teams around expectations of the guardian role.

Question 4 - Should the National Guardian's Office have enforcement powers in relation to Freedom to Speak Up issues?

24. NHS England is currently responsible for the [Freedom to Speak Up national policy](#) [INQ0108926] (Annex D). The National Guardian's Office would welcome being responsible for the national policy. We would also welcome being given powers to audit, enforce compliance and support greater implementation of the guardian role. By having greater powers to enforce compliance we would be able to limit variability in implementation of Freedom to Speak Up and support the system to benefit from listening and learning from workers speaking up.
25. Without these powers, the National Guardian's Office is limited in its ability to effect change where the guardian role or Freedom to Speak Up routes are not being implemented or used well. At present, the National Guardian's Office can only use soft influence to embed consistent speaking up practices.
26. The National Guardian's Office has found there is a lack of oversight and compliance against the Freedom to Speak Up policy across the health system. However, compliance is not the only concern. There is not enough emphasis on embedding good practice and upskilling leaders to be curious and listen to concerns raised by workers. As the National Guardian's Office does not have regulatory powers, we can only influence by supporting leaders to learn from past and current events.
27. In 2023, the National Guardian's Office submitted the following recommendation to the Hewitt review of integrated care systems (2023) in response to setting targets at a national and local level:
 - a. We would also recommend a national requirement for implementing the NHS England/National Guardian's Office policy and guidance, including data reporting. We recommend that the National Guardian's Office leads in setting overarching priorities around Speaking Up and that local and (national) system wide level.

28. The above recommendation is like the role the Independent National Whistleblowing Officer has in Scotland. If the National Guardian's Office were to take on additional powers there would be a requirement for additional resources to support these duties.
29. In 2023/24, the National Guardian's Office recommended, as part of a submission to the Department of Health and Social Care for a Health and Social Care Committee response, some actions that the National Guardian's Office could develop, which would support greater organisational compliance in terms of implementing and embedding the guardian role. Most of these recommendations focused on developing leadership provision for Freedom to Speak Up, making both the executives and non-executives assigned to Freedom to Speak Up more accountable. To date these recommendations have not been progressed.

Question 5a- What are the advantages and disadvantages of the National Guardian and the National Guardian's Office being part of the CQC?

	CQC	
Categories	Advantages	Disadvantages
National Guardian's Office Status (independence)		<p>Independence (perceived), particularly when needing to be an external voice for the system. This is the same no matter which health and care body the National Guardian's Office would be part of.</p> <p>E.g. Due to our unique role, we have requested representation at the Health Care Regulators Forum and other significant stakeholder forums, however, as we are not a regulator nor an entity with 'powers' we have found it difficult to be welcomed into these forums.</p>
Regulatory	Ability to influence the regulatory framework – Well-led.	Because we are part of CQC, it is difficult to gain traction on escalation of difficult issues /concerns raised as we do not hold regulatory powers of our own. The Office is reliant on the regulators for escalation rather than being able to resolve or investigate ourselves.
	Ability for Freedom to Speak Up to remain in the NHS Standard Contract.	
Funding		Dual funding and the fact that we are CQC employees, but four fifths funded by NHS England.

		Lack of a mechanism to generate income.
Structure	Maintain business as usual – including infrastructure (shared services).	Because we are seen as hosted, we are not included or considered in any wider changes within CQC. Our service level agreement with CQC is often neglected and our needs are not prioritised. For example, we were not considered for CQC's regulatory platform build, therefore, we are creating a standalone IT system to support our work.
		Remuneration is not competitive with the NHS/health organisations, so staff recruitment and retention are a big challenge. There is limited potential to progress within band (no spine points).
Policy		We do not have responsibility for the national Freedom to Speak Up policy.
	Potential to expand National Guardian's Office directory to include leadership, supporting compliance mechanisms for NHS England and CQC.	Lack of capital funds to support further development of directory and lack of understanding regarding modifications and support for compliance.
Health System (and wider)	External to NHS England and while our vires do not cover adult social care, there is a potential for us to cover this sector.	We could only cover adult social care not children's.
Education	Ability to accredit education and expand to social care guardians and beyond.	
Data	Support CQC in supplying Speak Up data for inspections	
Speak Up Reviews		Speak up Review recommendations could be seen as lacking independence.
Guardian Wellbeing	Via CQC, guardians have access to PAM Assist – CQC's employee assistance programme. This is in addition to any support offered by the organisation and recognises the environment in which the guardians work.	

Question 5b - Should the National Guardian's Office be a standalone body with statutory powers?

30. The role of the National Guardian was set up to hold the healthcare system to account. For this to be done well and to truly hold leaders accountable, the National Guardian's Office should be a standalone body, with statutory powers. Such powers should be similar to the Independent National Whistleblowing Officer in Scotland (see response to question 18).
31. The National Guardian's Office would welcome a larger role in compliance as this would support holding the system to account as well as leadership development. For example, we have made recommendations in our reports and Speak Up reviews to work in partnership with others to effect culture change, but do not have the authority to ensure compliance.
32. The Freedom to Speak Up Guardian route has shown itself to be of value to workers and to enlightened leaders and organisations. However, from a national perspective, the National Guardian and her office only have soft powers, which can be dismissed by others.
33. We have championed the National Guardian's Office's authority and remit in terms of escalation to regulators to act and investigate organisations. While we acknowledge that legislative changes take time and would require resources, historically we have requested the Secretary of State consider this as a priority. We would ask that the Inquiry consider this request again.
34. Due to the size of the National Guardian's Office (16 staff), financially it may not make sense to be fully stand-alone. If we were afforded greater powers the amount of resource to support a wider remit would need to be considered. We have voiced a recommendation that we could be hosted by a non-regulatory function such as Health Services Safety Investigations Body or being linked to the Public Health Services Ombudsman.

Question 6 - Is it your experience that, since guardians are employed by the organisation in which they work, this can inhibit them from adequately challenging management? What is your view of the suggestion that it, or another organisation, should instead employ guardians, to remove any potential conflicts of interest?

35. Guardians who work within the organisation they support are close to where care is delivered and the people who deliver it. They understand local culture and can build trust. However, managing confidentiality and real or perceived conflicts of interest can be challenging.
36. The role of the non-executive director lead for Freedom to Speak Up, who is independent, can support the guardian with a fresh pair of eyes to ensure investigations are conducted with rigour and to help escalate issues, where needed.
37. Guardians provided by a third-party provider may be seen as more independent, but their distance from the organisation could affect their visibility, relationship building, feedback, learning across the organisation, and capacity for proactive culture building activities.

38. Appointments to guardian roles must be based on fair, open and inclusive competition. This is important as it reassures workers their guardian will operate independently, impartially, and objectively (as they are required to). It gives workers more assurance they will be supported and listened to when they speak up.
39. Whether a role is hired from within or from a third-party supplier, the National Guardian's Office is committed to ensuring any guardian provision provided is trained and registered with the National Guardian's Office. This ensures the guardian has access to national resources, is supported and working in accordance with National Guardian's Office and NHS England guidance and policies to support their workforce.

Question 7 - Looking at the quarterly anonymised data received by your office, can you identify any particular trends or areas which stand out as being problematic?

40. The National Guardian's Office collects anonymised, high-level data from Freedom to Speak Up guardians regarding the speaking up cases raised with them. The main aim of this data is to understand the impact and use of the Guardian role. While the data is valuable, it is important to note that it is limited in scope, providing only one aspect of the broader speaking up culture. There are several routes to speaking up such as directly to line managers, HR, senior leadership and unions. The guardian route is an important but supplementary pathway for workers to speak up, meaning that the data we gather from guardians represents just a fraction of the wider picture of issues workers may raise.
41. We can highlight the following trends or areas of concern based on the data we collect:
 - a. **Anonymous cases:** The proportion of cases raised anonymously has plateaued at around 10 per cent. When we first started collecting data (2017/18), the percentage was in the high teens (17.7 per cent). The decrease to 9.5 per cent in 2023/24 is positive, but we would like to see the downward trend continue.
 - b. **Cases of detriment:** Detriment is where individuals report experiencing disadvantageous or demeaning treatment because of speaking up. We want the percentage of such cases to continue to decrease. From 2017/18 to 2020/21, the percentages of reports to guardians which are specifically about the worker having suffered detriment for speaking up dropped from 5.1 per cent to 3.1 per cent, potentially reflecting efforts to encourage speaking up, especially during the early days of the pandemic. However, since 2020/21, the percentage of detriment cases has gradually increased, with the 2023/24 figure standing at 4.0 per cent. This rise is a potential area for concern, and it indicates that organisations need to remain vigilant in addressing any negative consequences for those who speak up.
 - c. **Variation in Freedom to Speak Up Guardian role implementation:** We have noted inconsistencies in how the guardian role is implemented across different organisations. These variations can affect guardians' ability to effectively carry out their important work.
 - d. This inconsistency is reflected in the data shared with the National Guardian's Office, particularly in the varying levels of compliance with our request to submit data. While compliance is relatively established within NHS trusts, it is much

lower in other sectors, which makes it harder to get a complete picture of the speaking up landscape across the system.

- e. The National Guardian's Office is limited in its ability to promote greater consistency due to our lack of statutory powers.

Question 8 - What trends or information does the National Guardian's Office have about speaking up in respect of Paediatric or Neonatal care? Has this been an area where there are a number of complaints?

- 42. The data National Guardian's Office collects is not detailed enough to identify trends or patterns related to speaking up in paediatric or neonatal care. While some guardians or workers may raise concerns related to these specialties, the data does not allow us to determine whether these cases point to wider trends or systemic issues
- 43. In 2025/26, we will undertake a review of the data we collect and engage with stakeholders to welcome feedback on how this could be improved. Any updates will then come into effect in 2026/27.

Question 9 - What is your view as to the effectiveness of the PALS service?

- 44. The Patient Advice and Liaison Service (PALS) offers confidential advice, support, and information to patients on health-related matters. The National Guardian's Office relates to worker voice. We do not have links with PALS services.

Question 10 - What assistance can the Royal Colleges provide in developing or embedding principles of speaking up in those whose training they oversee?

- 45. The Royal Colleges play a significant role in shaping the development and professional behaviour of healthcare practitioners. The National Guardian's Office liaises with the Royal Colleges regarding integrating Freedom to Speak Up across their organisations and with their members. They can assist in developing and embedding principles of speaking up through:
 - a. **Training and development** – embedding principles and awareness through professional curricula as well as offering workshops and seminars to support workers to feel safe and confident to speak up.
 - b. **Provide resources and tools** - Improving access to speak up routes including hiring a Freedom to Speak Up Guardian whose members can access and are trained and registered by the National Guardian's Office.
 - c. **Develop clear policies and guidelines** – adopting the national policy outlining clear routes to speak up ensuring members are familiar with the process and feel supported in raising concerns about patient safety in the workplace.
 - d. **Advocate for a culture of safety and respect through leaders listening to staff and acting on concerns.** Ensuring there are Board and executive roles in place to support guardians and that speaking up is discussed regularly at Board level.

- e. **Research and feedback** – Royal Colleges can promote research into barriers to speaking up and ways to overcome them.

Question 11 - How has the training provided to guardians developed since the inception of the National Guardian's Office? How if at all is the effectiveness of the training measured?

- 46. Historically, Freedom to Speak Up guardian training was a face-to-face one-day session delivered by the National Guardian's Office. At first, guardian training was not mandatory but was strongly encouraged as trusts were expected to have a named guardian in place as part of the 2016/17 NHS Standard Contract. Through the pandemic, we delivered training for between 30-40 people per month virtually, receiving overall excellent feedback.
- 47. In April 2022, we launched an eLearning foundation training module to meet the increasing demand for training new guardians in a variety of settings. Once a new guardian completes the module, they are added to our register of trained guardians.
- 48. To support the eLearning foundation training, the National Guardian's Office created a network of experienced guardian mentors, (there are currently thirty-four mentors) that facilitates a reflective conversation with all new Freedom to Speak Up guardians within three months of starting in role.
- 49. In 2023, the National Guardian's Office developed annual refresher training for Freedom to Speak Up guardians. Refresher training is informed by the feedback from the eLearning foundation training, intelligence from guardian support calls with the National Guardian's Office, guardian networks and any new National Guardian's Office guidance and developments relevant to the Freedom to Speak Up Guardian role.
- 50. Every year, Freedom to Speak Up guardians are required to complete refresher training, which is launched each April; guardians are given an eight-month window to complete.
- 51. It is the responsibility of the Freedom to Speak Up Guardian to comply with training requirements and milestones, and to inform the National Guardian's Office of anything that is likely to impact on completing those milestones. This is so we can help support and explore solutions. If despite support, requirements are still not met, or the Guardian dis-engages with the office/role, they will be removed from the directory and their organisation informed as well as NHS England and CQC as appropriate.
- 52. Regular review of this training, with a view to improving development and support for Freedom to Speak Up guardians, is part of the National Guardian's Office strategy.
- 53. We measure impact of the training through feedback from guardians who have undertaken the training and review support call themes that require clarification on role and responsibilities. The National Guardian's Office saw a decrease in support calls following the introduction of the new eLearning training, the introduction of the mentor conversations and the annual refresher training.
- 54. In 2024, we introduced a new module, Equality, Diversity, Inclusion and Belonging. All registered guardians must complete this training. It has been added as the seventh module to foundation training and was the refresher training module for 2024.

55. The most recent evaluation/response rates demonstrated that nearly all those trained in 2024 said that the modules met the objectives of the course.
56. In addition, the National Guardian's Office have also created a Freedom to Speak Up Guardian Development Guide. The guide's focus is guardians' personal growth and development of their skills and includes resources and information on inclusivity and psychological safety. There is also an online self-assessment tool, to be used in conjunction with the development guide. Guardians can use these assets to identify areas for development and associated training. Guardian refresher training for 2025 will include the requirement for all registered guardians to complete their development guide and submit their competency level to the National Guardian's Office. This is aligned to the publication of the updated guardian job description, scheduled for April 2025, and will provide the National Guardian's Office with an understanding of the competence level of guardians.

Question 12 - What, if anything, is said to guardians in training regarding the steps they should take if informed of suspicions of a very serious nature, in particular that a member of staff may pose a risk of injury or death to patients? What is said about any evidential threshold required for action to be taken?

57. Guardians do not ask workers for evidence; they take concerns at face value and escalate appropriately.
58. In the guidance for [Freedom to Speak Up Champions and Ambassadors](#) (Annex E), it [INQ0108927] states that Freedom to Speak Up champions/ambassadors should receive safeguarding training from their local safeguarding leads to help them identify potential risks and know how and when to escalate.
59. The National Guardian's Office has always been clear that if someone speaks up to a guardian about someone or something that is a risk to patient safety or someone is at risk of harm, the guardian has a duty to escalate these concerns and that confidentiality may need to be broken in exceptional circumstances, such as an immediate risk of harm to a patient. This is mentioned within the National Guardian's Office Reporting and Recording Guidance the [Starting out, stepping down](#) Guidance (Annex F) template letter [INQ0108928] (Annex G), and within foundation training. [INQ0108929]

Question 13 - It appears, from paragraph 56 of your statement, that guardians regularly deal with all manner of concerns. What systems are there, if any, for adequate prioritisation of concerns raised?

60. Prioritisation systems vary between organisations and there is currently no standardised approach. However, all guardians receive training to ensure that concerns involving an immediate risk of harm, safeguarding issues, or legal obligations are prioritised and escalated without delay through the appropriate channels.
61. To enhance responsiveness, it is essential all workers are regularly informed of the various reporting routes available to them, ensuring concerns are raised through the most appropriate mechanism. Additionally, clear contingency plans should be in place for times when the Freedom to Speak Up Guardian is unavailable, to avoid any

unnecessary delays in addressing concerns. Regular communication and reinforcement of these procedures will support a more efficient and effective prioritisation process.

Question 14 - Does the National Guardian's Office collect data regarding how many cases raised with guardians contain allegations of deliberate harm by staff members? If so, please share that data.

62. The National Guardian's Office does not collect data regarding how many cases raised with guardians contain allegations of deliberate harm by staff members. While some guardians or workers may raise concerns related to allegations of deliberate harm, the data collected does not allow us to determine whether these cases point to wider trends or systemic issues. Please refer to earlier answers 7 and 8 for more information about the data we collect.

Question 15 - Given that the 2022/23 survey was only responded to by 39% of guardians, what additional steps can/should the National Guardian's Office take to ensure that all guardians respond regarding their experiences in order to improve the service and its practical application in everyday life?

63. The National Guardian's Office acknowledges that the guardian survey completion rates need to be improved. In 2024, we paused the guardian survey to allow us time to review its effectiveness as a tool for seeking guardian feedback.

64. In summary, the outcome of the guardian survey review recommendations was as follows:

- a. *Finding* - The purpose of the guardian survey was not well-defined or widely understood.

Recommendation - The National Guardian's Office will clearly define the survey's purpose, key aims and objectives, the audience(s) for the survey's results and ensure our communications efforts convey why it is in leaders' and stakeholders' interests to engage with and act on the results.

- b. *Finding* - Feedback highlighted the survey, at one hundred questions, is too long. The length, an unclear purpose, and the wide range of topics asked about means the survey is a burden for guardians to complete and for the National Guardian's Office to analyse.

Recommendation - we will shift to shorter, more concise, and more tightly focussed surveys where a main theme can be explored in depth. We will split the survey in two (one per year); one survey will focus on the experience of guardians, including barriers they face, their wellbeing, and how the National Guardian's Office can better support the network; the other will focus on guardian perception of their organisations' culture.

- c. *Finding* - Guardians told us they value survey's data but would welcome deeper analysis of the data.

Recommendation - we will introduce more sector splits and other cross-sectional analysis, for example, how results differ for guardians who support multiple organisations, those where it is their sole role, different professional groups etc

- d. *Finding* - guardians spoke about how valuable the information collected in the survey is, there is little engagement with the results and the survey has limited impact in changing culture.

Recommendation - National Guardian's Office will develop a more robust communications plan aimed at sharing the survey's results with leaders to better engage them in cultural change.

65. The National Guardian's Office will be relaunching the survey within the next 12 months. With the agreed changes we are looking to streamline survey findings, deliver targeted insights to leaders, and establish accountability for taking forward actions resulting from the survey. A structured communication plan and follow-up system will seek to ensure meaningful engagement and impact.

Questions 16 - Are you or the National Guardian's Office aware of any Freedom to Speak Up guardians reporting having been undermined, targeted, or feeling bullied or forced out of their roles as a result of trying to deal with concerns raised with them? If so, how many times have such concerns been reported to the National Guardian's Office, and what, if any, action has been taken?

66. According to our records two guardians have requested support from the National Guardian's Office for facing perceived detriment for raising concerns to senior leaders. Support calls are facilitated to further understand the circumstances. However, it is not within the remit of the National Guardian's Office to deal with individual cases, beyond providing support to guardians and organisations as described elsewhere in this statement and we have no power to investigate. With consent from the guardian involved we can support them to escalate to NHS England and the CQC as appropriate. Continued, impartial support, is offered from the National Guardian's Office for as long as is required and needed. Other intelligence from guardian support calls informs us that some guardians do not feel they have the correct level of support from senior leaders, including their executive and non-executive leads. In these instances, we can offer board development sessions and, if required, support escalations to NHS England and CQC as appropriate.

Question 17a - According to paragraph 92 of your statement, Ian Harvey and Alison Kelly were listed on the National Guardian's Office's directory as Freedom to Speak Up guardians in December 2017, despite there being no record of their ever having attended training. Given that training is mandatory to be appointed as a Freedom to Speak Up Guardian, how was such a situation possible in December 2017?

67. The National Guardian's Office was established in 2016. However, it took more than a year for the structure of the office to take shape, including the relevant training requirements for guardians.

68. Guardian training was not mandatory in December 2017 but was strongly encouraged, as trusts were expected to have a named guardian in place as part of the 2016/17 NHS Standard Contract. However, the training itself took time to develop and implement.
69. Prior to June 2019, the National Guardian's Office recorded any healthcare worker in roles relating to Freedom to Speak Up who were known to us such as champions, guardians, executives, and non-executives related on one spreadsheet. It was not until the National Guardian's Office introduced a customer relationship management IT system in June 2019 and established a directory that training became mandatory.
70. Following the introduction of the customer relationship management IT system, 'the directory,' the spreadsheet was data cleansed and only guardians were included on the directory. The public directory can be found on our website ([Find My Guardian Directory](#)).

Question 17b - Could there currently be guardians registered who have not completed mandatory training?

71. A guardian can only be registered and present on the National Guardian's Office's public directory if they have completed the National Guardian's Office's Foundation training.

Question 17c - What steps, if any, has the National Guardian's Office taken to ensure that all registered guardians have undertaken mandatory training?

72. Guardians are not entered onto the directory until they have completed their foundation training (Parts 1 and 2). Evidence of their Part 1 online training is in the form of a certificate and date they have completed their training. For Part 2 a milestone report is run quarterly and those who have not completed Part 2, as contacted, and a support call is offered if they have been unable to complete the mentor conversation.
73. Currently there is a manual validation process undertaken by the National Guardian's Office to check if a registered guardian has completed their training. The reliance on human uploads can lead to a lag time in updating the [Find My Guardian Directory](#) on our website.
74. Since November 2024, the National Guardian's Office has been developing a new customer relationship management IT system, which will automate a lot of processes. We aim to launch the system by April 2025. The training validation will be automated and a report from the National Guardian's Office learning management system will be uploaded on a weekly basis into the new customer relationship management IT system, automatically updating guardian records. This will improve any potential lag times in updates to the directory and limit human errors.

Question 18 - Please see the enclosed statement from Rosemary Agnew (INQ0108777) who is the Independent National Whistleblowing Officer ("INWO") in Scotland. Do you think there is anything useful from the INWO model with regard to whistleblowing that you consider should be applied to the NHS in England?

75. The National Guardian's Office believes several aspects of the Independent National Whistleblowing Officer's role would be beneficial to the role of the National Guardian and National Guardian's Office.

76. If the National Guardian was to receive an increase in powers, then the Office would need to consider the necessary resources to cover the additional remit which could affect the current structure of the organisation.

77. These are:

- a. Powers - Having the powers to set principles that are approved by parliament making them mandatory. Lack of mandatory powers limits our ability to hold organisations to account.
- b. Investigations and powers to comment on investigations – Currently the National Guardian does not have powers to see all elements of an investigation and therefore cannot comment on the culture or whether there has been detriment to any individual. The National Guardian should be able to consider all action taken in an NHS organisation's investigation and their response to the concern as the National Guardian's Office could support NHS organisations to learn from events. This includes "any decisions made about the substantive matter (not just the handling of the concern) and can consider any clinical judgement made or relied upon. The Independent National Whistleblowing Officer is given explicit powers to comment on (speak up) culture and whether there has been any detriment to any individual." ²

We believe the intent of the Francis review was that the National Guardian should have explicit powers to comment on the Speak Up culture and whether there has been detriment to any individual. However, given the setup of the Office, the National Guardian has never had powers to truly hold others to account in this way.

- c. Compliance and recommendations - The Independent National Whistleblowing Officer makes recommendations to NHS organisations for action. The recommendations are outcome focussed. They can cover redress for an individual, action to address the underlying issue, areas for learning and improvement, and how the concern was handled at local level and compliance with the standards. This is a step further than the remit of the National Guardian. We can make recommendations based on our Speak Up review findings for other health organisations to implement, however, adoption of these recommendations is not mandatory. We would welcome being able to support the system in this way.
- d. Reports - The National Guardian's Office lays its annual report in Parliament as outlined by the Gosport Inquiry, however, we are unable to lay other reports. It would be helpful if we could report to Parliament if an organisation does not implement our recommendations or make significant changes to their speak up culture. Similarly to the Independent National Whistleblowing Officer, it would

² INQ0108777 - Rosemary Agnew Witness Statement. Last Accessed: February 2025

support leaders to understand the role of the National Guardian and see it as a national leader, which provides support and guidance to the NHS.

- e. Advisory function - The NHS in England would benefit from more advice and guidance on implementing the national policy, how to raise a concern and what alternative action may be appropriate. Presently the National Guardian's Office can only provide guidance to guardians, as to give advice would mean that we would need to have a legal team or resource within our remit. We often signpost to other organisations or where there is a leadership concern, refer to NHS England rather than being able to support workers directly. For example, currently the Department of Health and Social Care outsources a helpline called Speak Up Direct for workers to receive advice. This could be brought into the National Guardian's Office as a core function. In addition, the National Guardian's Office could provide more support to leaders in terms of board development and understanding their role in being curious, listening and acting on concerns. However, due to resource and remit constraints we are unable to expand our leadership offer.
- f. Public Health Service Ombudsman (PHSO) – having a stronger link with the Scottish Public Services Ombudsman appears to be beneficial to the Independent National Whistleblowing Office's role particularly as the legislation relating to investigations already has significant powers such as the ability to require production of information, which now applies to both Independent National Whistleblowing Office's role and public service complaints. We would welcome a stronger link with the Public Health Service Ombudsman.

78. The Independent National Whistleblowing Officer benefits from a smaller healthcare landscape together with the backing that principles and standards are mandatory. The Independent National Whistleblowing Officer refers to inconsistencies in handling/addressing concerns, something we have seen in England, however, with greater emphasis on speaking up, listening to concerns and compliance, over time that is likely to be reduced in Scotland. Without a strong emphasis on compliance across the NHS in England, the progress in addressing and resolving inconsistencies in how worker concerns are handled is likely to be significantly slower.

Statement of Truth

I believe that the facts stated in this witness statement are true. I understand that proceedings may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed:

Personal Data

Dated: ____07/03/2025__

