

Freedom To Speak Up Policy

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EP3 1	March 2011	Corp	Update following LCFS recommendations
V7	June 2013	Corp	New section 10 – confidentiality
V7	June 2015	Corp	Appendix 2 Telephone Numbers updated
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V10.1	Feb 2018	Corp	Update key contacts and support
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V10.4	Oct 2019	F Dawson	Extended review date
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Freedom To Speak Up / Raising Concerns	Feb 2024

Distribution Control

Printed copies of this document should be considered out of date. The most up to date version is available from the Trust Intranet.

Consultation

The following colleagues were consulted during the development of this document: leaders within Human Resources, Organisational Development, Practice Development & Education, Union representatives, staff networks, staff council, Post Graduate Medical Education, temporary staffing team, risk and patient safety team.

Monitoring and Review of Procedural Document

The document owner is responsible for monitoring and reviewing the effectiveness of this Procedural Document. This review is continuous however as a minimum will be achieved at the point this procedural document requires a review e.g. changes in legislation, findings from incidents or document expiry.

Relationship of this document to other procedural documents

This document is a policy applicable to the NNUH Trust.

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Freedom to Speak Up Policy

1. Introduction

1.1. Rationale

All NHS organisations and others providing NHS healthcare services in primary and secondary care in England are required to have a Speak Up Policy in place to normalise raising concerns. It is for the benefit of our patients and colleagues working or studying with the Trust.

The Trust supports the use of the [NHS Just Culture Guide](#). This process enables managers to treat staff involved in patient safety incidents in a fair, consistent, and constructive way.

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.

We ask all our colleagues to complete essential training online. [Home - ESR Hub - NHS Electronic Staff Record](#)

There are three modules. The modules can be found by searching for the titles below once you have logged into your ESR account.

“Speak Up” training is for all staff.

“Listen Up” is an additional module for anyone in a manager or leader role.

“Follow Up” is another additional module for all colleagues who are in senior positions for example Board members, service leads, senior matrons. Therefore, senior colleagues within the organisation will have completed all three modules.

1.2. Objective

The objectives of the Freedom to Speak Up Policy are to:

- Ensure we all follow national standards.
- Ensure staff know how to speak up and what the next steps will be.
- Ensure all matters raised are captured and considered appropriately.
- Ensure staff know where else they can seek advice and support.
- Ensure lessons are learned, across the organisation.

1.3. Scope

This policy is for all colleagues which includes agency, locum and temporary staffing, students, volunteers, and contractors. 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”. [NNUH People Promise - The Beat](#)

We want to hear about any concerns you have, whichever part of the Trust you work in. Speaking up is integral to the safety of patients and colleagues and we continually look to remove any barriers that can prevent you from feeling safe to speak up. We want you to be reassured that regardless of your role, background, experience or any protected characteristics, your voice will be listened to and is welcomed.

This document can be made available in different formats to ensure a consistent and compliant approach under the Equality Act 2010. For further information, please

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contact the Head of Human Resources Operations and Policy Development via hrenquiries@nnuh.nhs.uk.

1.4. Glossary

The following terms and abbreviations have been used within this document:

Term	Definition
FTSU	Freedom To Speak Up
FTSUG	Freedom To Speak Up Guardian
ESR	Electronic Staff Record
LGBT+	Lesbian, Gay, Bisexual, Transgender +
NED	Non-Executive Director
HR	Human Resources
OWL	Organisation Wide Learning

2. Responsibilities

Non-Executive Director (NED) for speak up. This role is a senior, independent lead role. The NED is predominantly a support for the Freedom To Speak Up Guardians, with abilities to question and ensure that investigations are conducted with rigor and to help escalate issues, where needed.

Executive Director for Speak Up This role has accountability for oversight and decisions around fair Guardian recruitment, capacity and evaluating speak up arrangements.

Lead FTSUG – Lead of service and network. This role ensures that matters are reported and escalated in accordance with National and local guidance. Identifying themes and opportunities for learning.

3. Policy Principles

3.1. 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. We all have a responsibility to raise matters, for example, if you witnessed or experienced discrimination, or any other inappropriate behaviour, or had concerns about an unsafe practice, raising these matters can ensure patients and colleagues are safe. Speaking up can also be when something doesn't feel right, perhaps when something isn't working as well as it could, or if procedures aren't being followed, raising these matters may help prevent harm or avoid costly errors from occurring.

Speaking up is about all these things. Speaking up, therefore, captures a range of matters, some of which may be more appropriate for other existing processes, for example workforce related matters may be considered under existing guidance which can be found under [Civility and respect - The Beat \(nnuh.nhs.uk\)](#) and [Diversity, Inclusion & Belonging - The Beat \(nnuh.nhs.uk\)](#).

For health and safety matters, the following pages may be helpful to consider [Policies and procedures - The Beat \(nnuh.nhs.uk\)](#).

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For patient safety and quality of care matters, you may find helpful information on the Quality and Safety pages on The Beat [Quality & safety - The Beat \(nnuh.nhs.uk\)](https://www.nnuh.nhs.uk/quality-safety) .

As a Trust, we will listen and work with you to identify the most appropriate way of responding to the issues you raise.

3.2. We want you to feel safe to speak up

Speaking up helps us identify opportunities for improvement that we might not otherwise know about. It is part of everyone's role. We will not tolerate anyone being prevented or deterred from speaking up or suffering detriment. If you feel you have been mistreated because you have spoken up, raise this with your line manager if you can or a speak up Guardian for advice [Freedom to Speak Up - The Beat \(nnuh.nhs.uk\)](https://www.nnuh.nhs.uk/freedom-to-speak-up).

3.3. Who can speak up?

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

3.4. Who can I speak up to?

Most speaking up happens through conversations with line managers or supervisors, where matters or questions can be raised and resolved quickly.

We consider this, our normal, everyday practice and encourage you to explore this option first if you can, it may well be the easiest and simplest way of resolving matters.

If this isn't possible or you need more help or guidance, other options to consider are listed below.

- Patient Safety team - shared inbox Q-S.Team@nnuh.nhs.uk
- HR Enquiries team HREnquiries@nnuh.nhs.uk 01603 289771 (x5771)
- Safeguarding team [Safeguarding Guidelines - The Beat \(nnuh.nhs.uk\)](https://www.nnuh.nhs.uk/safeguarding-guidelines)
- Substance misuse advisors [Substance Misuse - The Beat \(nnuh.nhs.uk\)](https://www.nnuh.nhs.uk/substance-misuse)
- Surgical and Emergency care email SCECGovernance@nnuh.nhs.uk
- Women & Children's division email WCGovernance@nnuh.nhs.uk
- Medicine - Clinical governance manager andree.glaysheer@nnuh.nhs.uk
- Medical Director Bernard.Brett@nnuh.nhs.uk
- Chief Nurse Nancy.Fontaine@nnuh.nhs.uk
- Responsible officer - Associate Medical Director for Professional Standards and Urgent Care Caroline Kavanagh caroline.kavanagh@nnuh.nhs.uk 01603 286203

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- Local counter fraud team Becci Goodchild, Local Counter Fraud Specialist, RSM UK Tax and Accounting Limited: Tel 07815 433361, email becci.goodchild@rsmuk.com [Fraud - The Beat \(nnuh.nhs.uk\)](#)
- Our FTSU Executive is Paul Jones Paul.Jones@nnuh.nhs.uk 01603 289080 (x5080) and our NED is Sandra Dinneen Sandra.Dinneen@nnuh.nhs.uk
- A FTSU Guardian can offer support and help you to speak up. They will ensure you are thanked and receive feedback in response to matters raised. Email ftsug@nnuh.nhs.uk Text – 07874 637410 for a call back. More details can be found on The Beat pages [Freedom to Speak Up - The Beat \(nnuh.nhs.uk\)](#)

Speaking up, outside of the Trust (externally)

We ask you give the Trust an opportunity to hear your concerns first whenever possible. If you don't feel able to do this, or if you feel things haven't been adequately resolved, you are able to speak up externally.

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.

Union members may find their representative can offer guidance and support.

Care Quality Commission (CQC) - For quality and safety concerns about the services it regulates contact the CQC. You can find out more about how the CQC handles concerns here [Report a concern if you are a member of staff - Care Quality Commission \(cqc.org.uk\)](#)

If you have concerns about: GP surgeries, NHS community based dental practices, pharmacies or optometrists, NHS procurement, patient choice and the national tariff or concerns relating to how NHS Trusts and foundation Trusts are being run, including ambulance Trusts and community and mental health Trusts, you can contact NHS England. [NHS England » Speaking up to NHS England](#)

[Appendix B](#) contains information about making a 'protected disclosure'.

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 CQC nor NHS England can get involved in individual employment matters, for example if an individual felt they were being bullied.

NHS Counter Fraud Authority for concerns about fraud and corruption, using their online reporting form or calling their freephone line 0800 028 4060.

3.5. 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

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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 may need and receive any feedback on the outcome.

We hope you feel able to speak to someone signposted above, however if not, you can raise your concern anonymously through our Work In Confidence platform. This platform has several staff from across the NNUH available to you for example Executives and the Lead FTSU Guardian. Choose someone you feel comfortable with, and they will support you.

Go to [Work in Confidence](#) and register with your nnuh.nhs.uk or nhs.net email address. If you prefer to register with your personal email address, add the NNUH registration code - 123NNUH. It takes less than a minute and you can't be identified by the Trust or the person you contact as your email is encrypted.

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

3.6. Advice and support

We all need support at some point in our lives and as a Trust, we offer a variety of different support facilities and options for you. You can find out about the local support available to you, including staff networks, Chaplaincy and Union support at [Support - The Beat \(nnuh.nhs.uk\)](#).

Visit the Health and wellbeing pages on the Beat for up to date information on what is available for staff [Wellbeing - The Beat \(nnuh.nhs.uk\)](#) or email Wellbeing.TrainingAndEvents@nnuh.nhs.uk

We understand that this may be a difficult time and would like to make you aware that the Trust has an [employee assistance programme](#) offering free, open access to a 24/7 helpline for structured counselling and support. All calls are confidential, and you can self-refer. Tel: 0330 380 0658.

The NNUH has active staff networks who meet regularly. More information on these groups and the Staff Council can be found on The Beat. [Diversity, Inclusion & Belonging - The Beat \(nnuh.nhs.uk\)](#), [Meet the Staff Council - The Beat \(nnuh.nhs.uk\)](#) These networks may be able to offer support and advice on a number of matters for staff.

FTSU Champions may be able to help signpost you to reach the support or advice you need. Many departments have local Champions in their teams, with interests in speaking up, wellbeing and diversity and inclusion, ask your colleagues who are your local Champions where you work.

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Professional Advocates work across the NNUH. [Professional Advocates - The Beat \(nnuh.nhs.uk\)](https://www.nnuh.nhs.uk) The professional advocates offer staff a supportive confidential conversation to reflect on any issues (restorative clinical supervision – RCS). Staff are supported to identify actions to address these issues, and may, on occasions come to recognise a need to speak up, either to a line manager, or using an alternative with which they are comfortable. The Professional Advocate may be available to support staff with speaking up and the process until resolution, which can be agreed during the RCS.

You can access a range of health and wellbeing support via NHS England: [NHS England » Support available for our NHS people](#) including 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.
- Citizens Advice Bureau offer guidance on a range of matters

3.7. 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 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 discussions 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 the Trust or from a different part of the Trust) 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.

Communicating with you

You will be thanked for speaking up, and we will discuss the issues with you to ensure we understand. If an investigation is required, 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 investigation report with you

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although some matters may be strictly confidential, in which case this may not be possible, we will explain as much as we are permitted to share.

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 Trust, or more widely, as appropriate.

We will do this by –

- giving feedback to any appropriate individuals
- providing anonymised reporting of themes to relevant forums in the Trust including Trust Board, Hospital Management Board, People and Culture Committee, Workforce Education Sub-Board, and the Staff Council.
- Socialising speak up points for wider learning through relevant teaching programs and using Organisational Wide Learning Summaries (OWL) to share the learning safely and constructively in line with the NNUH Trusts People Promise. [NNUH People Promise - The Beat](#)

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Review

We will seek feedback from you about your experience of speaking up, enquiring about any possible feeling of detriment and giving you an opportunity to shape improvements further. We will review the effectiveness of this policy and our local process annually, with the outcomes published and changes made available as appropriate.

Senior leaders' oversight

All reporting is anonymised so individuals cannot be identified. Our most senior leaders receive a report at least bi-annually providing a thematic overview of speaking up by our staff to our FTSU Guardians and Divisions receive quarterly reporting.

The National Guardians Office (NGO) receive quarterly reports from the FTSU service detailing key themes. This data is visible on the Model Health System [NHS England - Model Hospital](#)

4. Training & Competencies

FTSU Guardians complete annual refresher training. All staff and colleagues are asked to complete their essential training online as described in the Introduction to this policy (See page 4 under the Rationale 1.1).

5. Monitoring Compliance / Audit of the process/policy principles/service to be delivered

Compliance with the process will be monitored through the following:

Key elements	Process for Monitoring	By Whom (Individual / group /committee)	Responsible Governance Committee /dept	Frequency of monitoring
Annual Review	Via the Freedom to Speak Up Team	Chief People Officer	Pay and Conditions of Service Committee	Annual
NHS Staff Survey	Via the Freedom to Speak Up Team	Chief People Officer	Pay and Conditions of Service Committee	Annual
Review of the policy every three years (or sooner if required) to ensure compliance with legislation, good practice and the terms and conditions of service.	Via the Freedom to Speak Up Team	Chief People Officer	Pay and Conditions of Service Committee	Three years
To ensure the document remains accurate and responsive, name updates or/and	Via the Freedom to Speak Up Team	Chief People Officer	WESB	Quarterly or as required.

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<p>contact detail updates (including direct links to information) can be approved at WESB.</p> <p>Any other changes will need Trust Board ratification, for example addition of a role or removal of a signposted role and any changes to content or process.</p>				
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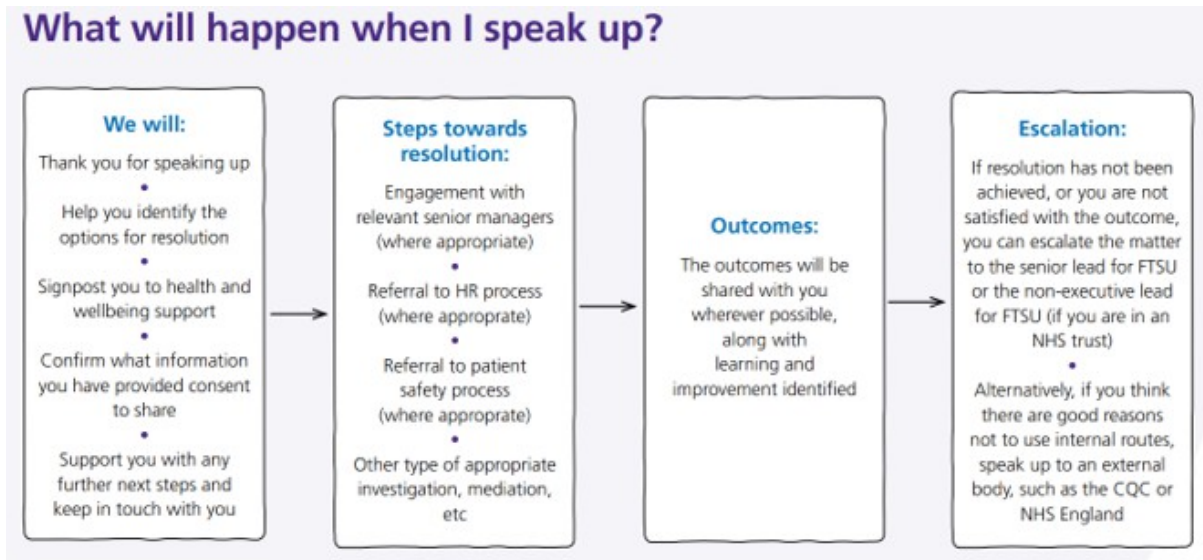
The audit results are to be discussed at Workforce Education Sub-Board (WESB) to review the results and recommendations for further action. Then sent to the People and Culture Committee who will ensure that the actions and recommendations are suitable and sufficient.

6. Appendices

- [Appendix A - What will happen when I speak up?](#)
- [Appendix B - Making a protected disclosure.](#)

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Appendix A – What will happen when I speak up?



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Appendix B – Making a protected disclosure

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 [Protect](#) or a legal representative.

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7. Equality Impact Assessment (EIA)

Type of function or policy	Existing
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Division	Corporate	Department	Freedom To Speak Up
Name of person completing form	Frances Dawson	Date	15 th January 2024

Equality Area	Potential Negative Impact	Impact Positive Impact	Which groups are affected	Full Impact Assessment Required YES/NO
Race				No
Pregnancy & Maternity				No
Disability				No
Religion and beliefs				No
Sex				No
Gender reassignment				No
Sexual Orientation				No
Age				No
Marriage & Civil Partnership				No
EDS2 – How does this change impact the Equality and Diversity Strategic plan (contact HR or see EDS2 plan)?				

<ul style="list-style-type: none"> • A full assessment will only be required if: The impact is potentially discriminatory under the general equality duty • Any groups of patients/staff/visitors or communities could be potentially disadvantaged by the policy or function/service • The policy or function/service is assessed to be of high significance
IF IN DOUBT A FULL IMPACT ASSESSMENT FORM IS REQUIRED
The review of the existing policy re-affirms the rights of all groups and clarifies the individual, managerial and organisational responsibilities in line with statutory and best practice guidance.