

Freedom to Speak Up Policy: Speak up, Listen up, Follow up

This policy provides a robust framework to assist workers in speaking up or raising concerns and the organisation responding to these matters fairly and effectively.

Key Words:	Freedom to Speak Up, Whistleblowing, Raising Concerns, Bribery, Fraud, Corruption, Malpractice, Malicious, Disadvantageous, Demeaning	
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1.1 Version Control and Summary of Changes

Version number	Date	Comments
1.0	July 2023	Policy rewrite in line with new National Freedom to Speak Up Policy for the NHS – template provided by NHS England

1.2 Key individuals involved in developing and consulting on the document

Name	Designation
Accountable Director	Chief Executive Officer
Author(s)	Pauline Lewitt - Freedom to Speak Up Guardian Chris Moyo - Freedom to Speak Up Guardian Julie Hamore – HR Business Partner
Implementation Lead	
Core policy reviewer group	Directors / Heads of Service and Direct Reports HR operational Team Equality, Diversity and Inclusion Team Staffside Strategic Workforce Group
Wider consultation	Freedom to Speak Up Champions Health and Well Being Lead Patient Safety Team All staff bands 7 and above

1.3 Governance

Level 2 or 3 approving delivery group	Level 1 Committee to ratify policy
Strategic Workforce Group	People and culture Committee

1.4 Equality Statement

Leicestershire Partnership NHS Trust (LPT) aims to design and implement policy documents that meet the diverse needs of our service, population and workforce, ensuring that none are placed at a disadvantage over others. It takes into account the provisions of the Equality Act 2010 and promotes equal opportunities for all. This document has been assessed to ensure that no one receives less favourable treatment on the protected characteristics of their age, disability, sex (gender), gender reassignment, sexual orientation, marriage and civil partnership, race, religion or belief, pregnancy and maternity.

1.5 Due Regard

LPT will ensure that Due regard for equality is taken and as such will undertake an analysis of equality (assessment of impact) on existing and new policies in line with the Equality Act 2010. This process will help to ensure that:

- Strategies, policies and procedures and services are free from discrimination.
- LPT complies with current equality legislation.
- Due regard is given to equality in decision making and subsequent processes.
- Opportunities for promoting equality are identified.

Please refer to due regard assessment (Appendix 8) of this policy.

1.6 Definitions that apply to this Policy

Freedom to speak up	Freedom to Speak Up is about encouraging a positive culture where people feel they can speak up and their voices will be heard, and their suggestions acted upon.
Speaking Up, Raising a Concern and Whistle blowing	Speaking up, raising concerns and whistleblowing are essentially all the same activity. There is a national preference however, to use the words speaking up as it is a broad term and can be expressed as including anything that gets in the way of the delivery of great care. It encourages issues to be raised at an early stage before they may even be considered 'a concern'. Speaking up can also be seen as a positive term – people can speak up about what is going well or what could go even better, not just about things that 'concern' them.
Disadvantageous/demeaning treatment	Disadvantageous and/or demeaning treatment because of speaking up may include being ostracised, given unfavourable shifts, being overlooked for promotion, or being moved from a team. It can be a deliberate act or a failure to act (i.e. an omission).
Bribery	Something, such as money or a favour, offered or given to a person in a position of trust to influence that person's views or conduct.
Fraud	A deception deliberately practiced to secure unfair or unlawful gain.
Corruption	Inducement to do wrong by improper or unlawful means.
Malpractice	Improper or negligent treatment of a patient.
Maliciously	Deliberately harmful.
Due regard	Having due regard for advancing equality involves: <ul style="list-style-type: none"> • Removing or minimising disadvantages suffered by people due to their protected characteristics. • Taking steps to meet the needs of people from protected groups where these are different from the needs of other people. • Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

2.0. Purpose

- 2.1 The purpose of this policy is to help normalise speaking up for the benefit of patients and workers and ensure all matters raised are captured and considered appropriately whether raised informally or formally.
- 2.2 It provides guidance for our workers on how to speak up about anything that gets in the way of them doing their job, describing the speak up process and giving assurance that we welcome speaking up and we will listen.
- 2.3 It also gives guidance to managers and the wider organisation about how to receive and investigate concerns.

3.0 Summary

- 3.1 LPT is committed to supporting a culture of openness and transparency where our workers are actively encouraged and empowered to speak up without fear of suffering disadvantageous or demeaning treatment because of speaking up.
- 3.2 Your speaking up is a gift – an opportunity for us to engage with colleagues. A chance to hear different ideas and suggestions, enhance worker experience, prevent patient harm, and learn and improve when things don't go to plan or could be better.
- 3.3 The aim of this policy is to encourage our workers to speak up at an early stage, making speaking up 'business as usual'. The Trust will take all concerns seriously and is committed to dealing with matters fairly and effectively and in a timely manner.
- 3.4 This policy will provide protection to workers and a best practice guide when responding to experiences of disadvantageous or demeaning treatment as a result of speaking up (need to include link and attach document as appendix). See best practice guide 'Responding to experience of disadvantageous or demeaning treatment as a result of speaking up' at Appendix 5

4.0 Introduction

- 4.1 By speaking up at work you will play a vital role in helping us to keep improving our services for all patients and the working environment for our workers.
- 4.2 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".
- 4.3 This policy is for all workers, and we want to hear all our workers' feedback, ideas and concerns, 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 can face additional barriers to speaking up. This policy aims to break down those barriers.

- 4.4 We ask all our workers to complete the appropriate eLearning modules available on uLearn. Speak Up is a core training module for all workers. Listen Up training is specifically for managers and Follow Up training is available for our senior leadership teams, Directors, and members of the Trust Board.
- 4.5 Further information on Freedom to Speak Up (FTSU) can be found on the LPT Staffnet website and by viewing these useful videos on the national eLearning for healthcare website.
- 4.6 All staff should act in accordance to our Trust leadership behaviours for all and be able to evidence adherence in situations that involve speaking up. A fundamental approach to developing our Leadership behaviours for all is our ability to both give and receive feedback in a positive and insightful way. The feedback method is based on defining; Context, Understanding, Behaviour and Effect (CUBE).

5.0 Scope of the policy

Who can speak up?

- 5.1 Anyone who works (or has worked) for Leicestershire Partnership NHS Trust, or for an independent organisation that provides NHS services within the trust can speak up. This includes substantive (permanent) staff, bank, agency and temporary workers in both clinical and non-clinical roles. It also applies to non-executive Directors, locums, those on work experience, those on secondment to the Trust, students, trainees, volunteers, those on honorary contracts and contractors working within the Trust.

What can I speak up about?

- 5.2 You can speak up about anything that gets in the way of good 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 or that puts patients at risk.
 - inappropriate, discriminatory, unprofessional behaviour or actions that affect patient care, or the safety and wellbeing of you or your colleagues.

Speaking up is about all these things.

- 5.3 Speaking up, therefore, captures a range of issues, some of which may be appropriate for other existing processes (for example, our people policies or patient safety/quality (see reference section for further information and examples). We will listen and work with you to identify the most appropriate way of responding to the issue you raise.

6.0 Duties within the Organisation

All workers

Whatever our role we all share a responsibility to:

- Create a psychologically safe environment, where speaking up is business as usual.
- Treat our colleagues well when speaking up in the spirit of our trust values Respect, Integrity, Compassion and Trust and in line with our Leadership Behaviours



- Speak up and raise matters or concerns as early as possible so action may be taken to resolve issues and share learning where appropriate.
- Adhere to any professional code of conduct (as applicable) by speaking up if we see instances of wrongdoing or poor practice.
- Uphold the principles of the NHS Constitution in relation to raising concerns
- Use the Trust eIFR incident reporting procedure where necessary
<https://riskmandb.leicspart.lrh-tr.nhs.uk/>
- Listen and learn from speaking up.

Directors, Heads of Service, Managers and Team leaders

In addition to the above, directors, heads of service, managers, and leaders at all levels across our Trust have a responsibility to:

- Be visible to workers.
- Embed the Trust values, leadership behaviours and lead by example.
- Regularly invite colleagues to speak up and create opportunities to hear views and ideas as part of normal team business.
- Take concerns seriously, listening to understand any issues raised and from the different perspectives. Show appreciation and thank colleagues for speaking up – using the 5-step approach. (Appendix 1)
- Understand the difficult position a colleague may be in by raising the concern and ensure they have access to appropriate support.
- Take prompt action to resolve the concern, seeking support of others where needed (including the freedom to speak up guardian) to plan what happens next.
- Assure the colleague of support and confidentiality (when requested) during the initial investigation process.
- Keep colleagues who speak up regularly informed and provide feedback on outcomes.
- Reassure colleagues they should not experience any disadvantageous or demeaning treatment because they have spoken up and ask them to report it if

this does happen

- Seek feedback on the speak up experience.
- Identify and share the learning opportunities speaking up presents.
- Inform their senior manager (if appropriate)
- Liaise with the HR Operational team.

Freedom to Speak Up Guardians

Whilst employed by the Trust, the Freedom to Speak Up Guardians operate independently, impartially, and objectively, whilst working in partnership with individuals and groups throughout the organisation, including senior leaders. The guardians have a responsibility to:

- Work alongside the Trust leadership team to support a healthy speak up culture
- Provide advice and support to colleagues at all levels to ensure they can speak up, are listened to and treated well (this may include sign posting, facilitating a listening meeting, raising matters on behalf of colleagues as agreed).
- Ensure concerns are shared with appropriate leadership colleagues (respecting confidentiality as required)
- Provide advice and support for managers to listen and respond appropriately when colleagues speak up.
- Ensure that people who speak up are thanked for speaking up, that the issues they raise are responded to, and that the person speaking up receives feedback on the actions taken.
- Maintain confidential records when people speak up.
- Provide bi-annual reports on speak up matters to the Quality Assurance Committee and Trust Board.
- Contribute towards the sharing of learning and quality improvement initiatives.
- Escalate to the CEO and/or relevant executive director, any matters relating to experiences of disadvantageous or demeaning treatment because of speaking up as appropriate.

Freedom to Speak Up Champions

Speak Up Champions will come from a wide variety of backgrounds and roles and help embed a positive speak up culture. The role is voluntary and open to all. Champions are there to:

- Raise the profile of speaking up, share information and act as a positive role model.
- Help colleagues understand how they can speak up, who they can speak up to, and what they should expect to happen.
- Signpost colleagues to sources of support including the Freedom to Speak Up Guardian
- Help reach all staff across the trust and ensure colleagues who may face additional barriers are able to speak up. (e.g. Black, Asian and other ethnic minority colleagues, disabled, LGBTQ+, Bank/agency, students, volunteers).

Speak Up Champions will meet quarterly as a network and receive support and development opportunities coordinated by the Freedom to Speak Up Guardian.

Human Resources (HR) and Organisational Development (OD) Colleagues

HR and OD colleagues have a responsibility to:

- Support and encourage colleagues who want to speak up
- Raise matters on behalf of colleagues if required
- Identify and share speak up matters that come to their attention with the Freedom to Speak Up Guardian when appropriate.

Representatives of Trade Unions and Professional Associations

Representatives will:

- Encourage colleagues to speak up and raise concerns at the earliest possible opportunity
- Raise matters on behalf of colleagues if required
- Support their members to ensure their concerns are properly considered and are appropriately supported by our organisation.

Directors and Heads of Service

Directors and Heads of Service have a responsibility to:

- Be available for any colleague in the Trust to discuss matters or concerns.
- Handle any issues or matters raised fairly and without prejudice.
- Ensure issues which affect patient or staff safety in particular, are assessed immediately.
- Ensure feedback is given appropriate to the concerns raised.

Chief Executive Officer (CEO)

As the designated Lead Director for Freedom to Speak Up, our CEO has ultimate accountability for the Trust's speaking up arrangements. In addition, they have responsibility to:

- Provide senior support for the Freedom to Speak Up Guardians
- Review the effectiveness of our freedom to speak up arrangements with reference to Guidance published by the National Guardians Office.

Lead Non-Executive Director for Freedom to Speak Up

The designated non-executive director has a responsibility to:

- Provide greater independent support for the Freedom to Speak Up Guardian
- Provide a fresh pair of eyes to ensure that investigations are conducted with rigor.
- Help to escalate issues where needed.
- Challenge the most senior people in the organisation to reflect on whether they could do more to create a healthy, effective speaking-up culture.

The Trust Board has a legal responsibility for Trust policies and for ensuring that they are carried out effectively. The Board will receive a report, bi-annually, providing a thematic overview of speaking up by our staff to the FTSU Guardians.

Trust Board Sub-committees have the responsibility for ratifying policies and protocols.

7.0 Process

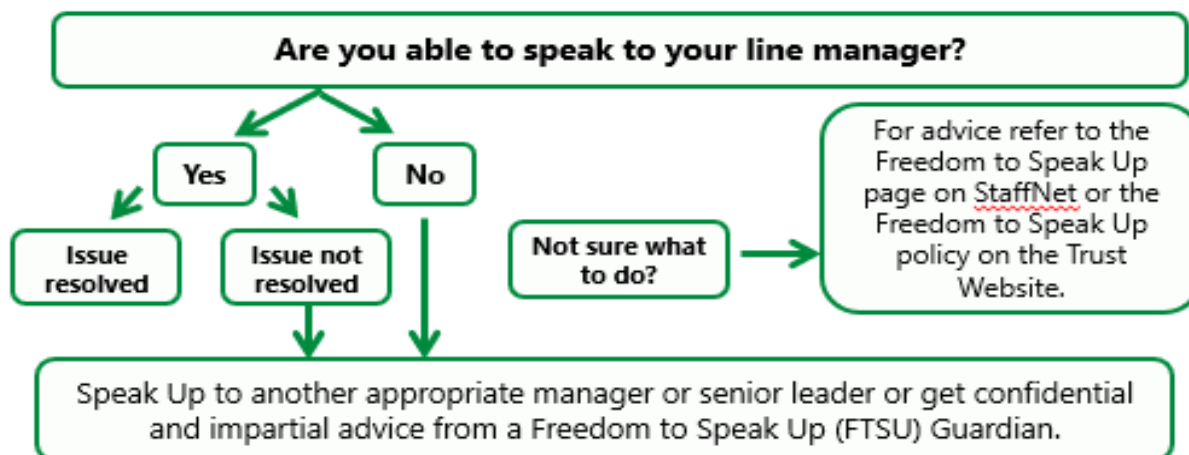
Who can I speak up to?

Speaking up internally



Freedom to Speak Up

What to do if you want to speak up about anything that gets in the way of good patient care or positive staff experience



Alternatively, you may want to contact your local Trade Union representative (where applicable) or LPT staff-side representatives for advice. More information is available on Staffnet. <https://staffnet.leicspart.nhs.uk/your-working-life/staff-support/trade-unions/>

Most speaking up happens through everyday conversations with colleagues, supervisors and line managers where issues are raised more informally and often resolved quickly. We strive for a culture where that is normal, everyday practice and encourage you to speak to your line manager or other appropriate manager first – it may well be the easiest and simplest way of resolving matters. (Poster at Appendix 3).

However, there are other people you can speak to depending on the subject matter if:

- You wish to seek some independent advice and support
- For whatever reason you feel unable to raise it with your line manager or other appropriate manager
- You feel it is more appropriate to raise the matter with somebody else, or
- You feel the matter has not been resolved having previously raised it.

Our Freedom to Speak Up (FTSU) Guardians lpt.ftsuguardian@nhs.net

Pauline Lewitt – 0777 1772 794 or Chris Moyo - 0778 5956 473 can support you to speak up or if you are unsure about what to do and wish to seek confidential, impartial advice. You can contact either Guardian **at any time** in the process. You can find out more about the guardian's role here, <https://nationalguardian.org.uk/for-guardians/job-description/>

You may want to take advice from LPT staff Side representatives or your Trade Union where applicable. You can find out more about LPT staff-side and trade unions on Staffnet <https://staffnet.leicspart.nhs.uk/your-working-life/staff-support/trade-unions/>

Senior leaders you can speak to:

- Our Trust Executive Director with responsibility for Speaking Up - Angela Hillery, Chief Executive Officer.
- Anyone in a leadership position including senior managers, professional leads and Executive Directors with responsibility for the subject matter or individual Directorate
- The Trust's Non-Executive Director with responsibility for Speaking Up
- The Executive Director of Nursing/AHPs & Quality or our Patient Safety Team where concerns relate to clinical practice or the treatment/care/safety of patients/clients.
- Our Director of Finance or the Trust's Local Counter Fraud team where matters or concerns relate to fraud or financial impropriety.
- Our Trust Lead for Safeguarding where matters or concerns relate to suspected harm to children, young people of vulnerable adults in need of safeguarding.
- Our Head of Information Governance where matters relate to information security.
- Our Head of Trust Health & Safety Compliance where matters or concerns relate to Health and Safety or damage to the environment.
- Our Head of Equality, Diversity and Inclusion where matters relate to equality, diversity or inclusion.
- Our HR Operational Team where matters relate to worker experience or conduct.

Speaking up externally

If for any reason you do not feel comfortable speaking up to someone in the organisation you can speak up to external bodies.

- 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.

Health Education England for education and training in the NHS <https://hee.nhs.uk/about-us/how-we-work>.

NHS Counter Fraud Authority for concerns about fraud and 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 Pharmaceutical Council and the Information Commissioner. (External bodies listed in Appendix 2).

Reference to the Media and Members of Parliament

Employees are strongly encouraged to exhaust all internal procedures before they consider involvement of the media. This ensures that patient and/or staff confidentiality can be maintained and issues are dealt with constructively.

The Trust would strongly encourage any employee to inform the Chief Executive before they approach the media to make any remarks which could be construed as a criticism of the Trust. The sharing of confidential information which has been obtained in the course of your employment with non-regulatory organisations in these circumstances may be in breach of your contract of employment obligations and in breach of the GDPR Regulations.

Employees are strongly encouraged to exhaust all internal procedures before they consider consulting their Member of Parliament in confidence.

However, the Trust does not wish this procedure to be seen as inhibiting the right of staff to express a view in the media on a topic of public interest. You are of course entitled to raise any alleged failures to appropriate external regulatory bodies such as NHS England or the CQC. However, as regards to reporting any alleged failures to non-regulatory bodies such as the press or similar, I would urge you not to do so without having first taken legal advice or advice from your professional union representative.

Making a protected disclosure

Be mindful that 'where you decide to raise your concerns will have an impact on whether you have protection under the Public Interest Disclosure Act 1998 (PIDA)' (taken from Protect website).

A protected disclosure is defined in the Public Interest Disclosure Act 1998. This legislation allows certain categories of workers to lodge a claim for compensation with an employment tribunal if they suffer because 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 Protect or a legal representative.

How should I speak up?

If you can speak to your line manager first, it may well be the easiest and simplest way of resolving matters. If you are unable to do this (for whatever reason) you can speak up to any other senior leader named within this policy, 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. There may be occasions where we are unable to keep your identity confidential, for example if the law requires us to. Please be assured your information will always be treated with respect and only shared on a need-to-know basis and with your knowledge.
- **Anonymously:** you do not want to reveal your identity to anyone. You can choose to raise your concern anonymously, without giving anyone your name. However, 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.

All concerns raised will be taken seriously, including those raised anonymously, and will be acted upon, where appropriate.

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

AMICA – An Independent Staff Counselling and Psychological Support Service. They can be contacted on (0116) 254 4388 (365 days a year 8.30am to 8.30pm). AMICA is a form of independent support to Trust employees by self-referral only. Please be advised that if you raise any concerns through this service, they will not be able to act on any concerns due to the confidential nature of the service.

Listening Ear for staff which is available from our chaplains on 01509 564218. Please be advised that if you raise any concerns through this service, they will not be able to act on any concerns due to the confidential nature of the service.

You can find out about additional local support available to you on Staffnet and through our Speak Up Champions and our Health and Wellbeing offer.

Our local Staff Support Networks can also be a valuable source of 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 what Trade Unions are available and how to join. Find out more about LPT Staff-side and trade unions on Staffnet.
- The Law Society may be able to point you to other sources of advice and support.
- The Advisory, Conciliation and Arbitration Service (ACAS) gives advice and assistance, including on early conciliation regarding employment disputes.

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

- Support available for our NHS people.

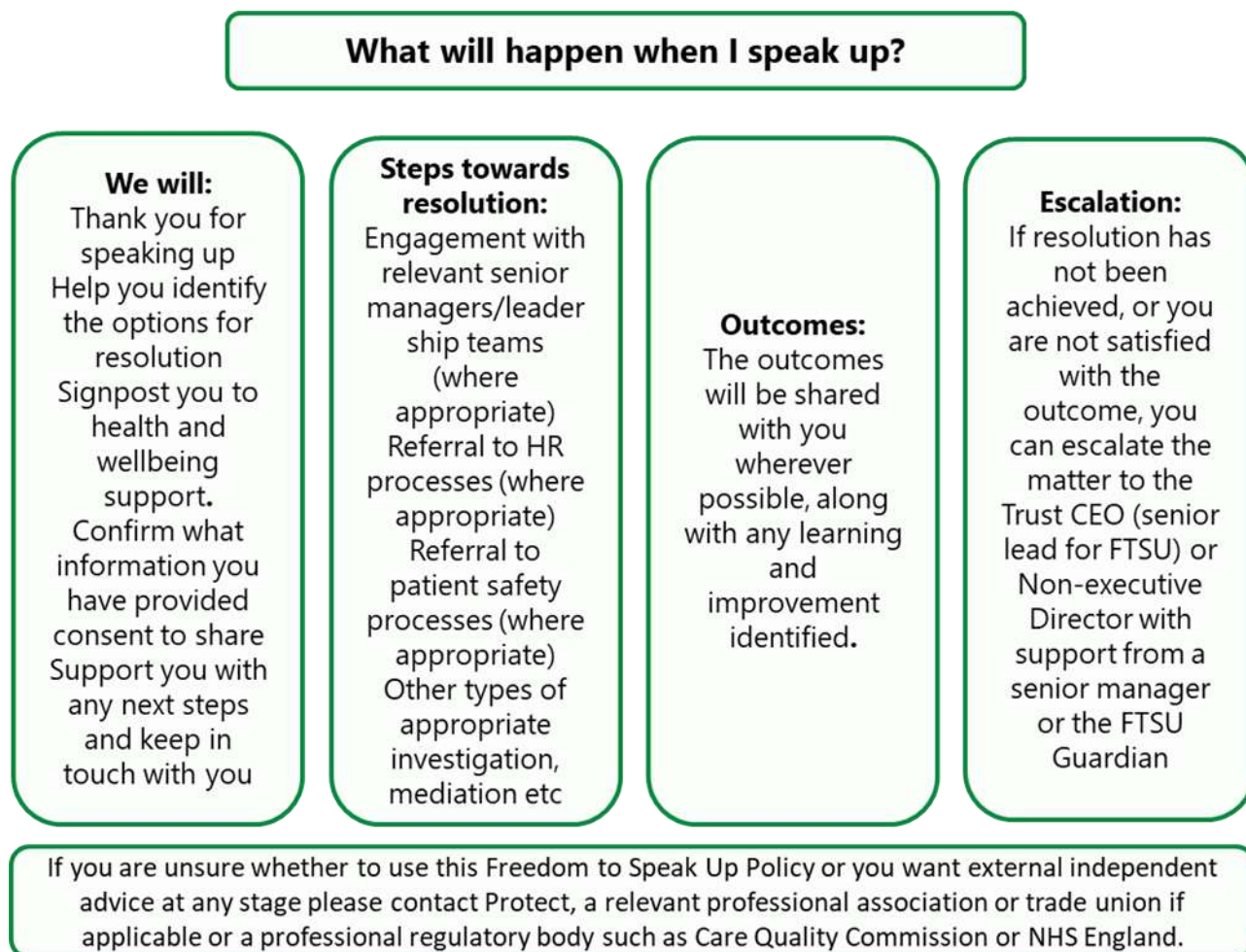
NHS England has a Speak Up Support Scheme that you can apply to for support.

What will happen when I speak up?

The matter you are speaking up about may be best considered under a specific existing policy/process; for example, our process for dealing with dispute resolution, supporting performance, disciplinary processes, the patient safety framework or safeguarding procedures. If so, we will discuss that with you and the processes and timescales within these areas will be followed.

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 below:



What will we do?

Listening and responding

We are committed to listening to our staff, learning lessons and improving patient care and

the working lives of our workers.

Whether colleagues speak up informally (through everyday conversations, supervision) or concerns are raised more formally, a proportionate response is required and should follow this same process.

The person receiving the information (or a request to meet to discuss any concerns) will:

- Aim to acknowledge and respond to your initial communication within 72 hours or within 24 hours if the matter is more urgent (please remember to incident report any urgent safety matters and escalate out of hours through the on-call system)
- Provide a safe space to listen, explore and understand the issues/concerns
- Agree who information can be shared with
- Explore options and ideas for resolution/solutions and identify next steps.
- Involve other relevant colleagues in discussions where necessary and with permission
- Ensure you receive feedback.

Resolution and investigation

We support our managers/supervisors/leaders 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 through facilitated conversations and/or mediation (see Dispute Resolution Policy for further information) or through a listening meeting with a senior leader facilitated by a Freedom to Speak Up Guardian.

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 (normally within 8 weeks), and a report will be produced that identifies any issues to prevent problems recurring. (Appendix 4).

Any issues that have implications for you/your capability or conduct identified during the investigation will be considered separately and with reference to the appropriate policy or procedure.

Communicating with you

We will always treat you with respect and will thank you for speaking up.

We will discuss the issues with you to ensure we understand exactly what you are worried about. We will ensure you are aware of where you can get support for your own emotional health and wellbeing and signpost you to relevant services.

If we decide to investigate, we will tell you how long we expect the investigation to take (usually within 8 weeks) and agree with you on how to keep you up to date with its progress (usually every two weeks).

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, but we will explain what action has been taken).

Follow Up

Outcomes, learning and feedback

We want speaking up to improve the services we provide for patients and the environment our workers. To that end, those involved in responding to speak up matters will seek assurance that appropriate action has been taken.

Where improvement opportunities are identified, we will ensure necessary changes are made, and are working effectively.

Learning will be shared with individuals and teams across the organisation and the Freedom to Speak Up Guardian, Staffside representative or more widely, as appropriate.

FTSUG's will seek feedback from workers about their experience of speaking up when matters are raised through this route.

Escalation

If a resolution has not been achieved, or you are not satisfied with the outcome, you can escalate the matter to the senior lead for FTSU or the non-executive lead for FTSU. The FTSUG can again offer impartial advice and support you with this if required.

Alternatively, if you think there are good reasons not to use internal routes, you can speak up to an external body, such as a relevant professional association or Trade Union if applicable or a professional regulatory body including the CQC or NHS England.

Stakeholders and Consultation

The main framework of this policy was developed nationally by NHS England, with support from the National Guardians Office. This included consultation with Freedom to Speak Up Guardians across England.

Locally we have developed this policy further and are developing a toolkit to support its implementation working in collaboration with a range of workers across the Trust including the local Freedom to Speak Up Champions network, our Staff Support Networks and other key stakeholders.

8.0 Monitoring Compliance and Effectiveness

Page/Section	Minimum Requirements to monitor	Process for Monitoring	Responsible Individual /Group	Frequency of monitoring
	Formal investigations will be completed in a timely manner in accordance with Trust process	Random sample of records of investigations (10% of the sample)	Strategic Workforce Group	Annually
	The provision of board reports on 6 monthly cycles	Presented at public board	CEO	6 monthly

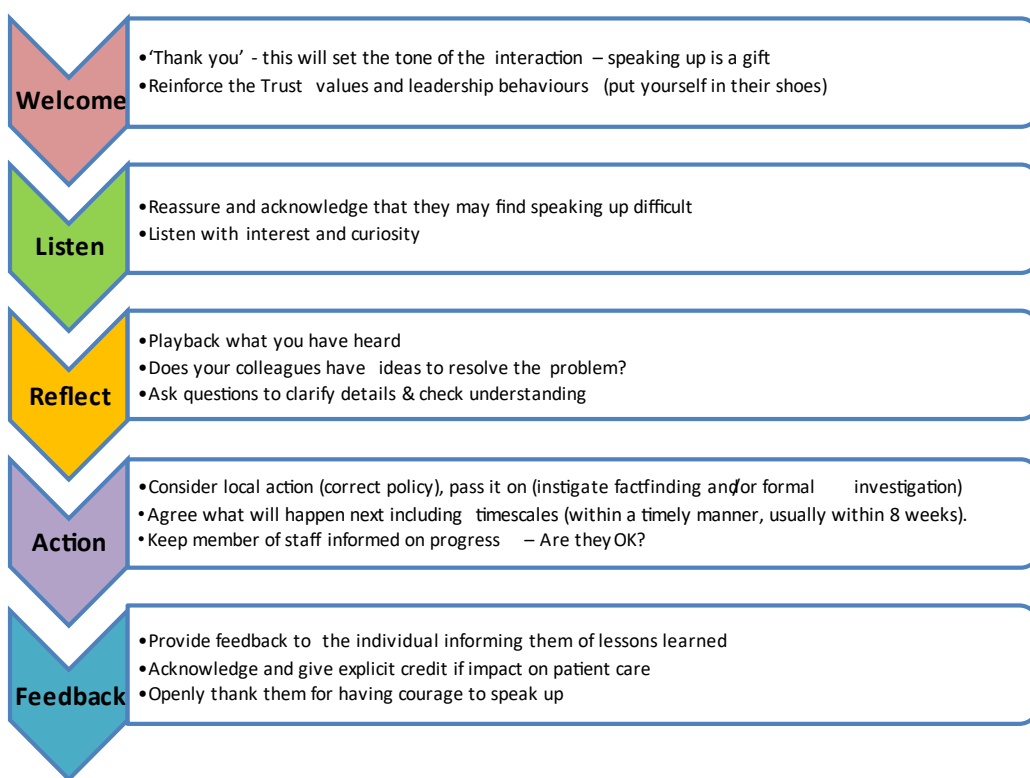
Page/Section	Minimum Requirements to monitor	Process for Monitoring	Responsible Individual /Group	Frequency of monitoring
	The provision of reports to evidence the arrangements by which staff may speak up and raise concerns	Audit Committee	FTSU Guardians	Annually

9.0 References and Bibliography

The policy was drafted with reference to the following:

- Sir Robert Francis QC (2015) Freedom to Speak UP: an independent report into creating an open and honest culture in the NHS
- LPT Dispute Resolution in the Workplace Policy
- LPT Disciplinary Policy and Procedure
- LPT Fraud, Bribery and Corruption Policy
- Safeguarding & Public Protection Policy & Procedures
- NHS Employers <https://www.nhsemployers.org/articles/freedom-speak-support-nhs-staff>
- CIPD <https://www.cipd.org/uk/>
- Protect <https://protect-advice.org.uk/>
- Public Interest Disclosure Act 1998.

Managers - Five Step Approach



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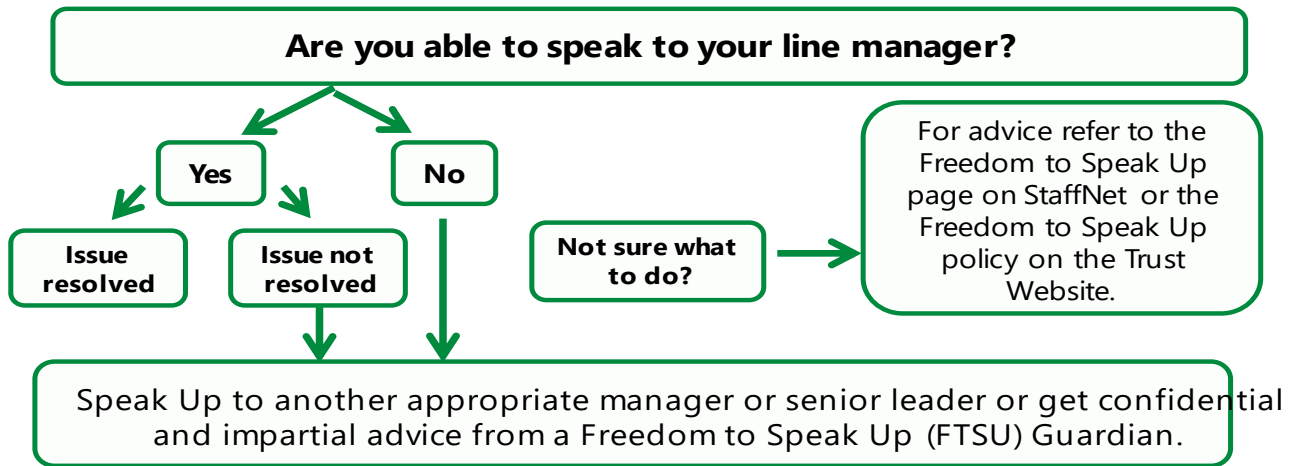
External Bodies

Body	Content	Contact Number
Nursing and Midwifery Council (NMC)	Nursing conduct	Main Switchboard – 0207 637 7181 Advisory Line - 0207 333 6541
General Medical Council (GMC)	Medical Practitioners Conduct	Advice Line – 0161 923 6602 gmc@gmc-uk.org
Health and Care Professions Council (HCPC)	AHP's conduct	Advice Line - 0800 328 4218 or 020 7840 9814 ftp@hcpc-uk.org
Health & Safety Executive or Local Authority	Health & Safety Risks	Information line - 0300 003 1647
The National Audit Office	Financial corruption/ Value for money in the health service	Enquiries - 020 7798 7264
NHS Counter Fraud Authority	Fraud	https://cfa.nhs.uk/about-nhscfa/contact-us Advice Line - 0800 028 4060
Information Commissioner	Data Compliance	Advice Line - 0303 123 1113
The Environmental Agency	Environmental Issues	General Line 03708 506 506 Incident Line 0800 807 060
General Pharmaceutical Council	Pharmacists conduct	020 3713 8000 or use the online form available at https://www.pharmacyregulation.org/content/our-role
Controller and Auditor General of the National Audit Office	Proper conduct of public business, value for money, fraud and corruption to centrally funded public Services	Enquiries - 020 7798 7264 or use the online form available at https://www.nao.org.uk/contact-us/contact-us/
Care Quality Commission	Compliance with care standards	https://www.cqc.org.uk/ National Contact Centre 0300 0616161



Freedom to Speak Up

What to do if you want to speak up about anything that gets in the way of good patient care or positive staff experience



What will happen when I speak up?

We will:
 Thank you for speaking up
 Help you identify the options for resolution
 Signpost you to health and wellbeing support.
 Confirm what information you have provided consent to share
 Support you with any next steps and keep in touch with you

Steps towards resolution:
 Engagement with relevant senior managers/leadership teams (where appropriate)
 Referral to HR processes (where appropriate)
 Referral to patient safety processes (where appropriate)
 Other types of appropriate investigation, mediation etc

Outcomes:
 The outcomes will be shared with you wherever possible, along with any learning and improvement identified.

Escalation:
 If resolution has not been achieved, or you are not satisfied with the outcome, you can escalate the matter to the Trust CEO (senior lead for FTSU) or Non-executive Director with support from a senior manager or the FTSU Guardian

If you are unsure whether to use this Freedom to Speak Up Policy or you want external independent advice at any stage please contact Protect, a relevant professional association or trade union if applicable or a professional regulatory body such as Care Quality Commission or NHS England.

A protected disclosure is defined in the Public Interest Disclosure Act 1998. This legislation allows certain categories of people 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 decide whether you might meet these criteria, please seek independent advice from the Protect or a legal representative.

Conducting an Investigation

Once a staff member has spoken up to raise a concern about patient care or staff experience, the manager will assess the action that needs to be taken and feedback to the member of staff (where possible within two weeks).

Where it is identified that an investigation is needed an 'Investigating Officer' will be appointed by the Head of Service, Director, or Chief Executive. This person will be suitably independent (this might be someone from outside the organisation or from a different part of the organisation) and trained in investigations.

Where it transpires that dispute resolution or a disciplinary investigation is required, then the process will change from 'Freedom to Speak Up Policy' to the appropriate procedure and the steps and timescales within those Trust policies should be followed. Please note that in circumstances where an investigation is undertaken under the Disciplinary Policy and Procedure, the individual speaking up will not be provided with detailed feedback in line with GDPR.

When possible (respecting requests for confidentiality) the Investigating Officer will meet with the employee who has spoken up as soon as possible. The employee should be offered the opportunity to be accompanied by the Freedom to Speak Up Guardian, Trade Union representative, or a friend / colleague acting in a non-official (legal) capacity. The Investigating Officer will make arrangements for a note-taker to attend as needed.

Notes of the meeting with the employee will be produced and these will be sent to the employee who has spoken up.

The focus of the investigation will be on improving the service we provide for patients and staff experience. It will be objective and evidence-based and will produce a report that focuses on identifying and rectifying any issues and learning lessons to prevent matters recurring.

Workers involved in a speaking up or raising concerns process and/or investigation can access the range of support mechanisms provided by the Trust.

NB: All allegations of fraud or corruption will be dealt with in accordance with the relevant national guidance. The Local Counter Fraud Specialist will investigate any such allegations in accordance with the Trust's Counter Fraud Policy.

NB: All allegations concerning harm to children, young people or vulnerable adults must be reported to the Trust Safeguarding Lead / or safeguarding named nurse for the service.

The focus of the investigation will be on improving the service we provide for patients and staff experience. It will be objective and evidence-based and will produce a report that focuses on identifying and rectifying any issues and learning lessons to prevent matters recurring.

The investigation will be concluded within a reasonable timescale (normally within 8 weeks), and a report will be produced that identifies any issues to prevent problems recurring. On completion of the investigation, feedback will be given to the employee who has spoken up where possible advising them either of the findings, or what further action, if any, will be taken. This feedback will be given within a reasonable timescale (normally two weeks) and may be given within a meeting or in writing.

Wherever possible, the full investigation report will be shared with the individual (while respecting the confidentiality of others).

Workers involved in a speaking up or raising concerns process and/or investigation can access the range of support mechanisms provided by the Trust.

Outcome of the Investigation

At the end of the investigation the Investigating Officer will provide the Head of Service / Director / Chief Executive who commissioned the investigation with a written report on the matters raised and a management action plan if appropriate in order that the issues can be addressed.

Where the investigation identifies improvements that can be made, they will be tracked to ensure the necessary changes are made and are working effectively. Lessons will be shared with teams across the organisation, or more widely as appropriate.

Action to be considered may include: -

- Formal training / counselling
- Initiating the Dispute Resolution in the Workplace Policy, Disciplinary Policy
- Initiating the Disciplinary Policy
- Initiating the Supportive Performance policy
- Clinical audit
- Risk assessment
- Reporting to external bodies e.g., Nursing and Midwifery Council (NMC), General Medical Council (GMC), Health Professions Council (HPC), The Academy of Care Practitioners.

The Head of Service / Director / Chief Executive will determine whether further action is required.

If the matter was raised with support of the FTSUG the investigator/manager will provide a final response to the FTSUG briefly outlining actions taken, future action plan and learning or improvements.

The manager with whom the issue was raised or another designated officer will inform the individual who has spoken up of the outcome at a meeting. At the meeting the key findings of the investigation will be shared with the employee and their Trade Union representative as appropriate.

Wherever possible, the full investigation report will be shared with the individual (while respecting the confidentiality of others). This should be followed up in writing and where possible within 2 weeks of the conclusion of the investigation.

There is no right to appeal against the outcome of an investigation undertaken under this policy, however, if the above steps have been followed and the employee still has concerns and wants to escalate these issues, or if the employee feels the matter is so serious that they cannot discuss it with anyone else, then they should escalate their concern to the next stage of the policy as appropriate.

If the above steps have been followed and the employee still has concerns and wants to escalate these issues, or if the employee feels the matter is so serious that they cannot discuss it with anyone else, then they should escalate their concern to the next stage of the policy as appropriate.

Workers involved in a speaking up or raising concerns process and/or investigation can access the Trusts support mechanisms provided by the Trust.

Freedom to Speak Up

Responding to experiences of disadvantageous or demeaning treatment as a result of speaking up.

A Best Practice Guide developed by representatives in the Freedom to Speak Up Midlands Regional Network

Introduction

Speaking up is a gift – an opportunity for us to engage with colleagues. A chance to hear different ideas and suggestions, enhance worker experience, prevent patient harm, and learn and improve when things don't go to plan or could be better.

One of the biggest barriers to speaking up is a fear of reprisals. Over 600 healthcare colleagues who spoke up in [2020/21](#), believed they experienced some form of disadvantageous and/or demeaning treatment as a result.

The impact for individuals can be devastating and long-lasting. Our health and wellbeing suffer, and these experiences often lead to sickness absence and resignation. We cannot work at our best when our environment feels psychologically unsafe and this impacts on communication, effective teamwork, and safe patient care. It is important that we hear as soon as possible if someone believes they, or others, are in that position so we can work to resolve the situation.

In our regional Midlands network, Freedom to Speak Up (FTSU) Guardians have come together to develop this best practice guide to help us respond consistently when colleagues tell us about these experiences. Healthcare organisations are welcome to use this guide to support their own Freedom to Speak Up policy and process.

We call on the support of all healthcare workers to make it as safe as possible for us all to speak up by living our organisational values, treating each other with civility and respect, and creating a just culture where listening and learning happens every day.

Guiding Principles

- We can expect to be thanked and treated with dignity and respect when we speak up
- We expect all colleagues to create a [psychologically safe](#) environment where speaking up is business as usual
- We won't tolerate mistreatment or poor behaviour towards colleagues who speak up
- We appreciate speaking up can affect people in different ways and will do all we can to support everyone involved fairly and with compassion
- Our focus will be on learning and improving
- We encourage colleagues to report any concerns about disadvantageous and/or demeaning treatment
- We will refer all concerns about disadvantageous and/or demeaning treatment to the Chief Executive Officer / Executive Lead for Freedom to Speak Up /or other nominated Board member

- We will follow our Freedom to Speak Up process to ensure any such concerns are fully explored and any necessary steps taken
- We will keep colleagues informed and updated throughout the process

What we mean by disadvantageous /demeaning treatment

This guide refers to treatment as a result of the act of speaking up, rather than the specifics of the matter raised by speaking up. It can be a deliberate act or a failure to act /omission. Sometimes these actions can be subtle and not always easy to recognise. Whilst behaviours might not be intentional, the impact can still be significant if a person believes they are being treated poorly or differently.

Such treatment may include: (these are examples and not limited to)

- experiencing poor behaviours not in line with our organisational values e.g., being ostracised, gaslighting, gossiping, incivility (*suggest inserting link to organisational value/behaviour charter*)
- given unfavourable shifts; repeated denial of overtime/bank shifts; being denied shifts in a certain area/department without good reason; changes to shifts at short notice with no apparent reason
- repeatedly denied annual leave; failure on a regular basis to approve in reasonable time; or leave cancelled without good reason
- micro-managing; excessive scrutiny
- sudden and unexplained changes to work responsibilities, or not being given adequate support
- being moved from a team or inexplicable management of change
- being denied access to development opportunities; training or study leave without good reason
- being overlooked for promotion

Responsibilities

We appreciate that speaking up can at times, feel challenging, particularly when we are involved in the issues that are being raised. However, we rely on each other to do the right thing and we all share a responsibility to speak up when we see something that doesn't feel right. By working together and supporting everyone affected by speaking up, we can prevent colleagues experiencing poor treatment.

As individuals we share a responsibility to:

- create a psychologically safe environment where speaking up is business as usual
- treat our colleagues well when they speak up
- speak up and be an ally when we witness disadvantageous and/or demeaning treatment
- listen up and learn from speaking up

As an organisation we have a responsibility to:

- protect workers who speak up from disadvantageous / demeaning treatment
- ensure the working environment is a safe one
- respond to concerns of disadvantageous / demeaning treatment by examining the facts, reviewing outcomes, providing feedback, and reflecting and learning

Recording

- Reports of disadvantageous/demeaning treatment will be recorded by the Freedom to Speak Up Guardian on the central speak up database.
- Information will be kept strictly confidential, only shared on a need-to-know basis.

- Freedom to Speak Up Guardians are required to report speak up activity on a quarterly basis to the National Guardian's Office. The number of people sharing concerns relating to perceived disadvantageous/demeaning treatment as a result of speaking up is included in this data.

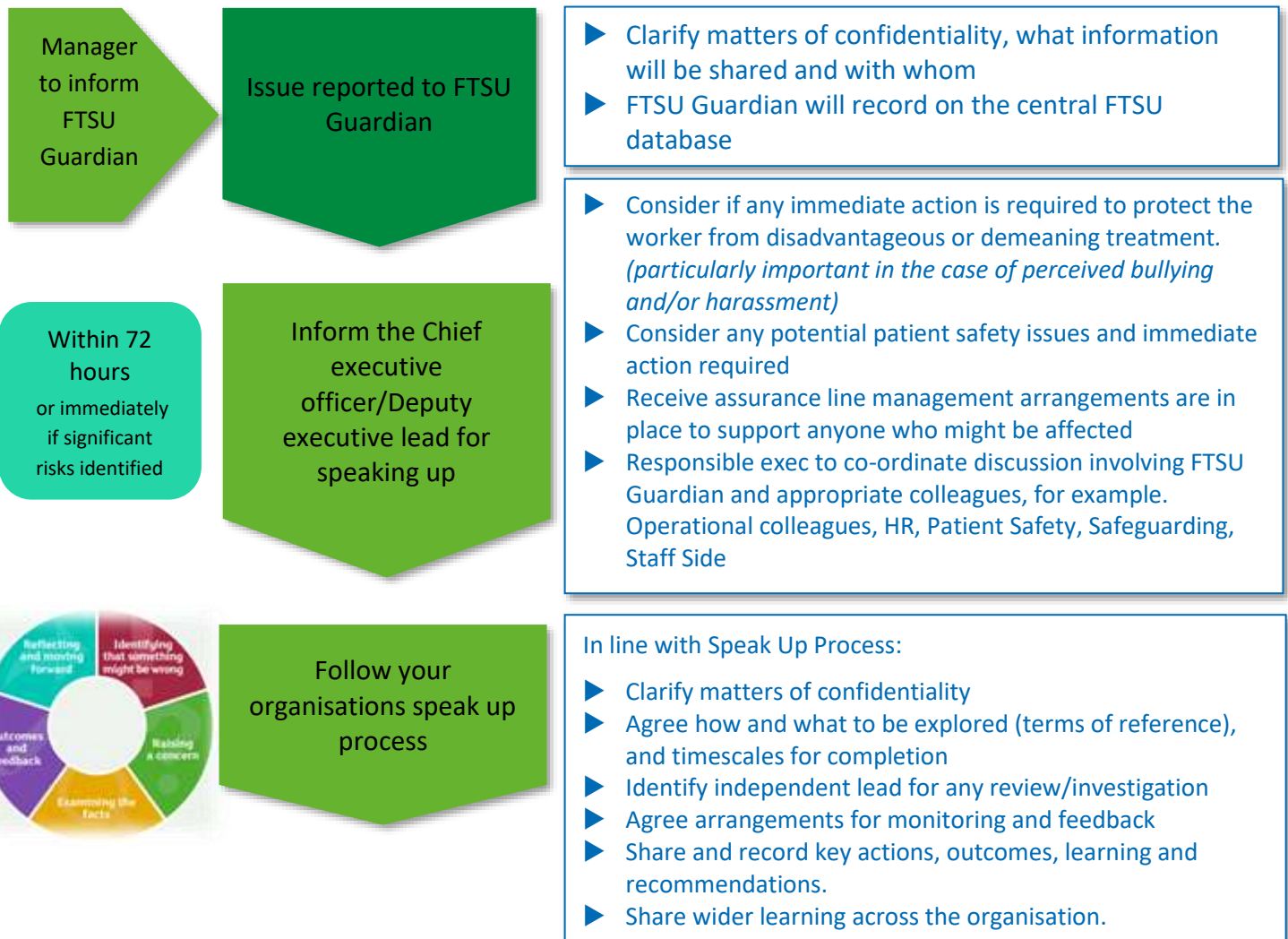
What to do

I /my colleague spoke up and now I believe I am/my colleague is experiencing disadvantageous or demeaning treatment as a result.

Speak to a manager or the Freedom to Speak Up Guardian as soon as possible
(or see FTSU policy for other options of who to speak to)

- ▶ Your concern will be taken seriously
- ▶ You will be supported whilst your concern is reviewed
- ▶ You will be kept informed and provided with feedback
- ▶ You will be signposted to wellbeing support if needed

A colleague reports disadvantageous or demeaning treatment after speaking up to a manager or the Freedom to Speak Up (FTSU) Guardian



If investigation reveals any unresolved issues relating to individual performance or conduct, consider consulting with human resources colleagues according to local policies/process.

Training Needs Analysis

<p>Training topic:</p>	<p>Speak Up - This module covers what speaking up is and why it matters. It will help you understand how you can speak up and what to expect. This module is for all workers to complete.</p> <p>Listen Up - This module focuses on listening to concerns and understanding the barriers to speaking up. Managers should complete both Speak Up and Listen Up to ensure they understand what speaking up is and how they should respond when someone speaks up to them.</p> <p>Follow Up - This module is for senior leaders throughout healthcare (including executive and non-executive directors). This module aims to promote a consistent and effective Freedom to Speak Up culture across the system which enables workers to speak up and be confident they will be listened to and action taken.</p>
<p>Type of training: (see study leave policy)</p>	<p><input type="checkbox"/> Mandatory (must be on mandatory training register)</p> <p><input type="checkbox"/> Role specific</p> <p><input checked="" type="checkbox"/> Personal development</p>
<p>Directorate to which the training is applicable:</p>	<p><input checked="" type="checkbox"/> Mental Health</p> <p><input checked="" type="checkbox"/> Community Health Services</p> <p><input checked="" type="checkbox"/> Enabling Services</p> <p><input checked="" type="checkbox"/> Families Young People Children / Learning Disability Services</p> <p><input checked="" type="checkbox"/> Hosted Services</p>
<p>Staff groups who require the training:</p>	<p>We ask all our workers to complete the national online training modules relevant for their role which you can access through the course directory on uLearn. A record of the event once completed will be recorded on uLearn.</p> <p>Senior leaders are expected to complete all three modules, Speak Up, Listen Up and Follow Up to ensure they have a full understanding of the speaking up process.</p>
<p>Regularity of Update requirement:</p>	<p>Once only</p>
<p>Who is responsible for delivery of this training?</p>	<p>eLearning module</p>
<p>Have resources been identified?</p>	<p>N/A</p>
<p>Has a training plan been agreed?</p>	<p>N/A</p>
<p>Where will completion of this training be recorded?</p>	<p><input checked="" type="checkbox"/> ULearn</p> <p><input type="checkbox"/> Other (please specify)</p>
<p>How is this training going to be monitored?</p>	<p>ULearn</p>

Appendix 7 The NHS Constitution

- The NHS will provide a universal service for all based on clinical need, not ability to pay.
- The NHS will provide a comprehensive range of services.

Shape its services around the needs and preferences of individual patients, their families and their carers	<input type="checkbox"/>
Respond to different needs of different sectors of the population	<input type="checkbox"/>
Work continuously to improve quality services and to minimise errors	<input checked="" type="checkbox"/>
Support and value its staff	<input checked="" type="checkbox"/>
Work together with others to ensure a seamless service for patients	<input checked="" type="checkbox"/>
Help keep people healthy and work to reduce health inequalities	<input checked="" type="checkbox"/>
Respect the confidentiality of individual patients and provide open access to information about services, treatment and performance	<input type="checkbox"/>

Appendix 8 Due Regard Screening Template

Section 1			
Name of activity/proposal		Freedom to Speak Up Policy: Speak up, Listen up, Follow up	
Date Screening commenced		31.07.2023	
Directorate / Service carrying out the assessment		Enabling/Human Resources	
Name and role of person undertaking this Due Regard (Equality Analysis)		Julie Hamore	
Give an overview of the aims, objectives and purpose of the proposal:			
<p>AIMS: The policy has changed its name from the Freedom to Speak Up: Raising Concerns (whistleblowing) Policy to Freedom to Speak Up Policy: Speak up, Listen up, Follow up. The aim of this policy is to encourage employees to speak up or raise concerns at an early stage and in the right way. The Trust will take all concerns seriously and is committed to developing an open and transparent 'raising concerns culture' for matters to be dealt with fairly and effectively.</p>			
<p>OBJECTIVES: The policy has been reviewed and written with reference to the National Freedom to Speak Up policy for the NHS. The policy incorporates good practice from the Freedom to Speak Up Report. Speaking up should be embedded in the culture of the organisation and be something that everyone does and is encouraged to do. There needs to be a shared belief at all levels of the organisation that speaking up is positive, not a troublesome activity, and a shared commitment to support and encourage all those who want to speak up about anything that gets in the way of them doing a good job.</p>			
Section 2			
Protected Characteristic		If the proposal/s have a positive or negative impact please give brief details	
Age		The opportunity for all staff, regardless of any protected characteristic, to want to speak up is equally available to all.	
Disability		As above	
Gender reassignment		As above	
Marriage & Civil Partnership		As above	
Pregnancy & Maternity		As above	
Race		As above	
Religion and Belief		As above	
Sex		As above	
Sexual Orientation		As above	
Other equality groups?		As above	
Section 3			
Does this activity propose major changes in terms of scale or significance for LPT? For example, is there a clear indication that, although the proposal is minor it is likely to have a major affect for people from an equality group/s? Please <u>tick</u> appropriate box below.			
Yes		No	
High risk: Complete a full EIA starting click here to proceed to Part B		Low risk: Go to Section 4.	
Section 4			
If this proposal is low risk please give evidence or justification for how you reached this decision:			
This policy ensures the process remains clear for all employees in relation to raising concerns with reassurance that it is safe and acceptable to speak up			
Signed by reviewer/assessor		Julie Hamore	Date 31.07.2023
<i>Sign off that this proposal is low risk and does not require a full Equality Analysis</i>			
Head of Service Signed		Pauline Lewitt	Date 31.07.2023

Appendix 9 Data Privacy Impact Assessment Screening

<p>Data Privacy impact assessment (DPIAs) are a tool which can help organisations identify the most effective way to comply with their data protection obligations and meet Individual's expectations of privacy.</p> <p>The following screening questions will help the Trust determine if there are any privacy issues associated with the implementation of the Policy. Answering 'yes' to any of these questions is an indication that a DPIA may be a useful exercise. An explanation for the answers will assist with the determination as to whether a full DPIA is required which will require senior management support, at this stage the Head of Data Privacy must be involved.</p>		
Name of Document:	Freedom to Speak Up Policy: Speak up, Listen up, Follow up	
Completed by:	Julie Hamore	
Job title	Senior HR Business Partner	Date: 4 August 2023
Screening Questions	Yes / No	Explanatory Note
1. Will the process described in the document involve the collection of new information about individuals? This is information in excess of what is required to carry out the process described within the document.	No	
2. Will the process described in the document compel individuals to provide information about them? This is information in excess of what is required to carry out the process described within the document.	No	
3. Will information about individuals be disclosed to organisations or people who have not previously had routine access to the information as part of the process described in this document?	Yes	Part of a formal process to appropriately manage an individual's employment.
4. Are you using information about individuals for a purpose it is not currently used for, or in a way it is not currently used?	No	
5. Does the process outlined in this document involve the use of new technology which might be perceived as being privacy intrusive? For example, the use of biometrics.	No	
6. Will the process outlined in this document result in decisions being made or action taken against individuals in ways which can have a significant impact on them?	Yes	Part of a formal process to appropriately manage an individual's employment.
7. As part of the process outlined in this document, is the information about individuals of a kind particularly likely to raise privacy concerns or expectations? For examples, health records, criminal records or other information that people would consider to be particularly private.	Yes	Part of a formal process to appropriately manage an individual's employment.
8. Will the process require you to contact individuals in ways which they may find intrusive?	No	
<p>If the answer to any of these questions is 'Yes' please contact the Data Privacy Team via Lpt-dataprivacy@leicspart.secure.nhs.uk In this case, ratification of a procedural document will not take place until review by the Head of Data Privacy.</p>		
Data Privacy approval name:	S Ratcliffe	
Date of approval	15/08/2023	

Acknowledgement: This is based on the work of Princess Alexandra Hospital NHS Trust