

Freedom to Speak Up Policy

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Human Resources	V2	2024	March

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Related Policies and Procedures	Grievance Policy Disciplinary Policy Mutual Respect Policy Safeguarding Children Policy and Procedures Incident Reporting and Management Policy and Procedures Anti-Fraud and Bribery Policy
Stakeholders	People Committee Recognised Trade Unions Joint Staff Consultation Committee All members of staff (including interim and agency/locum) Volunteers Students on placement at the Trust
Summary of Guidance	To advise on the Trust's provisions for the raising of serious concerns relating to risks, professional misconduct or financial malpractice that might affect patients, colleagues, or the Trust itself.

It is the responsibility of the staff member accessing this document to ensure that they are always reading the most up to date version - this will always be the version on the intranet

Version	Date	Author	Author's Job Title	Changes
V1	21 May 2020	Sarah Swanepoel Young	HRBP	To combine the previous 'Whistleblowing' and 'Freedom to Speak Up' Policies
V2	10 March	Kyri Kyriacou	Interim Head of Culture	Recommendations from Grant Thornton Report To improve awareness among some staff groups the Trust should: <ul style="list-style-type: none"> • Incorporate a prompt into the Trust's incident reporting system (Datix) to remind staff that the Trust's FTSU Guardian is available to them. • Provide some bespoke training for identified staff groups • Issue Speak Up lanyards to the Speak Up Champions to increase the visibility in clinical areas.

<p>Key words to assist the search engine</p> <p>Concern whistleblowing helpline corruption fraud bribery Speak-up</p>
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1. Introduction

Speak Up – We Will Listen: Speaking up about any concern you have at work is really important. In fact, it's vital because it will help us to keep improving our services for all patients and the working environment for our staff.

You may feel worried about raising a concern, and we understand this. But please don't be put off. In accordance with our duty of candour, our senior leaders and entire board are committed to an open and honest culture. We will look into what you say and you will always have access to the support you need.

2. Purpose and Scope

This 'standard integrated policy' was one of a number of recommendations of the review by Sir Robert Francis into whistleblowing in the NHS, aimed at improving the experience of whistleblowing in the NHS. It is expected that this policy (produced by NHS Improvement and NHS England) is adopted by QEHKL and all NHS organisations in England as a minimum standard to help to normalise the raising of concerns for the benefit of all patients.

3. What Concerns Can I Raise? - Definitions

You can raise a concern about **risk, malpractice or wrongdoing** you think is harming the service we deliver. Just a few examples of this might include (but are by no means restricted to):

- unsafe patient care
- unsafe working conditions
- inadequate induction or training for staff
- lack of, or poor, response to a reported patient safety incident
- Suspicions of fraud should be reported to our local counter-fraud team via the Local Counter Fraud Specialists (LCFS) on: 07528 970222 in line with the Trust's Anti-Fraud and Bribery Policy. You can also report fraud to the NHS Protect Fraud Reporting Line. Tel 0800 028 4060.
- A bullying culture (across a team or organisation rather than individual instances of bullying).

For further examples, please see the [Health Education England video](#).

Remember that if you are a healthcare professional you may have a professional duty to report a concern. **If in doubt, please raise it.** Don't wait for proof. We would like you to raise the matter while it is still a concern. It doesn't matter if you turn out to be mistaken as long as you are genuinely troubled.

This policy is not for people with concerns about their employment that affect only them – that type of concern is better suited to our Grievance Policy which you can find on the intranet.

4.0 Feel Safe to Raise your Concern

If you raise a genuine concern under this policy, you will not be at risk of losing your job or suffering any form of reprisal as a result. We will not tolerate the harassment or victimisation of anyone raising a concern. Nor will we tolerate any attempt to bully you into not raising any such concern or reprisals after a case has been closed. Any such behaviour is a breach of our values as an organisation and, if upheld following investigation, could result in disciplinary action.

Provided you are acting honestly, it does not matter if you are mistaken or if there is an innocent explanation for your concerns.

4.1 Confidentiality

We hope you will feel comfortable raising your concern openly, but we also appreciate that you may want to raise it confidentially. This means that while you are willing for your identity to be known to the person you report your concern to, you do not want anyone else to know your identity. Therefore, we will keep your identity confidential, if that is what you want, unless required to disclose it by law (for example, by the police). You can also choose to raise your concern anonymously, without giving anyone your name, but that may make it more difficult for us to investigate thoroughly and give you feedback on the outcome.

4.2 Who Can Raise A Concern?

Anyone who works (or has worked) in the NHS, or for an independent organisation that provides NHS services can raise concerns. This includes agency workers, temporary workers, students, volunteers and governors.

4.3 Who Should I Raise My Concern With? - Responsibilities

In many circumstances the easiest way to get your concern resolved will be to raise it formally or informally with your line manager (or lead clinician or tutor). But where you don't think it is appropriate to do this, you can use any of the options set out below in the first instance.

If your concern is in relation to fraud, bribery or corruption you need to report this directly to the Trust's Counter Fraud Specialist in line with the Trust's Anti-Fraud and Bribery Policy.

If raising it with your line manager (or lead clinician or tutor) does not resolve matters, or you do not feel able to raise it with them, you can contact one of the following people:

Our Freedom to Speak Up Guardian – David Trevanion – contactable by email David.Trevanion@nhs.net or via phone 07966 881840.

The Freedom To Speak Up Guardian (FTSUG) role is an important role identified in the Freedom to Speak Up review to act as an independent and impartial source of advice to staff at any stage of raising a concern, with access to anyone in the organisation, including the chief executive, or if necessary, outside the organisation

If you still remain concerned after this, you can contact:

- **Our Executive Director with Responsibility for Whistleblowing** – Laura Skaife-Knight, Deputy CEO on 01553 613613 x4881, email laura.skaife-knight@gehkl.nhs.uk
- **Our Non-Executive Director with responsibility for whistleblowing** – Simon Roberts, simon.roberts@gehkl.nhs.uk.

All these people have been trained in receiving concerns and will give you information about where you can go for more support.

If for any reason you do not feel comfortable raising your concern internally, you can raise concerns with external bodies, listed on page 10.

5. Advice and Support

Details on the local support available to you can be found here <http://intranet.gehkl.nhs.uk/support-services/ftsug>, you can report your own concern through the e-link provided. However, you can also contact the [Whistleblowing Helpline](#) for the NHS and social care, your professional body or trade union representative.

6. How Should I Raise My Concern?

You can raise your concerns with any of the people listed above in person, by phone or in writing (including email).

Whichever route you choose, please be ready to explain as fully as you can the information and circumstances that gave rise to your concern.

6.1 What Will We Do?

We are committed to the principles of the Freedom to Speak Up review and its vision for raising concerns, and will respond in line with them (see Annex B).

We are committed to listening to our staff, learning lessons and improving patient care. On receipt the concern will be recorded and you will receive an acknowledgement within three working days. The central record will record the date the concern was received, whether you have requested confidentiality, a summary of the concerns and dates when we have given you updates or feedback.

6.2 Follow Up and/or Investigation

Where you have been unable to resolve the matter quickly (usually within a few days) with your line manager, the Manager who receives the concern either directly from the person Speaking Up or from the Freedom to Speak Up Guardian or Freedom to Speak Up Champion, should acknowledge receipt of the referral, confirm who is handling it to the person Speaking Up, outline what response is planned and provide a timescale. Timescales will vary according to what it is necessary to do and the extent to which others are involved – we will provide a realistic timetable and keep in touch with the person Speaking Up, if any changes occur. Whichever Manager has undertaken responsibility for providing feedback to the person Speaking Up should do so, meeting with them, where appropriate, with confirmation in writing of the outcome and a copy to the FTSUG, and FTSU Champion if they have been involved.

Wherever possible the response to someone Speaking Up should be flexible, sensitive and consider a wide range of options, including talking to everyone involved, having difficult conversations, mediation and problem solving. Different methods are likely to have different timescales.

In some instances, it will be necessary to formally investigate a concern. Where an investigation is required the timescales should be clearly identified in the terms of reference and communicated to both the person speaking up and the FTSUG. The investigation will be objective and evidence-based and will produce a report that focuses on identifying and rectifying any issues and learning lessons to prevent problems recurring.

We may decide that your concern would be better looked at under another process; for example, our process for dealing with bullying and harassment. If so, we will discuss that with you. Any employment issues (that affect only you and not others) identified during the investigation will be considered separately.

If your concern highlights any suspicions of fraud, bribery or corruption, a referral will be made to the Trust's Counter Fraud Specialist.

6.3 Communicating With You

We will treat you with respect at all times and will thank you for raising your concerns. We will discuss your concerns with you to ensure we understand exactly what you are worried about. Wherever possible, we will share the outcome or full investigation report with you (while respecting the confidentiality of others).

7. How Will We Learn From Your Concern? - Training

Any follow up or investigation will also focus on improving the service we provide for patients. Where it identifies improvements that can be made, we will track them to ensure necessary changes are made, and are working effectively. Lessons will be shared with teams across the organisation, or more widely, as appropriate for sustainable change for any quality improvement (QI) programme.

7.1 Board Oversight

The board will be given high level information about all concerns raised by our staff through this policy and what we are doing to address any problems. We will include similar high-level information in our annual report. The board supports staff raising concerns and wants you to feel free to speak up.

8. Review – monitoring compliance

We will review the effectiveness of this policy and local process at least annually, with the outcome published and changes made as appropriate.

This will be led by the Freedom to Speak up Committee, chaired by our FTSU Guardian. In turn this will be responsibility of the People Committee as the governance committee.

*If your concern suggests a Serious Incident has occurred, an investigation will be carried out in accordance with the [Serious Incident Framework](#).

9. Raising your Concern with an Outside Body

Alternatively, you can raise your concern outside the organisation with:

- [NHS England and NHS Improvement](#) for concerns about:
 - how NHS Trusts and Foundation Trusts are being run
 - other [providers with an NHS provider licence](#)
 - NHS procurement, choice and competition
- [Care Quality Commission](#) for quality and safety concerns
- [Health Education England](#) for education and training in the NHS**
- The [NHS Counter Fraud Authority](#) for concerns about fraud, bribery and corruption.

10. Making a 'Protected Disclosure'

There are very specific criteria that need to be met for an individual to be covered by whistleblowing law when they raise a concern (to be able to claim the protection that accompanies it). There is also a defined list of '[prescribed persons](#)', similar to the list of outside

bodies on page 7, who you can make a protected disclosure to. To help you consider whether you might meet these criteria, please seek independent advice from the [Whistleblowing Helpline](#) for the NHS and social care, [Public Concern at Work](#) or a legal representative.

11. National Guardian Freedom to Speak Up

The National Guardian's Office can independently provide a case review of how staff have been treated having raised concerns where NHS Trusts and Foundation Trusts may have failed to follow good practice, working with some of the bodies listed above to take action where needed.

The National Guardian's Office Contact details are:

Email: enquiries@nationalguardianoffice.org.uk

Phone: 0300 067 9000

Webpage: <https://www.cqc.org.uk/national-guardians-office/content/national-guardians-office>

Example Process for Raising and Escalating a Concern

Step one

If you have a concern about a risk, malpractice or wrongdoing at work, we hope you will feel able to raise it first with your line manager, lead clinician or tutor (for students). This may be done orally or in writing.

Step two

If you feel unable to raise the matter with your line manager, lead clinician or tutor, for whatever reason, please raise the matter with our local Freedom to Speak up Guardian:

David Trevanion, FTSU Guardian

Contact can be made via telephone: - 07966 881840 via the e-link upon the Trust intranet or by email: david.trevanion@nhs.net

This person has been given special responsibility and training in dealing with 'Freedom to speak up' and whistleblowing concerns. They will:

- treat your concern confidentially unless otherwise agreed
- ensure you receive timely support to progress your concern
- escalate to the board any indications that you are being subjected to detriment for raising your concern
- remind the organisation of the need to give you timely feedback on how your concern is being dealt with
- Ensure you have access to personal support since raising your concern may be stressful.

If you want to raise the matter in confidence, please say so at the outset so that appropriate arrangements can be made. There are at least nineteen FTSU Champions in the Trust, who are here to listen and support staff and who span most staff groups and Divisions. Contact numbers and photos can be seen on the intranet.

Step three

If these channels have been followed and you still have concerns, or if you feel that the matter is so serious that you cannot discuss it with any of the above, please contact:

Laura Skaife-Knight, Deputy Chief Executive and Executive Lead for Speaking Up

Caroline Shaw, Chief Executive – 01553 613133 or Jo Humphries, Director of People on 01553 214880 or email jo.humphries@gehkl.nhs.uk

Step four

You can raise concerns formally with external bodies detailed below:-

Public Concern at Work

Public Concern at work is a whistleblowing charity that employs lawyers to provide confidential, independent advice. They can be contacted on;

Telephone: 020 7404 6609
Website: pcaw.org.uk Email:
whistle@pcaw.org.uk

National Whistleblowing Helpline

This is a free, independent and confidential service provided by the Royal Mencap Society which offers advice to staff in the NHS and Social Care services that have concerns but are unsure of how to raise them.

Telephone: 08000 724 725 Website:
<http://wbhelpline.org.uk> Email:
enquires@wbhelpline.org.uk

NSPCC

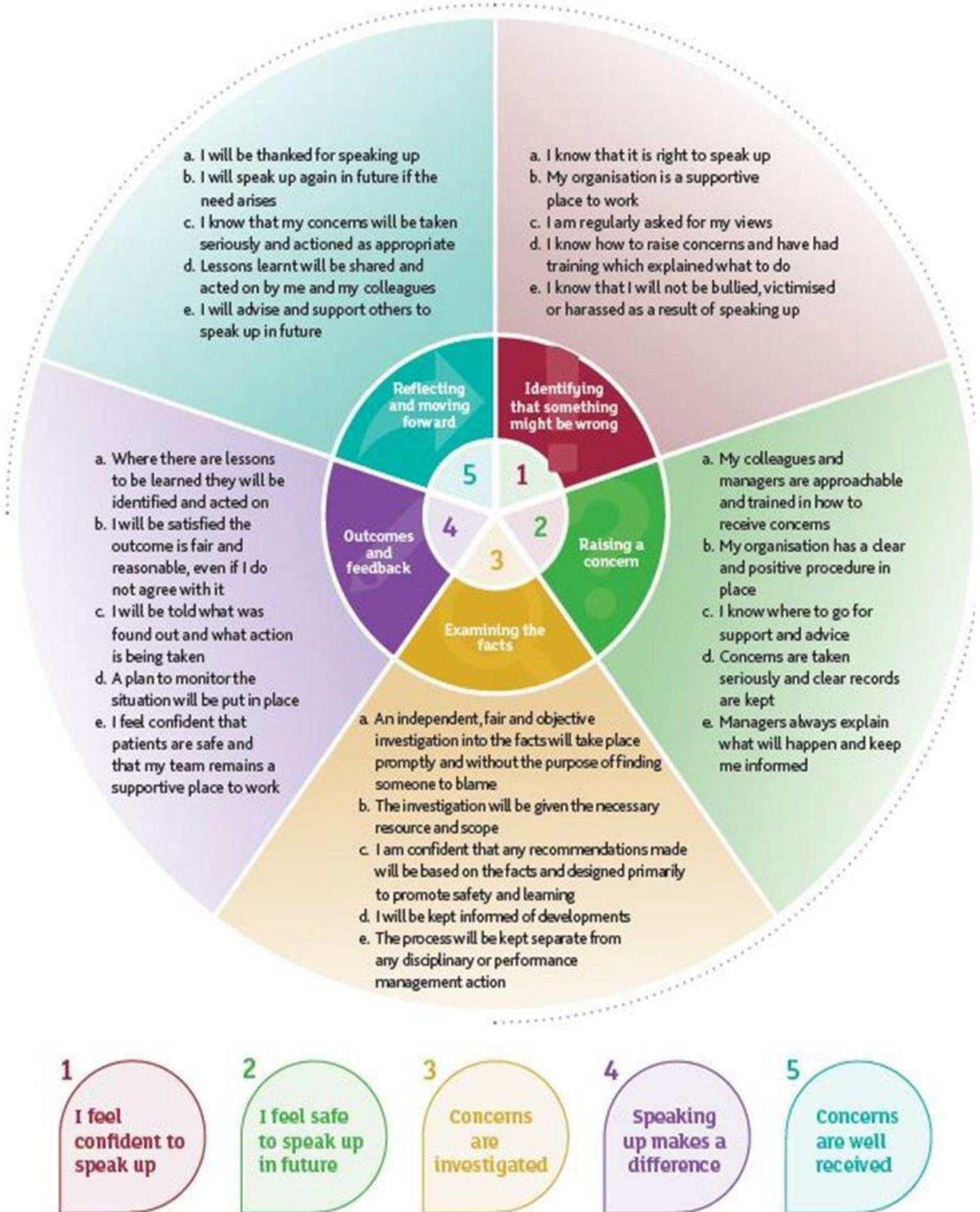
This is a free, confidential helpline linked to tackling child sexual exploitation. The service aim is to provide support to employees wishing to raise concerns over how child protections issues are being handled in their own organisations.

Telephone: 0800 028 0285

The regulatory bodies relevant to the NHS include:

- The Care Quality Commission www.cqc.org.uk
- NHS Improvement <https://improvement.nhs.uk/>
- NHS England <https://www.england.nhs.uk/>
- Health Education England <https://hee.nhs.uk/>
- NHS Counter Fraud Authority <https://cfa.nhs.uk/>
- The Audit Commission www.audit-commission.gov.uk
- HM Revenue & Customs www.hmrc.gov.uk
- Health & Safety Executive www.hse.gov.uk
- The Charity Commission www.charity-commission.gov.uk
- The Pensions Regulator www.thepensionsregulator.gov.uk

A Vision for Raising Concerns in the NHS



Source: Sir Robert Francis QC (2015) *Freedom to Speak Up: an independent report into creating an open and honest reporting culture in the NHS*

EQUALITY IMPACT ASSESSMENT

STAGE 1 - SCREENING

Name & Job Title of Assessor:		Date of Initial Screening:	
		Date of Review:	
Policy or Function to be assessed: STRESS MANAGEMENT IN THE WORKPLACE			
		Yes/No	Comments
1.	Does the policy, function, service, or project affect one group more or less favourably than another on the basis of:		
	• Race & Ethnic background	No	
	• Gender including transgender	No	
	• Disability: - This will include consideration in terms of impact to persons with learning disabilities, autism or on individuals who may have a cognitive impairment or lack capacity to make decisions about their care	No	
	• Religion or belief	No	
	• Sexual orientation	No	
	• Age	No	
2.	Does the public have a perception/concern regarding the potential for discrimination?	No	

If the answer to any of the questions above is yes, please complete a full Stage 2 Equality Impact Assessment.

Signature of Assessor:

Date:

Signature of Line Manager:

Date:

STAGE 2 – EQUALITY IMPACT ASSESSMENT

If you have indicated that there is a negative impact on any group in part one please complete the following, is that impact:

		Yes/No	Comments
1.	Legal/Lawful under current equality legislation?		
2.	Can the negative impact be avoided?		
3.	Are there alternatives to achieving the policy/guidance without the impact?		
4.	Have you consulted with relevant stakeholders of potentially affected groups?		
5.	Is action required to address the issues?		

It is essential that this Assessment is discussed by your management team and remains readily available for inspection. A copy including completed action plan, if appropriate, should also be forwarded to the Equality & Diversity Lead, c/o Human Resources Department.