

FREEDOM TO SPEAK UP POLICY

UNIQUE POLICY REFERENCE	COR 026
APPROVAL DATE	January 2019
REVIEW DATE	January 2022
POLICY AUTHOR	Freedom to Speak Up Guardian
ACCOUNTABLE DIRECTOR	Director of Nursing and Quality
APPROVED BY	Director of Nursing and Quality

TRUST GOVERNANCE STRUCTURE

POLICY LINKED TO *People and Quality Committee*

FREEDOM TO SPEAK UP POLICY

POLICY VERSION CONTROL

This record shall detail all previous versions of the Policy, including versions that have been known by other names and the date of when a new version was created.

Previous Versions (Title)	Date Reviewed	Why was a new version created?
Freedom to Speak Up Policy	Jul 2016	New policy – replaced whistleblowing policy
Freedom to Speak Up Policy	Jan 2019	Full revision and update
Freedom to Speak Up Policy	Mar 2019	Minor Amendment

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1. INTRODUCTION

- 1.1 Speaking up about any concern you have at work is important. In fact, it is vital because it will help the Trust to keep improving our services for all patients and the working environment for our staff.
- 1.2 You may feel worried about raising a concern and we understand this. But please do not let this put you off. In accordance with our professional and NHS obligations, including our duty of candour to patients, our senior leaders and the Trust Board are 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.
- 1.3 This policy is aimed to promote and facilitate raising concerns but also sets out the protection that the Trust and the law provides to those that do so.
- 1.4 This policy is based on the national standard policy developed by NHS Improvement which has helped ensure consistency across all parts of the NHS.

2. FREEDOM TO SPEAK UP VISION

- 2.1 The Trust is committed to creating an open and honest culture, which is just and dedicated to learning and continuous improvement. We believe that our staff feeling able and safe to Speak Up when things are wrong is essential to achieving this. The Trust Board fully commits itself to supporting staff Speak Up, listening to staff when they Speak Up, and to taking action when they do to learn and improve. The Trust is also committed to ensuring that no person suffers detriment for Speaking Up.
- 2.2 Our Freedom to Speak Up Vision is based on five principles:
 - All staff feel confident to Speak Up and know how to do so;
 - All staff feel safe to Speak Up;
 - All concerns are fully considered and reviewed;
 - Speaking Up makes a difference – we listen, learn and improve;
 - Concerns are well received, welcomed and thanked at all levels.
- 2.3 To deliver our Freedom to Speak Up Vision, the Executive Lead and Freedom to Speak Up Guardian will maintain a single, rolling improvement plan setting out the actions planned and underway. The People and Quality Committee and Non-Executive Lead will review, scrutinise and support delivery of this plan.

3. WHAT IS COVERED BY FREEDOM TO SPEAK UP

- 3.1 You can raise a concern about **risk, malpractice or wrongdoing** you think is harming the service we deliver. This can be called raising concerns, whistleblowing or Speaking Up. Examples of this might include (but are by no means restricted to):
 - unsafe patient care;
 - unsafe working conditions;

- inadequate induction or training for staff;
 - lack of, or poor, response to a safety incident;
 - suspicions of fraud (which can also be reported to our local counter-fraud team);
 - a bullying culture (across a team or service rather than individual instances of bullying).
- 3.2 Remember that if you are a healthcare professional you may have a professional duty to report a concern. If in doubt, please raise it.
- 3.3 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.
- 3.4 This policy is not for people with concerns about their employment that affect only them – that type of concern is better suited to our grievance policy, or for matters of individual bullying the dignity at work policy.
- 3.5 Anyone who works directly or indirectly for the Trust can raise concerns under this policy. This includes bank workers, agency workers, students, volunteers and governors.

4. DUTIES

- 4.1 The **Board of Directors** is responsible for:
- Ensuring that systems and processes are in place for staff to Speak Up if they have concerns, and that they are supported to do so and are protected from retribution for Speaking Up.
- 4.2 The **Chief Executive and Chair** are responsible for:
- Appointing the Freedom to Speak Up Guardian;
 - Ensuring that Speak Up arrangements meet the needs of the workers;
 - Ensuring the annual report contains information about Speaking Up;
 - Ensuring the Trust is engaged with both the Regional Freedom to Speak Up Guardian network and the National Freedom to Speak Up Guardian's Office;
- 4.2 The **Executive Lead** (the Director of Nursing and Quality) is responsible for:
- Overseeing the creation of the Speak Up vision, policy and process;
 - Ensuring the Freedom to Speak Up Guardian role has been implemented, using a fair recruitment process in accordance with the example job description and other guidance published by the National Freedom to Speak Up Guardian;
 - Ensuring that the Freedom to Speak Up Guardian has a suitable amount of ring fenced time and other resources and there is cover for planned and unplanned absence;
 - Ensuring that Speak Up cases are effectively managed and responded to;
 - Conducting an annual review of the Speak Up vision, policy and process;
 - Operationalising the learning derived from Speak Up issues;

- Ensuring allegations of detriment are promptly and fairly investigated and acted on;
- Providing the Board with a variety of assurance about the effectiveness of the Trust Speak Up vision, policy and process.

4.2 The **Non-Executive Lead** is responsible for:

- Holding the Chief Executive, Executive Lead and the Trust Board to account for implementing the Speak Up vision, policy and process;
- Robustly challenging the Trust Board to reflect on whether it could do more to create a culture responsive to feedback and focused on learning and continual improvement;
- Overseeing speaking up concerns regarding board members.

4.2 The **Director of Workforce and OD** is responsible for:

- Ensuring that the Freedom to Speak Up Guardian has the support of HR staff and appropriate access to information to enable them to triangulate intelligence from speaking up issues with other information that may be used as measures of the Speak Up culture or indicators of barriers to Speaking Up;
- Ensuring that HR culture and practice encourage and support Speaking Up and that learning in relation to workers' experience is disseminated across the Trust;
- Ensuring that workers have the right knowledge, skills and capability to Speak Up and that managers listen well and respond to issues raised effectively.

4.2 The **Director of Nursing and Quality and Medical Director** are responsible for:

- Ensuring that the Freedom to Speak Up Guardian has appropriate support and advice on safety and safeguarding issues;
- Ensuring that effective and, as appropriate, immediate action is taken when potential safety issues are highlighted by speaking up;
- Ensuring learning is operationalised within the teams and departments that they oversee.

4.2 The **Freedom to Speak Up Guardian** (the Associate Director of Safety) works to protect safety and the quality of care, improve the experience of workers and promote learning and improvement by ensuring that:

- Workers are supported in Speaking Up;
- Barriers to Speaking Up are addressed;
- A positive culture of Speaking Up is fostered;
- Issues raised are used as opportunities for learning and improvement.

The Guardian operates independently, impartially and objectively, whilst working in partnership with individuals and groups throughout their organisation, including their senior leadership team.

They are responsible to the Executive Lead, and accountable to the Non-Executive Lead, Chief Executive, Chair and National Freedom to Speak Up Guardian.

- 4.2 The **Freedom to Speak Up Ambassadors** support the Freedom to Speak Up Guardian by directly supporting their work, by advising staff on how to Speak Up and by supporting staff in raising concerns through the Speak Up process.

5. HOW TO SPEAK UP

- 5.1 In most circumstances the easiest way to get your concern resolved will be to raise it formally or informally with your line manager or senior manager.

- 5.2 But where you don't think it is appropriate to do this or you don't feel able to do so, you can use any of the options set out below:

- Contact the Freedom to Speak Up Guardian – the Guardian can support you in raising your concern;
- Contact a Freedom to Speak Up Ambassador – Ambassadors are based locally and act on behalf of the Guardian to support staff raising a concern;
- Use the online system to raise a concern anonymously – the Speak In Confidence system allows you to raise a concern with total anonymity.

Contact details and access details can be found on the Freedom to Speak Up intranet site. This can be accessed from the Home Page of the Trust intranet. Alternatively, email Speak.Up@lancashirecare.nhs.uk or visit <https://speak2us.at/lcft> for the online Speak in Confidence system.

- 5.3 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).
- 5.4 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. If you wish to raise a concern anonymously, the easiest and most secure route is to use the online system to raise a concern with total anonymity, this system is called Speak in Confidence.
- 5.5 You can raise your concerns with any of the people listed above in person, by phone or in writing (including email). Whichever route you choose, please be ready to explain as fully as you can the information and circumstances that gave rise to your concern.
- 5.6 If a concern is raised through the Dear David online system which relates to a matter covered by this Speak Up policy, it will be managed under this policy and process.

6. HOW WE WILL RESPOND

6.1 If you raise your concern with your line manager, they should listen to your concern and agree with you a way to locally seek resolution.

6.2 If you raise your concern with the Freedom to Speak Up Guardian, Ambassadors or through the Speak In Confidence system, the Executive Lead will be informed of the concern and they will agree an appropriate process for taking action. You will be informed of what action is being taken and how long this is expected to take. You will be kept up to date and informed of the outcome. This action could include (but is not limited to):

- Commissioning a fact finding review;
- Commissioning a formal investigation;
- Taking direct action;
- Changing Trust policy or procedure;
- Referral to counter-fraud, the police or other external body.

The Executive Lead will appoint the best person to take action and to keep in touch with you. In most cases by default this will be the manager with the ability to take action on the matters raised in your concern such as the manager, senior manager or clinical lead for the respective areas, but an independent person may be appointed by the Executive Lead on the following basis:

- The concern is about the manager(s) of the service;
- A specialist person with skills or knowledge is necessary;
- The concern requires urgent or time-critical investigation;
- An independent person is needed to give confidence or objectivity.

It is important to note that the Executive lead is responsible for taking action in response to your concern. The Freedom to Speak Up Guardian and Freedom to Speak Up Ambassadors must remain objective, impartial and independent and will not act as an advocate for staff or the Trust.

6.3 Where possible and where you wish, we will seek to involve you in resolving the concerns.

6.4 Once a concern has been resolved, a short anonymous summary of the concern and the response will be published on the Freedom to Speak Up intranet site. This is done as part of our commitment to openness and transparency.

6.5 The Trust welcomes all genuine concerns. However, we recognise in a very small number of cases a concern may be raised which is vexatious. All concerns raised are fully considered however where a concern is confirmed as vexatious, the Executive Lead may close the concern with no further action.

7. YOUR PROTECTION WHEN SPEAKING UP

7.1 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 a concern. Any such behaviour is a breach of our values and, if upheld following investigation, could result in disciplinary action.

7.2 Provided you are acting honestly, it does not matter if you are mistaken or if there is an innocent explanation for your concerns.

7.3 There are very specific criteria that need to be met for an individual to be covered by whistleblowing law (the Public Interest Disclosure Act 1998) when they raise a concern (to be able to claim the protection that accompanies it). There is also a defined list of 'prescribed persons' who you can make a protected disclosure to. To help you consider whether you might meet these criteria, please seek advice from the Freedom to Speak Up Guardian (who can offer confidential advice) or independent advice from the NHS Whistleblowing Helpline, Protect (whistleblowing charity) or a legal representative.

NHS Whistleblowing Helpline – 08000 724 724 - <https://speakup.direct/>

Protect (whistleblowing charity) – 020 3117 2520 - <https://www.pcaw.org.uk/>

8. TRAINING

9.1 The Freedom to Speak Up Guardian will provide training for staff on how to raise a concern – this will include ensuring this is covered on induction and through e-learning. Additionally, the Freedom to Speak Up Guardian will provide workshop training for managers on how to respond to concerns raised locally.

9. SUPPORT IN SPEAKING UP

9.1 The Freedom to Speak Up Guardian and Freedom to Speak Up Ambassadors are available to offer advice to staff on the raising concerns process. This advice can be sought confidentially or anonymously. If advice is sought and you choose not to raise a concern, the Guardian or Ambassador will respect this decision however if safety, safeguarding or criminal matters are raised they are obliged to act on that information.

9.2 The Freedom to Speak Up Guardian and Freedom to Speak Up Ambassadors can support you in raising a concern; this could be by raising the concern on your behalf or supporting you through the process. However, the Guardian or Ambassador must remain objective, impartial and independent and will not act as an advocate for staff or the Trust.

10. RAISING A CONCERN EXTERNALLY

10.1 If you feel necessary, you can raise your concern outside the organisation with:

- NHS Improvement (NHSI) 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;
- Care Quality Commission for (CQC) quality and safety concerns;

- Health Education England for education and training in the NHS;
- NHS Protect for concerns about fraud and corruption.

11. MONITORING

- 11.1 The Freedom to Speak Up Guardian will maintain a register of all concerns raised through the Guardian, Ambassadors or the Speak In Confidence system. This central system will track the actions being taken against each concern. The system will be restricted so that only the Guardian (and a deputy), Executive Lead and Non-Executive Lead have access.
- 11.2 The Freedom to Speak Up Guardian will submit information as follows to enable monitoring by the Trust Board:
- A monthly high-level and anonymised summary of all concerns raised in the previous month for inclusion in the Trust Board papers;
 - A quarterly detailed report on concerns raised, themes and trends to the People and Quality Committee;
 - A quarterly return on overall numbers to the National Freedom to Speak Up Guardian.

12. REFERENCES

National Freedom to Speak Up Guardian.

<https://www.cqc.org.uk/national-guardians-office/content/national-guardians-office>