

Policy Reference: 174

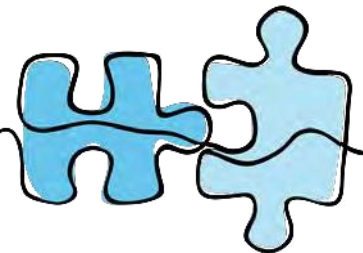
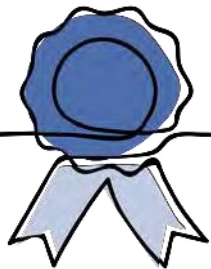
## FREEDOM TO SPEAK UP AT WORK POLICY

**Version: 7**

<b>Name and Designation of Policy Author(s)</b>	Sharon Landrum – Lead Freedom to Speak Up Guardian
<b>Ratified By (Committee / Group)</b>	Workforce Steering Group
<b>Date Ratified</b>	December 2022
<b>Date Published</b>	3 <sup>rd</sup> February 2023
<b>Review Date</b>	3 <sup>rd</sup> February 2026
<b>Target Audience</b>	All staff
<b>Other Associated Strategies, Policies, Procedures, etc.</b>	041a – Incident Reporting and Management: Policy and Procedure 101 – Standards of Business Conduct Policy 115 – Fraud and Corruption Policy and Response Plan 120 – Bullying and Harassment Policy 135 – Disciplinary Policy 153 – Grievance Procedure 290 – Equality, Diversity, Inclusion and Human Rights Policy 298 – Procedure for handling concerns about the conduct, performance and health of medical and dental staff

# Freedom to Speak Up policy for the NHS

Version 7, August 2022



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## Equality and Health Inequalities Statement

Promoting equality and addressing health inequalities are at the heart of NHS England's values. Throughout the development of the policies and processes cited in this document, we have:

- Given due regard to the need to eliminate discrimination, harassment and victimisation, to advance equality of opportunity, and to foster good relations between people who share a relevant protected characteristic (as cited under the Equality Act 2010) and those who do not share it; and
- Given regard to the need to reduce inequalities between patients in access to, and outcomes from healthcare services and to ensure services are provided in an integrated way where this might reduce health inequalities.

# Speak up – we will listen

We welcome speaking up and we will listen. By speaking up at work you will be playing a vital role in helping us to keep improving our services for all patients and the working environment for our staff.

This policy is for all our workers. The [NHS People Promise](#) commits to ensuring that “we each have a voice that counts, that we all feel safe and confident to speak up, and take the time to really listen to understand the hopes and fears that lie behind the words”.

We want to hear about any concerns you have, whichever part of the organisation you work in. We know some groups in our workforce feel they are seldom heard or are reluctant to speak up. You could be an agency worker, bank worker, locum or student. We also know that workers with disabilities, or from a minority ethnic background or the LGBTQ+ community do not always feel able to speak up.

**This policy is for all workers and we want to hear all our workers’ concerns.**

All our workers are required to complete the elearning modules on speaking up, which can be found within your electronic staff record (ESR) and are linked to your role e.g. if you are a manager, supervisor or Trust senior leader.

You can find out more about what Freedom to Speak Up (FTSU) is in these [videos](#)

# This policy

All NHS organisations and others providing NHS healthcare services in primary and secondary care in England are required to adopt this national policy as a minimum standard to help normalise speaking up for the benefit of patients and workers. Its aim is to ensure all matters raised are captured and considered appropriately.

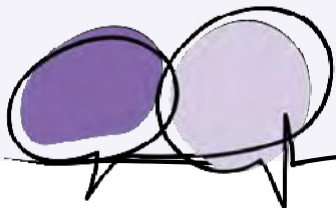


# What can I speak up about?

You can speak up about anything that gets in the way of patient care or affects your working life. That could be something which doesn’t feel right to you: for example, a way of working or a process that isn’t being followed; you feel you are being discriminated against; or you feel the behaviours of others is affecting your wellbeing, or that of your colleagues or patients.

Speaking up is about all of these things.

Speaking up, therefore, captures a range of issues, some of which may be appropriate for other existing processes for example, HR or patient safety/quality, that’s fine. As an organisation, we will listen and work with you to identify the most appropriate way of responding to the issue you raise.



# We want you to feel safe to speak up

Your speaking up to us is a gift because it helps us identify opportunities for improvement that we might not otherwise know about.

We will not tolerate anyone being prevented or deterred from speaking up or being mistreated because they have spoken up.

## Who can speak up?

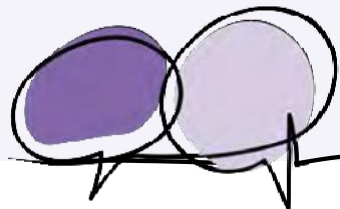
Anyone who works in NHS healthcare, including pharmacy, optometry and dentistry. This encompasses any healthcare professionals, non-clinical workers, receptionists, directors, managers, contractors, volunteers, students, trainees, junior doctors, locum, bank and agency workers, and former workers.

## Who can I speak up to?

### Speaking up internally

Most speaking up happens through conversations with supervisors and line managers where challenges are raised and resolved quickly. We strive for a culture where that is normal, everyday practice and encourage you to explore this option – it may well be the easiest and simplest way of resolving matters.

However, you have other options in terms of who you can speak up to, depending on what feels most appropriate to you.



- Senior manager, partner or director with responsibility for the subject matter you are speaking up about
- The patient safety team or clinical governance team (where concerns relate to patient safety or wider quality)
- **FTSU Guardians** can support you to speak up if you feel unable to do so by other routes. The guardian will ensure that people who speak up are thanked for doing so, that the issues they raise are responded to, and that the person speaking up receives feedback on the actions taken. You can find out more about the guardian role [here](#) or contact [wih-tr.RaisingConcerns@nhs.net](mailto:wih-tr.RaisingConcerns@nhs.net) / 0151 604 7766 or Ext 7396.
- We also have a number of **FTSU Champions** who work across the Trust, within their work areas, promoting the importance of speaking up and signposting staff to support options available. **Further details of all our FTSU Guardians and Champions**, including full contact details and an online reporting form if preferred, are available via the [Speak up section](#) of the Trust's website. A printable form can also be found at appendix C.
- **Our HR team** -- via extension 5364 or [wuth.hrenquiries@nhs.net](mailto:wuth.hrenquiries@nhs.net)
- **Our senior lead responsible for Freedom to Speak Up** - Debs Smith, via Trust Headquarters, APH or contact 0151 604 7240 / Internal extension :8387. She provides senior support for our speaking-up guardian and is responsible for reviewing the effectiveness of our FTSU arrangements.
- **Our non-executive director responsible for Freedom to Speak Up** – Steve Igoe, via Trust Headquarters, APH or contact 0151 604 7278 / Internal extension: 2800. This role provides an independent support for the FTSU team; providing a fresh pair of eyes to ensure that investigations are conducted with rigor; and help escalate issues, where needed.
- **Staff Side / Trade Union** - relevant details on the [Trust's website](#)

## Speaking up externally

If you do not want to speak up to someone within your organisation, you can speak up externally to:

- [Care Quality Commission](#) (CQC) for quality and safety concerns about the services it regulates – you can find out more about how the CQC handles concerns [here](#).
- [NHS England](#) for concerns about:
  - GP surgeries
  - dental practices
  - optometrists
  - pharmacies
  - how NHS trusts and foundation trusts are being run (this includes ambulance trusts and community and mental health trusts)
  - NHS procurement and patient choice
  - the national tariff.

NHS England may decide to investigate your concern themselves, ask your employer or another appropriate organisation to investigate (usually with their oversight) and/or use the information you provide to inform their oversight of the relevant organisation. The precise action they take will depend on the nature of your concern and how it relates to their various roles.

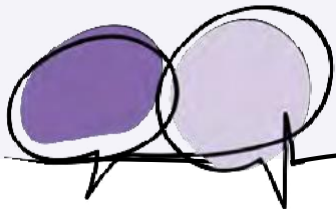
Please note that neither the Care Quality Commission nor NHS England can get involved in individual employment matters, such as a concern from an individual about feeling bullied.



- [NHS Counter Fraud Agency](#) for concerns about fraud and corruption, using their [online reporting form](#) or calling their freephone line **0800 028 4060**.

If you would like to speak up about the conduct of a member of staff, you can do this by contacting the relevant professional body such as the General Medical Council, Nursing and Midwifery Council, Health & Care Professions Council, General Dental Council, General Optical Council or General Pharmaceutical Council.

Appendix B contains information about making a 'protected disclosure'.



# How should I speak up?

You can speak up to any of the people or organisations listed above in person, by phone or in writing (including email).

## Confidentiality

The most important aspect of your speaking up is the information you can provide, not your identity.

You have a choice about how you speak up:

- **Openly:** you are happy that the person you speak up to knows your identity and that they can share this with anyone else involved in responding.
- **Confidentially:** you are happy to reveal your identity to the person you choose to speak up to on the condition that they will not share this without your consent.
- **Anonymously:** you do not want to reveal your identity to anyone. This can make it difficult for others to ask you for further information about the matter and may make it more complicated to act to resolve the issue. It also means that you might not be able to access any extra support you need and receive any feedback on the outcome.

In all circumstances, please be ready to explain as fully as you can the information and circumstances that prompted you to speak up.

# Advice and support

In addition to the contacts mentioned earlier, there is a range of health and wellbeing support available to you, with full details accessible on our [webpages](#).

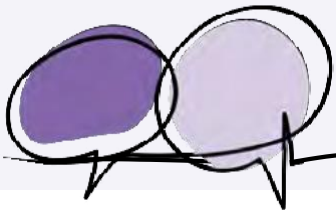
You can access a range of health and wellbeing support via NHS England:

- [Support available for our NHS people](#).
- [Looking after you: confidential coaching and support for the primary care workforce](#).

NHS England has a [Speak Up Support Scheme](#) that you can apply to for support.

You can also contact the following organisations:

- [Speak Up Direct](#) provides free, independent, confidential advice on the speaking up process.
- The charity [Protect](#) provides confidential and legal advice on speaking up.
- The [Trades Union Congress](#) provides information on how to join a trade union.
- [The Law Society](#) may be able to point you to other sources of advice and support.
- [The Advisory, Conciliation and Arbitration Service](#) gives advice and assistance, including on early conciliation regarding employment disputes.



# What will we do?

The matter you are speaking up about may be best considered under a specific existing policy/process; for example, our process for dealing with bullying and harassment. If so, we will discuss that with you. If you speak up about something that does not fall into an HR or patient safety incident process, this policy ensures that the matter is still addressed.

What you can expect to happen after speaking up is shown in Appendix A.

## Resolution and investigation

We support our managers/supervisors to listen to the issue you raise and take action to resolve it wherever possible. In most cases, it's important that this opportunity is fully explored, which may be with facilitated conversations and/or mediation.

Where an investigation is needed, this will be objective and conducted by someone who is suitably independent (this might be someone outside your organisation or from a different part of the organisation) and trained in investigations. It will reach a conclusion within a reasonable timescale (which we will notify you of), and a report will be produced that identifies any issues to prevent problems recurring.

Any employment issues that have implications for you/your capability or conduct identified during the investigation will be considered separately.

## Communicating with you

We will treat you with respect at all times and will thank you for speaking up. We will discuss the issues with you to ensure we understand exactly what you are worried about. If we decide to investigate, we will tell you how long we expect the investigation to take and agree with you how to keep you up to date with its progress. Wherever possible, we will share the full investigation report with you (while respecting the confidentiality of others and recognising that some matters may be strictly confidential; as such it may be that we cannot even share the outcome with you).

## How we learn from your speaking up

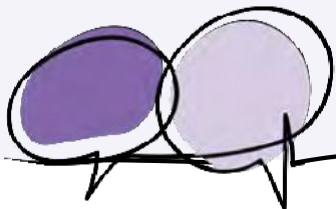
We want speaking up to improve the services we provide for patients and the environment our staff work in. Where it identifies improvements that can be made, we will ensure necessary changes are made, and are working effectively. Lessons will be shared with teams across the organisation, or more widely, as appropriate.

## Review

We will seek feedback from workers about their experience of speaking up. We will review the effectiveness of this policy and our local process annually, with the outcome published and changes made as appropriate.

## Senior leaders' oversight

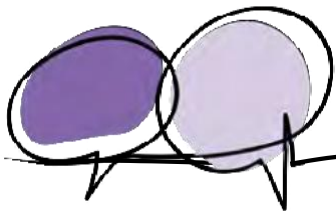
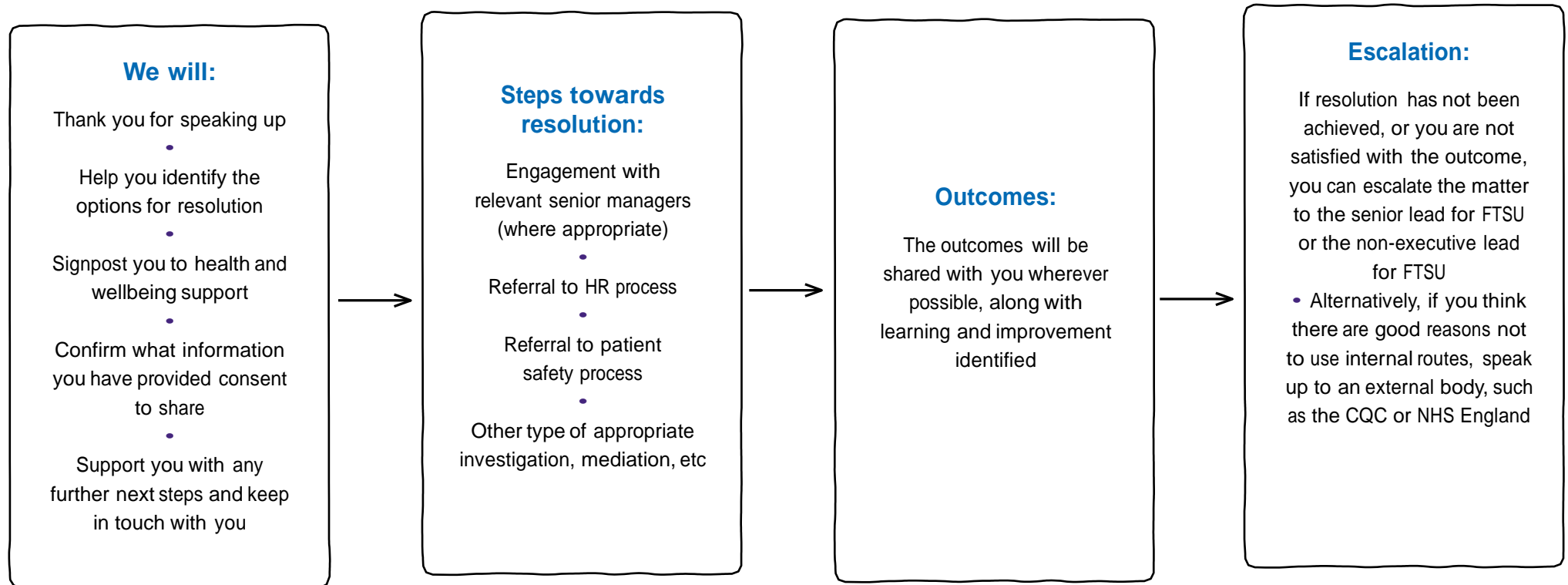
Our most senior leaders will receive a report at least annually providing a thematic overview of speaking up by our staff to our FTSU guardian(s).





# Appendix A:

## What will happen when I speak up?

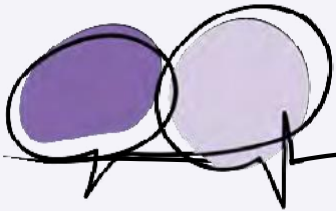


# Appendix B:

## Making a protected disclosure

### Making a 'protected disclosure'

A protected disclosure is defined in the Public Interest Disclosure Act 1998. This legislation allows certain categories of worker to lodge a claim for compensation with an employment tribunal if they suffer as a result of speaking up. The legislation is complex and to qualify for protection under it, very specific criteria must be met in relation to who is speaking up, about what and to whom. To help you consider whether you might meet these criteria, please seek independent advice from the [Protect](#) or a legal representative.



## Appendix C - Speaking Up / Raising Concerns at Work Form

What is your concern / issue? *Please feel free to attach additional sheets if necessary.*

Have you raised this matter before? (please tick) Yes  No

If yes, with whom and when \_\_\_\_\_

Please note any possible solutions to your concern? *Add additional sheets if necessary*

Thank you for letting us know your concerns and any potential suggestions you have for overcoming them.

You can submit this form anonymously, however we would like the opportunity of being able to discuss this with you in more detail if necessary and to provide you with additional support if required, along with feedback on any progress or actions taken in response to the comments made. In order for us to do this, therefore if possible please therefore provide the following:

Name \_\_\_\_\_ Job Title \_\_\_\_\_

Department \_\_\_\_\_ Contact Number \_\_\_\_\_

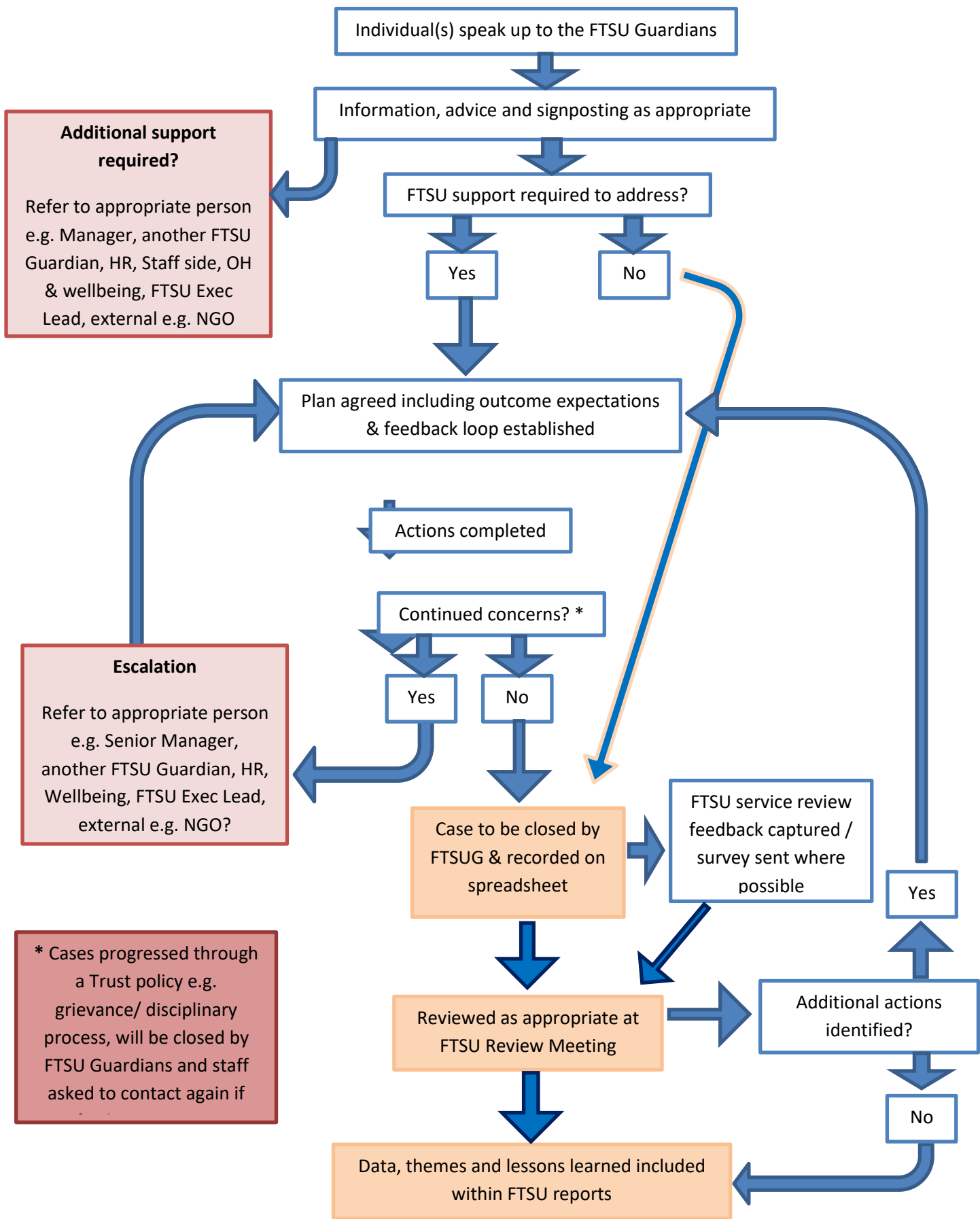
Email address (if you have one) \_\_\_\_\_ Date \_\_\_\_\_

This form can now be submitted to:

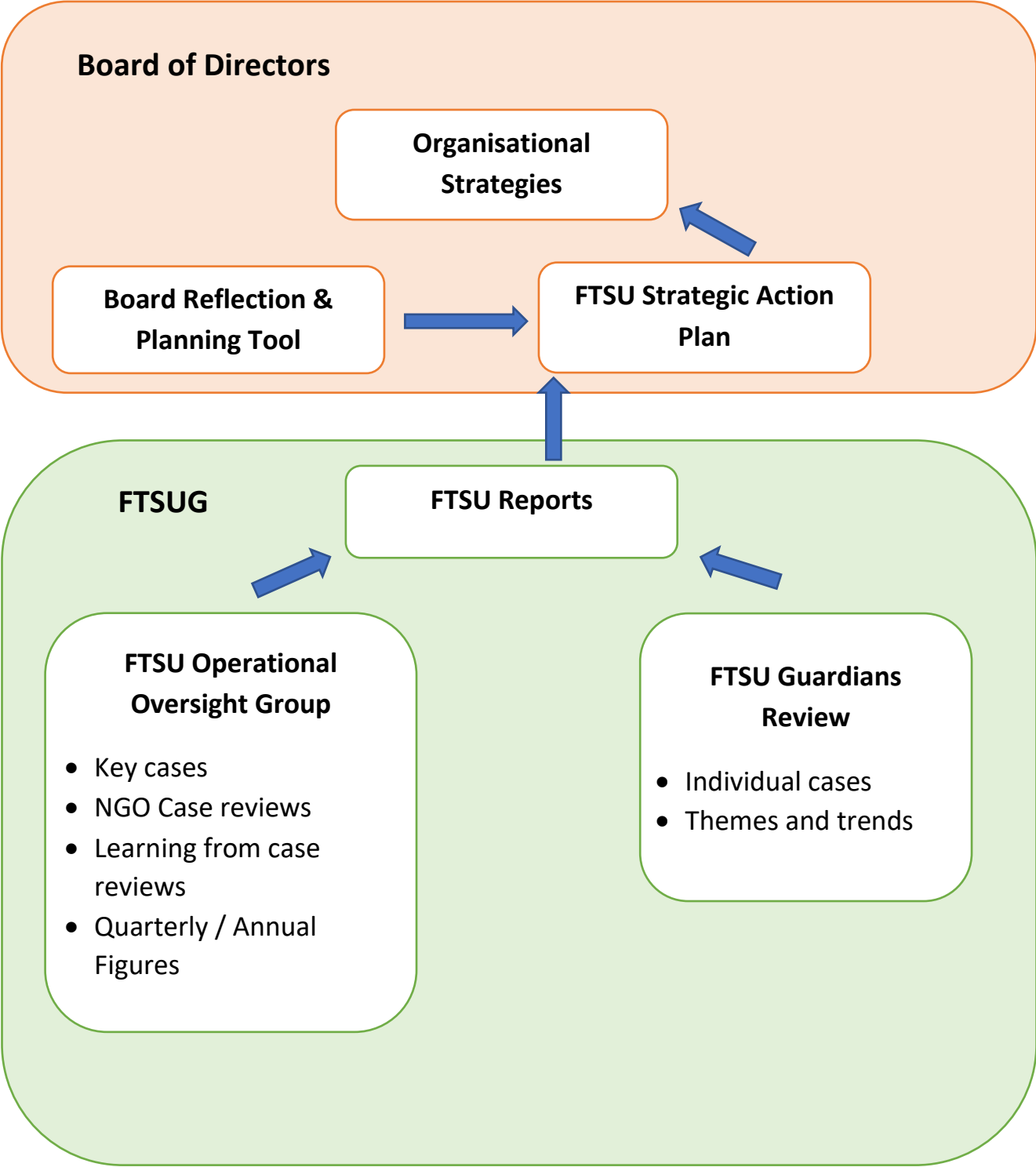
- Your line manager; or
- Freedom To Speak Up Guardian, C/O Education Centre Arrowe Park Hospital

Once submitted, the most appropriate course of action will be determined as soon as possible.

**Appendix D – FTSU Guardian Governance Arrangements – October 2022**



**Appendix E – FTSU Oversight Arrangements – October 2022**



## Equality Analysis

The Equality Analysis (EA) form should be completed in the following circumstances:

- All new policies
- All policies subject to renewal
- Business cases submitted for approval to hospital management impacting on service users or staff
- Papers submitted to hospital management detailing service redesign/reviews impacting on service users or staff
- Papers submitted to Board of Directors for approval that have any impact on service users or staff

<b>Title</b>	Freedom to Speak Up Policy		
<b>Agenda Item/Policy Reference</b>	Policy 174		
<b>Lead Assessor</b>	Joe Roberts – Interim Project Manager, Health and Wellbeing		
<b>Date Completed</b>	7 February 2019		
<b>Lead Assessor</b>	Reviewed by Sharon Landrum, Workforce Diversity & Inclusion Lead / Lead FTSU Guardian		
<b>Date Completed</b>	26 May 2022		
<b>What groups have you consulted with? Include details of involvement in the EA process</b>	Staff in area concerned	<input type="checkbox"/>	Staff side colleagues X
	Service users	<input type="checkbox"/>	HR X
	Other	<input type="checkbox"/>	FTSU Champions X
	Please Give Details: N/A this has been completed as a desktop review; no negative impacts on equality were identified thus we did not consult more widely.		
<b>What is being assessed?</b> Please provide a brief description and overview of the aims and objectives			
The Freedom to Speak Up Policy has been recently reviewed so is being checked for any impact which it may have on equality issues.			
<b>Who will be affected</b> (Staff, patients, wider community?)			
The policy principally affects staff. However some of the concerns raised may relate to the quality and safety of clinical services, thus there is an indirect impact on patients.			

**Equality and Health Inequalities Statement**

The national freedom to speak up policy for the NHS contains the following:

Promoting equality and addressing health inequalities are at the heart of NHS England’s values. Throughout the development of the policies and processes cited in this document, we have:

- Given due regard to the need to eliminate discrimination, harassment and victimisation, to advance equality of opportunity, and to foster good relations between people who share a relevant protected characteristic (as cited under the Equality Act 2010) and those who do not share it; and
- Given regard to the need to reduce inequalities between patients in access to, and outcomes from healthcare services and to ensure services are provided in an integrated way where this might reduce health inequalities.

Please note the results of this Equality Analysis will be published on the Trust website in accordance with the Equality Act 2010 duties for public sector organisations

### Section 1 – Initial analysis

What is the impact on the equality groups below?		
Positive:	Negative:	Neutral:
<ul style="list-style-type: none"> <li>• Advance equality of opportunity</li> <li>• Foster good relations between different groups</li> <li>• Address explicit needs of equality target groups</li> </ul>	<ul style="list-style-type: none"> <li>• Unlawful discrimination, harassment and victimisation</li> <li>• Failure to address explicit needs of equality target groups</li> </ul>	<ul style="list-style-type: none"> <li>• It is quite acceptable for the assessment to come out as Neutral impact</li> <li>• Be sure you can justify this decision with clear reasons and evidence if you are challenged</li> </ul>
Equality Group	Any potential impact? Positive, negative or neutral	Comments / Evidence (For any positive or negative impact please provide a short commentary on how you have reached this conclusion)
<b>Disability</b> (inc physical and mental impairments)	Positive	The policy does not specifically identify any of these groups. However, concerns can be raised about a wide range of topics through the process defined in the policy and these may include discrimination against individuals with protected characteristics under the Equality Act 2010.
<b>Age</b>		
<b>Race</b> (all ethnic groups)		
<b>Religion or belief</b>		
<b>Sexual Orientation</b>		
<b>Pregnancy &amp; Maternity</b>		
<b>Gender</b>		
<b>Gender Re-assignment</b>		
<b>Human Rights</b>		
<b>Other e.g. Carers</b>		

If you have identified any **negative** impact you should consider whether you can make any changes immediately to minimise any risk. This should be clearly documented on your paper cover sheet/policy document detailing what the negative impact is and what changes have been made.

If you have identified any **negative** impact that has a high risk of adversely affecting any groups defined as having a protected characteristic then please continue to section 2.

**In all cases** - you should submit this document with your paper and / or policy in accordance with the governance structure with copies to [wih-tr.EqualityWUTH@nhs.net](mailto:wih-tr.EqualityWUTH@nhs.net) for monitoring purposes.

### Section 2 – Full analysis

This is not required as no negative impacts were identified at stage 1 of the analysis.

### Section 3 – Action Plan

This is not required as no negative impacts were identified at stage 1 of the analysis.

## Consultation, Communication and Implementation

Consultation Required	Authorised By	Date Authorised	Comments
Equality Analysis	Sharon Landrum	May 2022	This document is embedded within the Policy template
Policy Author Checklist	N/A	N/A	Checked for workforce / development, medicines, finance or wider corporate implications.
Other Stakeholders / Groups Consulted as Part of Current Version Development	Human Resources & Organisational Development, Staff Side		
Trust Staff Consultation via Intranet	Consulted through collective bargaining mechanism		
Date notice posted in the News Bulletin.	N/A	Date notice posted on the intranet	3 <sup>rd</sup> February 2023

Describe the Implementation Plan for the Policy / Procedure (Considerations include; launch event, awareness sessions, communication / training via DMTs and other management structures, etc.)	By Whom will this be Delivered?
FTSU training is delivered several times per month and all staff are expected to attend. There are two levels – L1 and L2. L1 is relevant to all employees while L2 is for those who have managerial responsibilities.	Freedom to Speak Up Guardians

## Version History

Date	Ver	Author Name and Designation	Summary of Main Changes
Sept 2009	1	Lawrence Osgood, Principal Organisational Development Manager	New policy
Jan 2013	2	Jill O'Callaghan, HR Manager	Policy review
August 2013	3	James Mawrey, Associate Director of Human Resources	Major re-write of policy to give clarity over route for raising concerns and options available. Simplification of raising concerns including the addition of a dedicated email. In re-writing this policy the findings of the Francis report were taken into account.
March 2015	3.1	Finola O'Donnell, HR Manager	Include 5.4 on receiving and feeding back on anonymous concerns
June 2015	4	Sharon Landrum, OD Facilitator/Staff Guardian	Policy review following findings of the raising concerns LiA work stream and Francis Report 2015. Removal of "whistle-blower" term, widening of access to policy with a reduction of references to PIDA and a general softening of language throughout. Update of new processes and support mechanisms due to introduction of Staff Guardians. Inclusion of safeguarding and greater emphasis on handling of concerns including feedback to the reporter.
Dec 2015	4.1	Sharon Landrum, OD Facilitator/Staff Guardian	Addition of line manager/senior manager responsibility to inform Staff Guardians when concerns are raised from external sources. Some additional minor changes i.e. removal of HR from flowchart in Appendix 4 and change from employee to person in appendix 1.
Feb 2016	4.2	Isla Kennedy, Assurance Support Officer	Ratified and review dates on version 4.1 not correct. Amended to follow dates on version 4 (ratified July 2015, review date July 2018) Front cover dates and footer dates updated.



Nov 2016	5	Sharon Landrum, FTSU Guardian	<p>Full review of policy in line with launch of National Policy and processes revised following annual review.</p> <p>Language and sections simplified.</p> <p>Inclusion of FTSU section including new Advocate role</p> <p>KPI amended</p> <p>Inclusion of new quarterly data to Q&amp;S Committee</p> <p>Sources of support updated and external support updated.</p> <p>Raising Concerns Process itself updated from Step 1, 2 and 3 to Tell someone and then what to do if concerns remain unresolved</p>
February 2019	6	Carol Skillen, Health and Wellbeing Manager	<p>Streamlining of policy with removal of some content such as settlement agreements, FTSU Advocates, vexatious allegations, etc.; plus reformatting into new template</p>
May 2022	6.1	Policy Coordinator	<p>Policy review date extended to 31<sup>st</sup> August 2022 as agreed at May Policy Review Group meeting</p>
August 2022	7	Sharon Landrum, Lead FTSU Guardian	<p>Full Policy review in line with NGO guidance and new national speak up policy for the NHS launch and review of NGO policy audit document.</p> <p>Policy also transferred to new Trust template.</p> <p>Additional areas included:  FTSU Champions  Additional roles added to responsibility section  Inclusion of just and learning culture  Inclusion of action to be taken in the case of those reporting disadvantageous or demeaning treatment as a result of speaking up  New FTSO Oversight chart</p>

### Monitoring Compliance with the Policy

Describe Key Performance Indicators (KPIs)	Target	How will the KPI be Monitored?	Which Committee will Monitor this KPI?	Frequency of Review	Lead
Number of concerns raised and key themes	N/A	Written report	Board of Directors	Annually	Freedom to Speak Up Guardian

### Performance Management of the Policy

Who is Responsible for Producing Action Plans if KPIs are Not Met?	Which Committee Will Monitor These Action Plans?	Frequency of Review (To be agreed by Committee)
Chief People Officer	Workforce Steering Board	Annually

### Safety of Patients and Public To be completed by the author

Confirm the content of this policy does <b>not</b> risk the safety of patients or the public if it is uploaded to the public facing website	<input checked="" type="checkbox"/>
<i>If the content <b>does</b> affect the safety of patients or the public if it is uploaded to the public facing website please contact the Policy Coordinator or Risk Management Team for advice</i>	