

# **FREEDOM TO SPEAK UP POLICY FOR THE NHS**

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| Policy reference  |  |
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| Status  | Final  |
| Supersedes:   | V4   |
| Category<br>(Defines where the policy is grouped on the Intranet) | Workforce Human Resources, Organisational Development, Training & Equality   |
| Strategic objective   | To provide outstanding care for patients<br>To be in the top 20 per cent of NHS employers<br>To be a continually learning organisation |

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|----------------------------|--|
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| Executive Lead:            | Chief Nurse  |
| Approval Committee/Meeting | People Academy and Quality and Patient safety Academy                    |
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| Review date:               | February 2029  |

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|-----------------------------|---|
| Target audience             | All Bradford teaching hospital's staff  |
| Summary                     | Employees at Bradford teaching hospitals are encouraged and have a right and a duty to raise a concern, particularly those relating to the delivery of safe and effective patient care and services. The policy supports this process and explains the different ways that staff can raise a concern. |
| Changes since last revision | Title – removal of term whistleblowing<br>Introduction reworded<br>Scope of the policy reworded in line with NHS People plan<br>Flow chart updated – ‘What will happen when I speak up’<br>New sections 3,4,5,6,7,8,9.  |
| Monitoring arrangements     | The policy will be monitored through the FTSU group and trend analysis of concerns raised and by which staff groups will be shared through the People academy and Quality and patient safety Academy.   |
| Training requirements       | Raising awareness session<br>Regular FTSU stands on the Concourse<br>FTSU awareness sessions at staff inductions<br>October is the Annual national speak up month   |
| Equality Impact Assessment  | This policy was assessed in December 2016 to determine whether there is a possible impact on any of the protected characteristics as defined in the Equality Act 2010. (See section 12)   |

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## 1. Introduction

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

## 2. Purpose and scope of the policy

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

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

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

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

We ask all our workers to complete the [online training](#) on speaking up. There are three specific modules on the eLearning platform (ESR).

The first module – Speak Up – is for all staff to complete, the second module – Listen Up – is specifically for managers to complete and the 3<sup>rd</sup> module – Follow Up - is for senior leaders to complete.

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

## 3. What can I speak up about?

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

Speaking up is about all of these things.

Speaking up, therefore, captures a range of issues, some of which may be appropriate for other existing processes (e.g., HR policies, Health and safety policy, counter fraud or patient safety/quality) That’s fine, as an organisation, we will listen and work with you to identify the most appropriate way of responding to the issue you raise.

### **We want you to feel safe to speak up**

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

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

#### 4. Who can speak up?

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

#### 5. Who can I speak up to?

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

- Senior manager, partner or director with responsibility for the subject matter you are speaking up about.
- The Quality and patient safety team (where concerns relate to patient safety or wider quality issues) Judith Connor, Associate Director of Quality via email [judith.connor@bthft.nhs.uk](mailto:judith.connor@bthft.nhs.uk) or Leah Richardson, Patient safety specialist via email [leah.richardson@bthft.nhs.uk](mailto:leah.richardson@bthft.nhs.uk)
- Local counter fraud team (concerns relating to fraud) [r.maw@nhs.net](mailto:r.maw@nhs.net)
- Our Freedom to Speak Up Guardian, Sue Franklin, [susan.franklin@bthft.nhs.uk](mailto:susan.franklin@bthft.nhs.uk) , who can support you to speak up if you feel unable to do so by other routes. The guardian will ensure that people who speak up are thanked for doing so, that the issues they raise are responded to, and that the person speaking up receives feedback on the actions taken. You can find out more about the guardian role [here](#).
- Our HR team - where concerns relate to specific HR policies, via switchboard
- Our senior lead responsible for Freedom to Speak Up is Karen Dawber, Chief Nurse [Karen.dawber@bthft.nhs.uk](mailto:Karen.dawber@bthft.nhs.uk) - she provides senior support for our speaking-up guardian and are responsible for reviewing the effectiveness of our FTSU arrangements.
- Our non-executive director responsible for Freedom to Speak Up is Karen Walker [Karen.Walker2@bthft.nhs.uk](mailto:Karen.Walker2@bthft.nhs.uk) – this role provides more independent support for the guardian; provides a fresh pair of eyes to ensure that investigations are conducted with rigor; and help escalate issues, where needed.

#### Speaking up externally

If you do not want to speak up to someone within our organisation or the concern relates to wider NHS services outside of BTHFT, you can speak up externally to:

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

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

NHS England may decide to investigate your concern themselves, ask your employer (BTHFT) 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.

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

If you would like to speak up externally about the conduct of a registered 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.

## 6. How should I speak Up

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

### Confidentiality

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

You have a choice about how you speak up:

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

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

## 7. Advice and support

You can find out about the health and wellbeing support available to you via BTHFT Trust's intranet. Your local staff 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.

A range of support is also available via NHS England at [Support available for our NHS people.](#)

## 8. What will we do?

The matter you are speaking up about may be best considered under a specific existing policy or 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.

On receipt, your concern will be recorded, and you will normally receive an acknowledgement within 3 working days. The central record will record the date the concern was received, whether you have requested confidentiality, a summary of the concerns and the dates we have given you updates or feedback.

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

## Resolution and investigation

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

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

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

## **Communicating with you**

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

## **9. How we learn from your speaking up**

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

Additionally, the Freedom to speak up steering group will review lessons learnt to provide assurance that learning is appropriately shared to ensure a positive culture is embedded.

### **Review**

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

### **Senior leaders' oversight**

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

## **10. Definitions – these are explained throughout the document**

## **11. Roles and Responsibilities**

**Chief Executive** – The Chief Executive has overall responsibility for ensuring compliance with this policy.

**FTSU Guardian** – The FTSU Guardian is the person appointed by the Board who reports directly to the Chief Executive; if you do not feel able to raise a concern via your line manager you can contact them directly or via [Speakup.guardian@bthft.nhs.uk](mailto:Speakup.guardian@bthft.nhs.uk)

The nominated FTSU Guardian is Sue Franklin, Associate Chief Nurse.

The FTSU Executive lead is Karen Dawber, Chief Nurse.

The Non-Executive Director is Karen Walker.



The FTSU Guardian role was identified in the FTSU 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, including the Chief Executive, or if necessary, outside the organisation.

**Director of Human Resources** – will be responsible for dealing with any concerns raised directly with her and documenting any concerns in real time as part of the workforce report to the Quality Committee.

**Directors, Speciality leads and Assistant Directors of Nursing** (or equivalent) – will be responsible for the implementation of the policy within their areas of responsibility and will be required to deal with any actions that result from concerns raised through this policy as quickly as possible.

**Clinical Service unit (CSU) general managers and Matrons** – should ensure that all employees within their areas are aware of the policy and will be required to deal with any actions that result from concerns raised through this policy as promptly as possible.

**All other managers** – should resolve any issues that are raised by staff.

**All staff** – are entitled to raise concerns without fear of suffering detriment, victimisation or retribution in accordance with the policy provided they do so honestly and in good faith. Employees who are members of professional organisations e.g., registered NMC, GMC or HCPC also have professional responsibilities if they become aware of a colleague whose performance or behaviour is putting the interests of others or the organisation at risk. Staff have a professional duty to report any concerns about the workplace which puts the safety of patients or the public at risk. Staff should ensure that they read their relevant professional guidance alongside this policy.

**Staff Side Representatives** – should ensure they are available to provide confidential support and advice to their members and may escalate concerns with the employee's agreement to the Chief Executive or the Director of Human Resources.

## 12. Impact assessments for this policy

### Equality Impact Assessment

This policy was assessed in December 2016 to determine whether there is a possible impact on any of the protected characteristics as defined in the Equality Act 2010.

It has potential impact on:

- Disability – it is recognised that some staff may require support, have specific needs or be unable to understand or read the text of this policy. In such instances it will be explained on a one-to-one basis by the department responsible for this policy or the manager of the member of staff. Any support will be provided in confidence.
- Privacy implications – No issues have been identified in relation to this policy
- Financial implications – No issues have been identified in relation to this policy

13. **Duty of Candour Policy which includes the Being Open Framework** – This duty requires us to be open and honest with patients, or their representatives, when unintended or unexpected harm has occurred during their treatment. Should this become evident through a FTSU concern, we will ensure that we fulfil this duty.

14. **Patient and Public Involvement** – Not applicable as this policy is for staff

## 15. Training requirements

- All new starters receive a briefing on FTSU at induction
- FTSU Guardian and Ambassadors have received training using the National Guardian's office (NGO) guidance and will keep updated of new requirements via the regional meetings and the National Guardian's office.

## 16. Monitoring arrangements

| Area for monitoring                   | How                           | Who by                       | Reported to  | Frequency |
|---------------------------------------|-------------------------------|------------------------------|--|-----------|
| Number of concerns raised via FTSU    | Completion of data collection | FTSU Guardian/<br>Ambassador | People Academy<br>Quality and patient<br>safety academy<br>NGO | Quarterly |
| Characteristics of person speaking up | Completion of data collection | FTSU Guardian/<br>Ambassador | People Academy<br>Quality and patient<br>safety academy<br>NGO | Quarterly |
| Staff group who raised the concern    | Completion of data collection | FTSU Guardian/<br>Ambassador | People Academy<br>Quality and patient<br>safety academy<br>NGO | Quarterly |
| Concern category                      | Completion of data collection | FTSU Guardian/<br>Ambassador | People Academy<br>Quality and patient<br>safety academy<br>NGO | Quarterly |

**17. Review arrangements** – This policy will be reviewed every 3 years or sooner if required

## 18. Associated documentation

- Public Interest Disclosure Act 1998
- Employment Rights Act 1996 (Part 4A S.43K)
- Medical and Dental staff this Policy should be read in conjunction with paragraph 9 of Schedule 12, Terms and Conditions – Consultants 2003
- Equality Act 2010

## 19. Links to other policies

- Foundation Trust's Policy on Fraud and Corruption
- Foundation Trust's Policy on Standards of Business Conduct
- Foundation Trust's Risk Incident Reporting and Investigation Policy
- Foundation Trust's Policy on the Disciplinary Procedure, Disciplinary, Capability, Ill Health and Appeals Policy and Procedure for Doctors and Dentists
- Grievance Policy and Procedure
- Dignity at Work Policy
- Health and Safety Policy
- Information Governance Policy
- PREVENT Implementation Strategy
- Bullying and harassment policy

## 20. Appendix A:

### What will happen when I speak up?



