

“Freedom to Speak up?”

An Independent Review into Creating an Open & Honest Reporting Culture in the NHS

Terms of Reference

To provide independent advice and recommendations to the Secretary of State for Health on measures to ensure that NHS workers including those working within mental health services in England can make disclosures about any aspect of the quality of care, malpractice or wrongdoing at work; confident that they will be listened to and that appropriate action will be taken. In addition, they should know they will not suffer detriment as a result and that, if they are mistreated, there are appropriate remedies and those mistreating them will be held to account.

With a view to learning the lessons from historic cases, the review will engage closely with individual NHS workers who say they have suffered detriment as a result of raising legitimate concerns, as well as with employers, trade unions, professional and system regulators and professional representative bodies.

The review will consider, in the light of recent policy measures in response to the Public Inquiry into Mid Staffordshire NHS Foundation Trust, what further action is necessary to protect those individual NHS workers who speak out and in doing so make a significant contribution to the open culture that is needed to ensure safe care for patients. We want a culture where ‘I need to report this’ is foremost in the mind of an NHS worker with concerns and he or she does not hesitate to do so; and, where concerns are reported, they are appropriately acted upon.

As part of this work, the review will:

- have regard to the role of the Public Interest Disclosure Act 1998 provisions (as amended by subsequent legislation);
- examine the interface between procedures for raising concerns and making disclosures in the public interest;
- consider the merits and practicalities of independent mechanisms to resolve in a fair manner disputes in the NHS in England involving those who have raised concerns; and
- consider policy options, so that where tribunals or courts find in favour of individual NHS workers who have raised concerns, arrangements are in place to support them in returning to employment in the health system.

The review will complete its work by the end of November 2014.