

Freedom to Speak Up Policy

Author(s) (name and post):	Alison Smith, Director of Corporate Affairs MLCSU Human Resources
Version No.:	Version 1.0
Approval Date:	9 th October 2023

Document Control Sheet

Title:	Freedom to Speak Up Policy		
Electronic File Name:	STW ICB Freedom to Speak Up Policy v1 Sep2023.doc		
ICB document ref:	Corporate Affairs		
Placement in Organisational Structure:	Corporate Affairs		
Consultation with stakeholders:	With FTSU Guardian		
Equality Impact Assessment:	Included		
Approval Level:	Audit Committee		
Dissemination Date:	31 st January 2024	Implementation Date:	1st February 2024
Method of Dissemination:	Staff newsletter, staff sharepoint and ICB website		

Document Amendment History

Version No.	Date	Brief Description
Version 1.0	September 2023	First version.

The formally approved version of this document is that held on the NHS Shropshire, Telford and Wrekin ICB website: <https://www.shropshiretelfordandwrekin.nhs.uk/>

Printed copies or those saved electronically must be checked to ensure they match the current online version.

CONTENTS

1	Speak Up – we will listen	3
2	What concerns can I raise?	4
3	Feel safe to raise your concern	5
4	Confidentiality	5
5	Who can raise concerns?	5
6	Who should I raise my concern with?	6
7	Advice and support	8
8	How should I raise concerns?	9
9	What will we do?	9
10	Resolution and Investigation	10
11	Communicating with you	10
12	How will we learn from your concern?	11
13	Monitoring and Review	11
14	Equality	11
15	Data Protection	11
16	Raising your concern with an outside body	12
17	Making a ‘protected disclosure’	13
18	Equality, Diversity and Inclusion Statement	13
	Appendix A - What will happen when I speak up?	16
	Appendix B - Process for Raising and Escalating a Concern	17
	Appendix C - Raising Concerns Record Form	18
	Appendix D - Making a public disclosure	21

1 Speak Up – we will listen

- 1.1 We welcome speaking up and we will listen. By speaking up at work you will be playing a vital role in helping us to keep improving our services for all patients and the working environment for our staff. This policy is based upon the national policy issued by NHS England and its aim is to ensure all matters raised are captured and considered appropriately and all staff can express their concerns confident in the knowledge that they will be listened to, followed up and changes made as a result.
- 1.2 This policy is for all our workers in the ICB. 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”.
- 1.3 We want to hear about any concerns you have, whichever part of the organisation you work in. We know some groups in our workforce feel they are seldom heard or are reluctant to speak up. You could be an agency worker, bank worker, locum, or student. We also know that workers with disabilities, or from a minority ethnic background or the LGBTQ+ community do not always feel able to speak up.
- 1.4 **This policy is for all workers, and we want to hear all our workers’ concerns.**
- 1.5 We ask all our workers to complete the [online training](#) on speaking up. The online module on listening up is specifically for managers to complete and the module on following up is for senior leaders to complete.
- 1.6 You can find out more about what Freedom to Speak Up (FTSU) is in these [videos](#).
- 1.7 You may feel worried about raising a concern, and we understand this - but please speak up. In accordance with our duty of candour, the organisation is committed to an open and honest culture. We will look, into what you say, and you will always have access to the support you need.

2 What concerns can I raise?

- 2.1 You can raise a concern about anything that gets in the way of patient care or affects your working life. That could be something which does not feel right to you for example; a way of working or a process that is not being followed, you feel you are discriminated against or you feel the behaviours of others is affecting your wellbeing or that of your colleagues or patients. Speaking up, is about all of these things.
- 2.2 Just a few examples of this might include (but are by no means restricted to):
- unsafe working conditions
 - inadequate induction or training for staff
 - suspicions of fraud (which can also be reported to the counter-fraud team)
 - a bullying culture (across a team or organisation rather than individual instances of bullying).
 - failure to comply, with legal obligations
 - damage to the environment
 - unsafe patient care
 - lack of, or poor, response to a reported patient safety incident
- 2.3 Speaking up therefore, captures a range of issues, some of which may be subsequently investigated through other existing processes:
- Fraud
 - HR processes
 - Safeguarding
 - Conflicts of interest

Whichever route your concern takes as an organisation we will listen and work with you to identify the most appropriate way of responding to the issue you raise.

- 2.4 Remember that all employees and workers, including clinical and non-clinical registered professionals within the NHS have a duty to report a concern under the circumstances set out in this policy. If in doubt, please raise it.
- 2.5 Don't wait for proof. We would like you to raise the matter while it is still a concern. It doesn't matter if you turn out to be mistaken, as long as you are genuinely troubled.

- 2.6 This policy should not be used to raise concerns of a personal nature for example complaints relating to a management decision or matters of individual conscience where there is no suggestion of wrongdoing, but an employee or worker is, for example, required to act in a way which conflicts with a deeply held belief. These matters should be dealt with using the relevant alternative procedure, for example, the Grievance Procedure.

3 Feel safe to raise your concern

- 3.1 If you raise a genuine concern under this policy, you will not be at risk of losing your job or suffering any form of reprisal as a result. We will not tolerate the harassment or victimisation of anyone raising a concern. Nor will we tolerate any attempt to bully you into not raising any such concern. Any such behaviour is a breach of our values as an organisation and, if upheld following investigation, could result in disciplinary action.
- 3.2 Provided you are acting honestly it does not matter if you are mistaken or if there is an innocent explanation for your concerns.

4 Confidentiality

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

5 Who can raise concerns?

- 5.1 Anyone who works (or has worked) in the ICB or for an independent organisation (non NHS organisation) commissioned by the ICB, that provides NHS services can raise concerns. This includes agency workers, temporary workers, students, volunteers, and trainees.

6 Who should I raise my concern with?

Speaking Up internally

6.1 Line Manager

In many circumstances the easiest way to get your concern resolved will be to raise it formally or informally with your line manager. We strive for a culture where that is normal, everyday practice and encourage you to explore this option – it may well be the simplest and easiest way of resolving matters.

6.2 Other senior or designated leads

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

- a member of the ICB Executive Team
 - a senior manager with responsibility for the subject matter you are speaking up about:
- | | |
|--|---|
| <ul style="list-style-type: none"> • Clinical Matters
Interim Chief Nursing Officer
Email | <p>Vanessa.Whatley
vanessa.whatley@nhs.net</p> |
| <ul style="list-style-type: none"> • Financial Matters
Chief Finance Officer
Email | <p>Claire Skidmore
claire.skidmore@nhs.net</p> |
| <ul style="list-style-type: none"> • HR or Staffing Matters
Business Partner
NHS Midlands and Lancashire
Commissioning Support Unit
Email: | <p>Lisa Kelly
lisa.kelly11@nhs.net</p> |
| <ul style="list-style-type: none"> • Medicines Management Matters
Chief Pharmaceutical Officer
Email | <p>Minesh Parbat
minesh.parbat@nhs.net</p> |
| <ul style="list-style-type: none"> • Fraud Bribery or Corruption Matters
Counter-Fraud Team
Associate Director in Counter Fraud/
Security Management
Telephone
Email | <p>Paul Westwood

07545 502400
pwestwood@nhs.net</p> |

Counter-Fraud Team
Associate Director in Counter Fraud/
Security Management
Telephone
Email

Craig Bevan-Davies

07785 445905
craig.bevan-davies@nhs.net

- **Breaches of Conflicts of Interest Policy**

Director of Corporate Affairs
Email

Alison Smith
alison.smith112@nhs.net

- **Information Governance**

Data Protection Officer
MLCSU Information Governance Team
Email
Telephone

Head of Information Governance MLCSU
mlcsu.dpo@nhs.net
01782 916875

- **A concern related to the Chief Executive Officer**

Freedom to Speak Up Non-Executive
Director
Email

Meredith Vivian
meredith.vivian@nhs.net

6.3 The Freedom to Speak Up Guardian

This is an important role identified in the Freedom to Speak Up review to act as an independent and impartial source of advice to staff at any stage of raising a concern, with access to anyone in the organisation or if necessary, outside the organisation. They can support you to speak up if you feel unable to do so by other routes. The guardian will ensure that people who speak up are thanked for doing so, that the issues they raise are responded to and that the person speaking up receives feedback on the actions taken.

The Freedom to Speak Up Guardians for the ICB are:

James Milner, Head of Pharmacy Integration and Workforce
Phone: 07721 114 886
Email: james.milner1@nhs.net

Brett Toro-Pearce, Deputy Director for Mental Health, Learning Disability and Autism, Children and Young People, and Lead for Individual Commissioning
Phone: 07971 141 159
Email: brett.toro-pearce@nhs.net

6.4 Senior Lead

Our Senior lead responsible for Freedom to Speak Up, Alison Smith Director of Corporate Affairs alison.smith112@nhs.net - provides support for our Freedom To Speak Up Guardian and is responsible for reviewing the effectiveness of our Freedom to Speak Up Policy.

6.5 Non Executive Director responsible for Freedom to Speak Up

Our Non-Executive Director responsible for Freedom to Speak Up Meredith Vivian Meredith.vivian@nhs.net - provides more independent support for the guardian; provide a fresh pair of eyes to ensure that investigations are conducted with rigor and help escalate issues where needed.

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

6.7 If for any reason you do not feel comfortable raising your concern internally, you may raise concerns with external bodies, listed in section 16.

7 Advice and support

7.1 Details of the local support available to you can be obtained by contacting MLCSU's People Services Team on mlcsu.people@nhs.net, or contacting the Freedom to Speak Up Guardian.

7.2 You can find out about the local support available to you at [either link to organisation intranet or reference other locations where this information can be found]. Your local staff networks [include link to local networks] can be a valuable source of support.

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

- [Support available for our NHS people.](#)
- [Looking after you: confidential coaching and support for the primary care workforce.](#)
- NHS England has a [Speak Up Support Scheme](#) that you can apply to for support. You can also contact the following organisations:
- [Speak Up Direct](#) provides free, independent, confidential advice on the speaking up process.
- The charity [Protect](#) provides confidential and legal advice on speaking up.
- The [Trades Union Congress](#) provides information on how to join a trade union.

- [The Law Society](#) may be able to point you to other sources of advice and support.
- [The Advisory, Conciliation and Arbitration Service](#) gives advice and assistance, including on early conciliation regarding employment disputes.

8 How should I raise my concern?

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

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

8.3 Confidentiality

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

You have a choice about how you speak up:

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

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

9 What will we do?

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

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

10 Resolution and investigation

- 10.1 We support our managers to listen to the issue you raise and take action to resolve it wherever possible. In most cases, it is important that this opportunity is fully explored, which may be facilitated conversations and/or mediation.
- 10.2 Where you have been unable to resolve the matter quickly (usually within a few days) with your line manager, we will carry out a proportionate investigation – using someone suitably independent (usually from a different part of the organisation) and properly trained – and we will reach a conclusion within a reasonable timescale (which we will notify you of). Wherever possible we will carry out a single investigation (so, for example, where a concern is raised about a safety incident, we will usually undertake a single investigation that looks at your concern and the wider circumstances of the incident). The investigation will be objective and evidence-based and will produce a report that focuses on identifying and rectifying any issues and learning lessons to prevent problems recurring.
- 10.3 We may decide that your concern would be better looked at under another process; for example, our process for dealing with bullying and harassment. If so, we will discuss that with you.
- 10.4 If your concern suggests a Serious Incident has occurred, an investigation will be carried out in accordance with the Serious Incident Framework.
- 10.5 Any employment issues (that affect only you and not others) identified during the investigation will be considered separately.

11 Communicating with you

- 11.1 We will treat you with respect at all times and, will thank you for raising your concerns. We will discuss your concerns with you to ensure we understand exactly what you are worried about. If we decide to investigate, we will tell you how long we expect the investigation to take and agree with you how we keep you up to date with its progress. Wherever possible, we will share the full investigation report with you (while respecting the confidentiality of

others and recognising that some matters may be strictly confidential, and as such it may be that we cannot even share the outcome with you).

12 How will we learn from your concern?

- 12.1 The focus of the investigation will be on improving the working environment for ICB staff and the service we commission for patients and the public. Where it identifies improvements that can be made, we will track them to ensure necessary changes are made and are working effectively. Lessons will be shared with teams across the organisation, or more widely, as appropriate.

13 Monitoring and review

- 13.1 This policy and procedure will be reviewed periodically by Human Resources in conjunction with operational managers and Trade Union representatives. Where review is necessary due to legislative change, this will happen immediately.
- 13.2 Implementation and operation of this policy will be monitored on an annual basis by the ICB Leadership Team and People Services.

14 Equality

- 14.1 In applying this policy, the organisation will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and provide for good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, sex, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation, in addition to offending background, trade union membership, or any other personal characteristic.

15 Data Protection

- 15.1 In applying this policy, the Organisation will have due regard for the Data Protection Act 2018 and the requirement to process personal data fairly and lawfully and in accordance with the data protection principles. Data Subject Rights and Freedoms will be respected, and measures will be in place to enable employees to exercise those rights. Appropriate technical and organisational measures will be designed and implemented to ensure an appropriate level of security is applied to the processing of personal information. Employees will have access to a Data Protection Officer for

advice in relation to the processing of their personal information and data protection issues.

16 Raising your concern with an outside body

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

[Care Quality Commission](#) (CQC) for quality and safety concerns about the services it regulates – you can find out more about how the CQC handles concerns [here](#).

[NHS England](#) for concerns about:

- GP surgeries
- dental practices
- optometrists
- pharmacies
- how NHS trusts and foundation trusts are being run (this includes ambulance trusts and community and mental health trusts)
- NHS procurement and patient choice
- the national tariff.

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

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

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

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

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

17 Making a 'protected disclosure'

17.1 There are very specific criteria that need to be met for an individual to be covered by whistleblowing law when they raise a concern (to be able to claim the protection that accompanies it). There is also a defined list of 'prescribed persons', similar to the list of outside bodies, who you can make a protected disclosure to.

17.2 To help you consider whether you might meet these criteria, please seek independent advice from:

www.speakup.direct, which is free, independent, and confidential advice service available to all staff and contracted workers within health and social care. While the helpline cannot investigate concerns, it can provide invaluable advice on whether your concern is indeed whistleblowing and talk you through the process to ensure it is followed correctly. The helpline is also able to advise on how you can escalate the concern with a prescribed body if needed.

Telephone: 08000 724 725.

Web: www.speakup.direct/contact-us/

Protect (formerly known as Public Concern at Work).

Protect is a charity that provides free, confidential legal advice to people who are concerned about wrongdoing at work and not sure whether, or how, to raise their concern.

Web: <https://protect-advice.org.uk/>

Email: <https://protect-advice.org.uk/contact-protect-advice-line/>

18. Equality, Diversity and Inclusion Statement

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

- Given due regard to the need to eliminate discrimination, harassment and victimisation, to advance equality of opportunity, and to foster good relations between people who share a relevant protected characteristic (as cited under the Equality Act 2010) and those who do not share it; and

- Given regard to the need to reduce inequalities between patients in access to, and outcomes from healthcare services and to ensure services are provided in an integrated way where this might reduce health inequalities.

Appendix A – 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 further next steps and keep in touch with you

Steps towards resolution:

- Engagement with relevant senior managers (where appropriate)
- Referral to HR process
- Referral to patient safety process
- Other type of appropriate investigation, mediation, etc

Outcomes:

The outcomes will be shared with you wherever possible, along with 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 senior lead for FTSU or the non-executive lead for FTSU

Alternatively, if you think there are good reasons not to use internal routes, speak up to an external body, such as the CQC or NHS England

Appendix B - Process for Raising and Escalating a Concern

Step One

If you have a concern about a risk, malpractice, or wrongdoing at work, we hope you will feel able to raise it first with your line manager. This may be done verbally or in writing.

Step Two

If you feel unable to raise the matter with your line manager for whatever reason, please raise the matter with the Freedom to Speak Up Guardian.

This person has been given special responsibility and training in dealing with whistleblowing concerns. They will:

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

If you want to raise the matter in confidence, please say so at the outset so that appropriate arrangements can be made.

Step Three

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

Step Four

You can raise concerns formally with external bodies.

Appendix C**Raising Concerns Record Form**

The organisation is committed to achieving the highest possible standards of service for the benefit of patients, employees, service users and visitors. Where standards are not as expected, we want to learn and welcome the opportunity to address issues as early as possible and make improvements swiftly.

The organisation is committed to ensuring that, in accordance with the Public Interest Disclosure Act 1998, individuals raising concerns will be protected from detrimental or unfavourable treatment and victimisation.

Stage 1 – To be completed by the manager receiving the concern

Date concern raised / disclosed	
Recipient of concern: <ul style="list-style-type: none"> • Name • Job Title • Email address • Contact telephone number 	
Details of how the concern was received: (e.g. by email, call, meeting, letter etc.)	
Does the person(s) raising the concern agree to reveal their identity?	Yes / No
If Yes, person's / persons' details <ul style="list-style-type: none"> • Name • Job Title • Organisation • Department / Team • Email address • Contact telephone number 	

If Yes, obtain signature	<i>Signed:</i>
Nature and type of concern (the wording of which should be agreed by both the individual raising the concern and the manager receiving the concern)	
Outcome of initial discussion (to include details of triage and if required referral to alternative more appropriate policy or senior member of staff)	
Details of any relevant litigation relevant to this concern (e.g. breach of Data Protection Act)	

Stage 2 – To be completed by the Investigating Officer

Investigating Officer's details: <ul style="list-style-type: none"> • Name • Job Title • Email address • Contact telephone number 	
Acknowledgement letter sent to the individual who raised the concern to include expected timescale for completion by the Investigating Officer	Yes / No
Details of agreed actions, including dates.	
<u>Findings</u> – what has been identified as the principal	

causes of the concern(s)?	
Is the concern(s) justified?	Yes / No
Suggestions for Improvements/Changes to Policy or Procedure, including the Freedom to Speak Up Policy and Procedure.	
Do you think improvements are justified?	Yes / No
If yes, how in your opinion may procedures /systems/ policies be reasonably amended?	
Are there changes that outside agencies/suppliers could make?	Yes / No
If Yes, what changes do you recommend/suggest?	
Results of investigation to person(s) raising concerns provided by letter	Date:
Outcome reported to FTSU Guardian	Date:
Any additional information	

Appendix D – 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.