

Policy Reference: 174

FREEDOM TO SPEAK UP: RAISING CONCERNS AT WORK

(POLICY & PROCEDURE FOR EMPLOYEES RAISING CONCERNS)

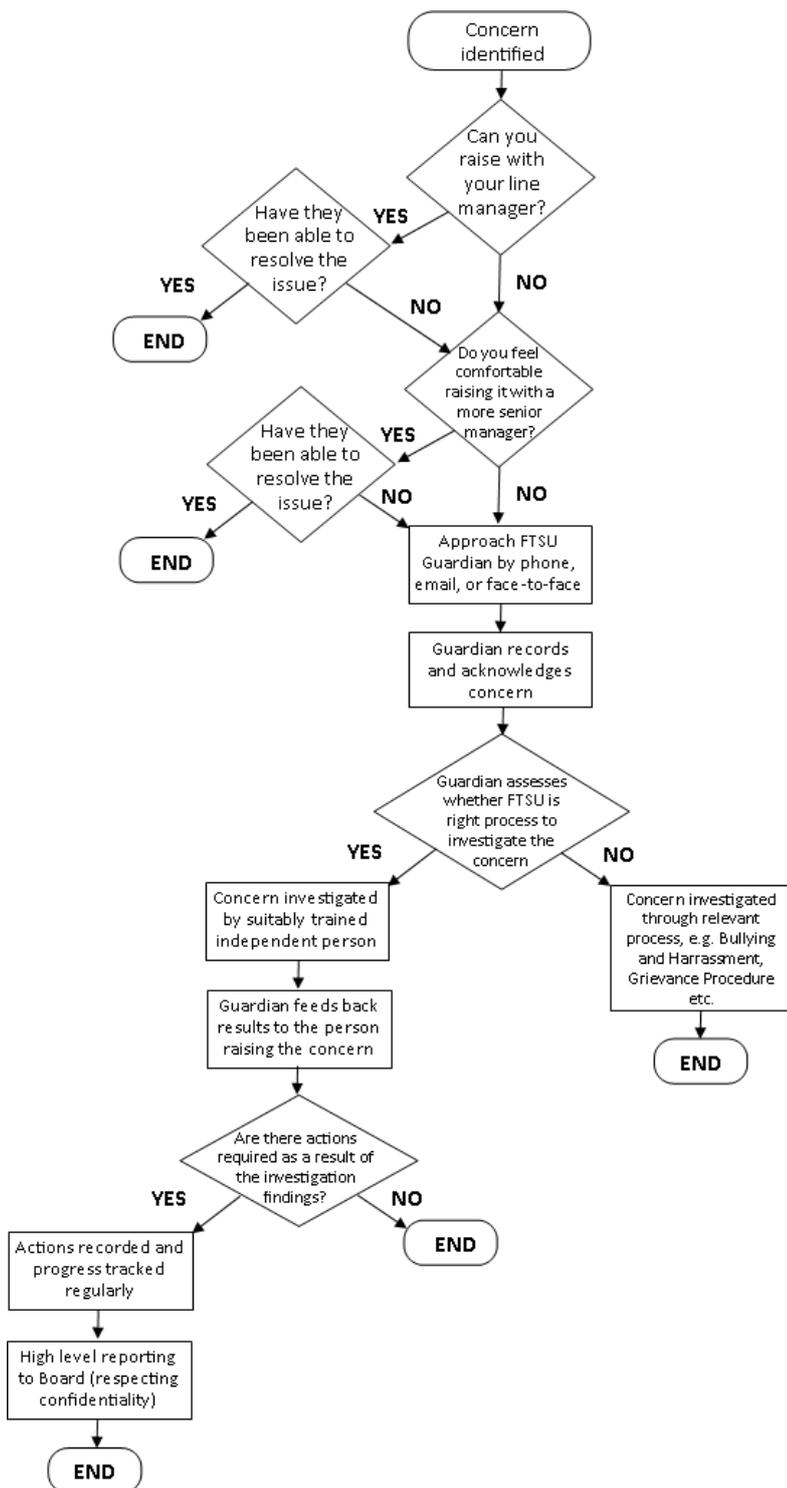
Version: 6

Name and Designation of Policy Author(s)	Carol Skillen – Freedom to Speak Up Guardian
Ratified By (Committee / Group)	Workforce Steering Group
Date Ratified	13 th March 2019
Date Published	13 th March 2019
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Target Audience	All staff
Other Associated Strategies, Policies, Procedures, etc.	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 and Diversity Policy

Key Points for Staff

- Anyone who works (or has worked) in the NHS, or for an independent organisation that provides NHS services can raise concerns. This includes bank and agency workers, temporary workers, students, volunteers and governors.
- The Trust encourages you to **Speak Up** about anything that gives you cause for concern, with particular regards to possible danger, risk, malpractice or wrongdoing including issues affecting staff's physical and emotional well-being.
- If you are a healthcare professional you may have a professional duty to report a concern. If in doubt, please speak up.
- If you raise a concern under this policy, you will **not** be at risk of losing your job or suffering any form of reprisal as a result.
- Hopefully you will feel able to speak to your Line Manager in the first instance, but if you do not feel comfortable doing this or you have previously reported the issue to your Line Manager and no action was taken, you can raise the matter with any Senior Manager, or contact the **Freedom To Speak Up Guardians**.
- The Guardians will keep your identity confidential, if that is what you want, unless required to disclose it by law (for example, by the police).
- Concerns raised with the Guardians will be investigated by a suitably trained, independent person.
- You will be given feedback on the results of the investigation.
- If the investigation finds areas for improvement, the Trust will check to see that the recommendations are implemented and that lessons have been learned.

Flow Chart Illustrating the Procedure Detailed Within the Policy



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1 Introduction

Speak up – we will listen

Speaking up about any concern staff have at work is really important. In fact, it's vital because it will help to keep improving services for all patients and the working environment for staff.

Staff may feel worried about raising a concern, and this is understood, but please don't be put off. In accordance with duty of candour, senior leaders and entire board are committed to an open and honest culture. What staff say will be looked into and staff will always have access to the required support.

All staff at one time or another may have concerns about what is happening at work.

This organisation is strongly committed to being transparent, just and open and actively promotes these values in this policy.

Staff may be worried about raising an issue and may think it best to keep it to themselves, perhaps feeling it is none of their business, or that it is only a suspicion. Staff may feel that raising the matter would be disloyal to colleagues, to managers or to the Trust. Staff may have already said something but nothing has happened and therefore unsure what to do next.

The guidance in this policy will help to ensure that staff have support to 'Speak Up' and that their concerns are listened to and acted upon.

2 Scope

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

3 Duties & Responsibilities

Chief Executive	The Chief Executive is ultimately accountable to the Board for the Trust's compliance with Statute and Regulation. The Chief Executive is responsible for monitoring this procedure and the concerns/issues that are raised as a result. If they result in an allegation of fraud the department of Finance should be informed.
Non-Executive and Executive Directors	In the event of a Non-Executive Director receiving concerns, they are responsible for the concerns/issues that are raised as a result. They must notify the Chief Executive as soon as possible.
Anyone to whom a concern has been reported	Is required to: <ul style="list-style-type: none">• ensure a timely investigation takes place into the concern and issues raised;• where appropriate, implement actions/recommendations identified;• provide a response to the person who received the concern i.e. Freedom to Speak Guardian• ensure that feedback on any progress or actions taken is fed back to the person raising the concern directly, or where they wish to remain anonymous feedback should be highlighted through the standard Trust communication channels• ensure that, where the person raising the concern is known (or suspected), there is no victimisation or less favourable treatment; and ensure any matter raised directly with them, which falls within the definition of a "protected disclosure" under the Public Interest Disclosure Act, is dealt with using this policy and that Trust Freedom to Speak

	<p>Up Guardians are notified to enable the case to be appropriately recorded and reported.</p> <ul style="list-style-type: none"> • where a concern is raised from an external source, the Trust Freedom to Speak Up Guardians must be informed so as to aid further monitoring.
All Employees	All staff are expected to raise any concern that they may have as soon as they are aware of the concern. If they do not feel able to do this themselves they should contact the Freedom To Speak Up Guardians.
Managers	Managers at all levels in the organisation should ensure that: All of their staff are aware of their right to raise a concern and not suffer detriment for having done so. Managers should document all concerns raised to them and support the member(s) of staff raising the concern, seeking support from The Freedom To Speak Up Guardians if required.

4 Raising Concerns

4.1 What concerns can I raise?

Staff are encouraged to Speak Up about anything that gives them cause for concern, with particular regards to possible danger, risk, malpractice or wrongdoing including issues affecting staff's physical and emotional well-being.

Just a few examples of this might include (but are by no means restricted to):

- Unsafe patient care
- Bullying or Harassment
- Unsafe working conditions
- Inadequate induction or training for staff
- Lack of, or poor, response to a reported patient safety incident
- Suspicions of fraud

Remember that healthcare professionals may have a professional duty to report a concern. If in doubt, please speak up.

Don't wait for proof! Staff are encourage to raise the matter while it is still a concern. It doesn't matter if staff turn out to be mistaken.

To understand more about Speaking Up and the role of the Freedom To Speak Up Guardians, please watch the NHS England video "Making Speaking Up Business As Usual" available on YouTube.

4.2 Feeling safe to speak up

If staff raise a concern under this policy they will not be at risk of losing their job or suffering any form of reprisal as a result. Harassment or victimisation of anyone raising a concern will not be tolerated, nor will any attempt to bully staff into not raising a concern. Any such behaviour is a breach of Trust values and if upheld, following investigation, could result in disciplinary action.

It does not matter if staff are mistaken or if there is an innocent explanation for concerns.

4.3 Confidentiality

Staff will hopefully feel comfortable speaking up about any concerns openly, but it is also appreciated that staff may want to raise concerns confidentially. This means that while staff are willing for their identity to be known to the person the concern is reported to, staff do not want anyone else to know their identity. Therefore, the identity of staff will be kept confidential, if that is what is required by the staff member, unless required to disclose it by law (for example, by the police).

Staff can choose to raise concerns anonymously, without giving their name, but that may make it more difficult to investigate thoroughly and give feedback on progression and the outcome.

4.4 Freedom to Speak Up Guardians

Freedom to Speak Up Guardians work independently alongside the Trust's leadership teams to encourage staff to speak up and support those who have concerns.

The Guardians can be contacted at any point, whether staff have yet to raise the concern and may be unsure as to what to do, or whether concerns raised remain unresolved and further guidance and support is required.

Freedom to Speak Up Guardians are a point of contact for all staff to raise concerns and act on them by:

- Escalation to an appropriate person at an appropriate level (including direct access to the Chief Executive if necessary)
- Recording and monitoring of concerns raised and the response to a concern, providing timely feedback where possible.
- Monitoring and reporting any trends and themes arising from the concerns raised. .

If at any point staff wish to discuss a concern in confidence with the Freedom To Speak Up Guardians staff can visit, phone or write in confidence to the Freedom To Speak Up Guardians.

Contact Details for The Freedom To Speak Up Guardians

Email: wih-tr.RaisingConcerns@nhs.net

Direct Line: 0151 604 7766

Internal Extension: 7396

Mobile No: 07557 565016

Bleep: Contact Switchboard

Report Form: See Appendix

4.5 Who should staff speak to?

Hopefully staff would feel able to speak to their Line Manager in the first instance.

If staff feel that this is not appropriate, they are not comfortable in doing this or they have previously reported the issue to their Line Manager and no action has been taken, staff can raise the matter with any Senior Manager with whom they feel able to discuss the issue or they may contact the Freedom To Speak Up Guardians.

Other people staff may wish to speak to include:-

- Tutors
- Practice Education Facilitators
- Human Resources
- Trade Union
- Occupational Health

Whichever route chosen, the most important thing to remember is:-

Speak Up and Raise Your Concern.

4.6 What if a concern remains unresolved?

If staff have spoken up and raised their concern as described in Section 4.5 and despite investigation and / or feedback, concerns still remain or staff feel that the matter is so serious that it cannot be discussed with any of the above, the concern should then be escalated to a Director or the Freedom To Speak Up Guardians – please contact:-

- The Director of Workforce
- The Medical Director
- The Director of Nursing & Midwifery
- A Non-Executive Director
- Freedom To Speak Up Guardians

Contact details can be found on the intranet or via the Trust's switchboard or reported via wih-tr.RaisingConcerns@nhs.net

4.7 What happens once a concern is raised?

Staff will be treated with respect at all times and will be thanked for speaking up and raising a concern. The Trust is committed to listening to its staff, learning lessons, improving patient care and staff's working environment.

On receipt, the concern will be recorded and an acknowledgement will be received within three working days. The date the concern was received will be recorded, whether confidentiality has been requested, a summary of the concerns and dates when updates or feedback has been given.

Staff concerns will be discussed to ensure it is understood exactly what the staff member is worried about. Staff will be told how long any investigations are expected to take and when to expect feedback. Staff will be kept up to date with any progress and wherever possible, the full findings / investigation report will be shared with the staff member reporting the concern (while respecting the confidentiality of others).

4.7.1 Investigation

Where it has not been possible to resolve the matter quickly (usually within a few days) with the staff members line manager, a proportionate investigation will be conducted – using someone suitably independent (usually from a different part of the organisation) and properly trained – and a conclusion will be reached within a reasonable timescale (which staff will be notified of). Wherever possible a single investigation will be carried out (so, for example, where a concern is raised about a patient safety incident, a single investigation that looks at the concern and the wider circumstances of the incident will be conducted). The investigation will be objective and evidence-based, and will produce a response that

focuses on identifying and rectifying any issues, and learning lessons to prevent problems recurring.

If it is decided that the concern would be better looked at under another process; for example, the Trust process for dealing with bullying and harassment, this will be discussed with the reporter.

4.7.2 How will the Trust learn from staff concerns?

The focus of any discussion/investigation will be on improvement. Where it identifies improvements that can be made, they will be tracked to ensure necessary changes are made, and are working effectively. Lessons will be shared with teams across the organisation, or more widely, as appropriate.

4.8 Board Oversight

The board will be given high level information about all concerns raised by staff through this policy and what is being done to address any problems. Similar high level information will also be included in the annual report. The board supports staff raising concerns and wants staff to feel free to speak up.

4.9 Raising concerns with outside bodies

If for any reason staff do not feel comfortable raising concerns internally, they can raise concerns outside of the organisation with:

The Care Quality Commission for quality and safety concerns

Health Education England for education and training in the NHS

NHS Protect for concerns about fraud and corruption

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
- the national tariff

NHS England for concerns about:

- primary medical services (general practice)
- primary dental services
- primary ophthalmic services
- local pharmaceutical services

5 References

National Guardian's Office (2018) - *Guidance for Freedom to Speak Up Guardians: Recording Cases and Reporting Data*, published online at:

https://www.cqc.org.uk/sites/default/files/20180719%20Guidance%20on%20Recording_0.pdf

National Guardian's Office (2018) - *Guardian Education and Training Guide*, published online at:

https://www.cqc.org.uk/sites/default/files/20180419_ngo_education_training_guide.pdf

NHS Improvement and National Guardian (2018) - *Guidance for boards on Freedom to Speak Up in NHS trusts and NHS foundation trusts*, published online at:

https://www.cqc.org.uk/sites/default/files/20180502-FTSU_guidance_May2018.pdf

Appendix A – 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 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, 1st Floor, 'D' Block, Arrowe Park Hospital

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

Appendix B – Guidance for anyone to whom a concern has been submitted

If someone wishes to report to you, a concern within the workplace:

In all situations you should:

- 1) Thank the person for telling you about the concern.
- 2) Take the person's concern seriously.
- 3) Recognise that raising a concern can be a difficult experience for certain people and offer them appropriate support.
- 4) Inform the person how you will progress their concern and discuss reasonable timeframes for feedback.
- 5) Respect the confidentiality of the individual if they have requested this.
- 6) Determine whether there are serious grounds for concern and investigate as soon as possible and within the given timeframe of one month wherever possible.
- 7) Are there any safeguarding issues? Inform the Safeguarding Team
- 8) If the concern is from an external source, Freedom to Speak Up Guardians must be notified.
- 9) Consider who should handle the investigation and appoint an Investigator; if the concern is very serious or wide reaching ensure an appropriate level of seniority for the investigating officer. Know when to ask for help or advice from your own management structure.
- 10) Take prompt action to resolve the concern or refer it on to the appropriate person for action.
- 11) Keep the person informed of the progress if there are delays in the investigative stage.
- 12) Monitor and review the situation.
- 13) Ensure appropriate feedback is given to the person raising the concern, with due care not to infringe the rights or duties owed to other parties.
- 14) Ensure person reporting concerns are not penalised in any way.
- 15) Consider reporting to the Trust Board and/or an appropriate regulator the outcome of any genuine concern where malpractice or a serious safety risk was identified and addressed.

Equality Analysis

Title	Freedom to Speak Up Policy		
Agenda Item/Policy Reference	Policy 174		
Lead Assessor	Joe Roberts – Interim Project Manager, Health and Wellbeing		
Date Completed	7 February 2019		
What groups have you consulted with? Include details of involvement in the EA process	Staff in area concerned	<input type="checkbox"/>	Staff side colleagues
	Service users	<input type="checkbox"/>	HR
	Other	<input type="checkbox"/>	Other
	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.		
What is being assessed? 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.			
Who will be affected (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.			

Section 1 – Initial analysis

What is the impact on the equality groups below?		
Positive:	Negative:	Neutral:
<ul style="list-style-type: none"> • Advance equality of opportunity • Foster good relations between different groups • Address explicit needs of equality target groups 	<ul style="list-style-type: none"> • Unlawful discrimination, harassment and victimisation • Failure to address explicit needs of equality target groups 	<ul style="list-style-type: none"> • It is quite acceptable for the assessment to come out as Neutral impact • Be sure you can justify this decision with clear reasons and evidence if you are challenged
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)
Disability (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.
Age	Positive	
Race (all ethnic groups)	Positive	
Religion or belief	Positive	
Sexual Orientation	Positive	
Pregnancy & Maternity	Positive	
Gender	Positive	
Gender Re-assignment	Positive	
Human Rights	Positive	
Other e.g. Carers	Positive	

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	Joe Roberts	7 th February 2019	This document is embedded within the Policy template
Policy Author Checklist	Joe Roberts	7 th February 2019	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	19 th February – 5 th March 2019		

Date notice posted in the News Bulletin.	March 2019	Date notice posted on the intranet	March 2019
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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	Full review of policy in line with launch of National Policy and processes revised following annual

			<p>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&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>

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)
Director of Workforce	Workforce Steering Group	Annually