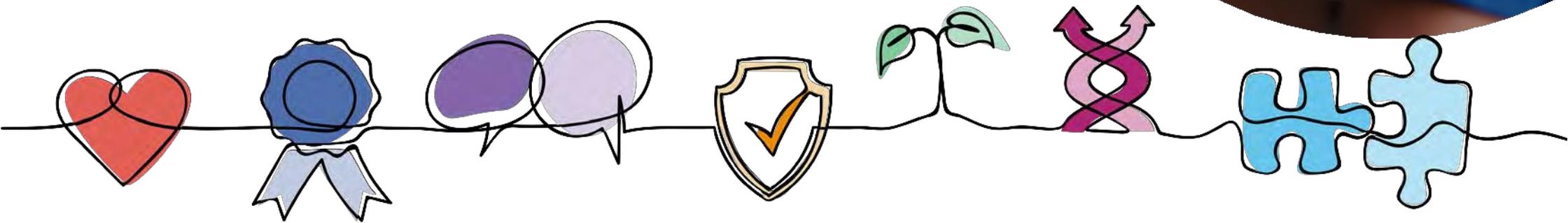


Freedom to Speak Up policy for the NHS



HS-0017-v9



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Our strategic goals as outlined in the Trust Strategic Framework 2021 – 2025 are:

To co-create a great experience for our patients, carers and families, so you will experience:

- **Outstanding** and compassionate care, all of the time.
- **Access** to the care that is right for you.
- **Support** to achieve your goals.
- **Choice** and control.

To co-create a great experience for our colleagues, so you will be:

- **Proud**, because your work is meaningful.
- **Involved** in decisions that affect you.
- **Well led** and managed.
- That your workplace is **fit for purpose**.

To be a great partner, so we will:

- Have a **shared understanding** of the needs and the strengths of our communities
- Be **working innovatively** across organisational boundaries to improve services.
- Be **widely recognised** for what we have achieved together.

We aim to ensure that all staff are fully aware of the Trust values and feel comfortable in challenging individuals who are not living them, and are aware of mechanisms in place to raise their concerns and receive appropriate support in doing so.

By providing employees with the means to raise genuine concerns about malpractice, patient safety, financial impropriety, bribery, corruption, criminal offences or any other serious risks, who will be protected from victimization or recrimination for doing so, will contribute to our aim of creating a great experience for our patients, carers and families and also creating a great experience for our colleagues as outlined in Our Journey to Change.

By encouraging employees to raise concerns at an early stage and in the right way. The Trust will take all concerns seriously and is committed to developing a climate of openness and free expression where raising concerns is welcomed, appreciated and acted upon positively, will contribute to our aim of creating a great experience for patient carers and families and also create a great experience for our colleagues.

Provide employees with the process for raising concerns and addressing them appropriately. This will allow the Trust to be able to evidence relevant CQC and NHSLA standards.

Equality and Health Inequalities Statement (for national policy template)

Promoting equality and addressing health inequalities are at the heart of NHS England's values. 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.

Speak up – we will listen

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. The online module on listening up is specifically for managers to complete and the module on following up is for senior leaders to complete.

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

This policy

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.



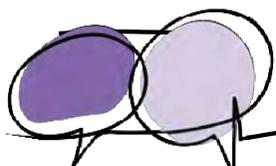
What can I speak up about?

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 (for example, HR or patient safety/quality) TEWV Bullying and Harassment Resolution Procedure, Managing Concerns of Potential Conduct Procedure, Grievance Procedure

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

Your speaking up to us is a gift because it helps us identify opportunities for improvement 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.

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.

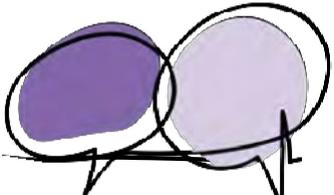
Who can I speak up to?

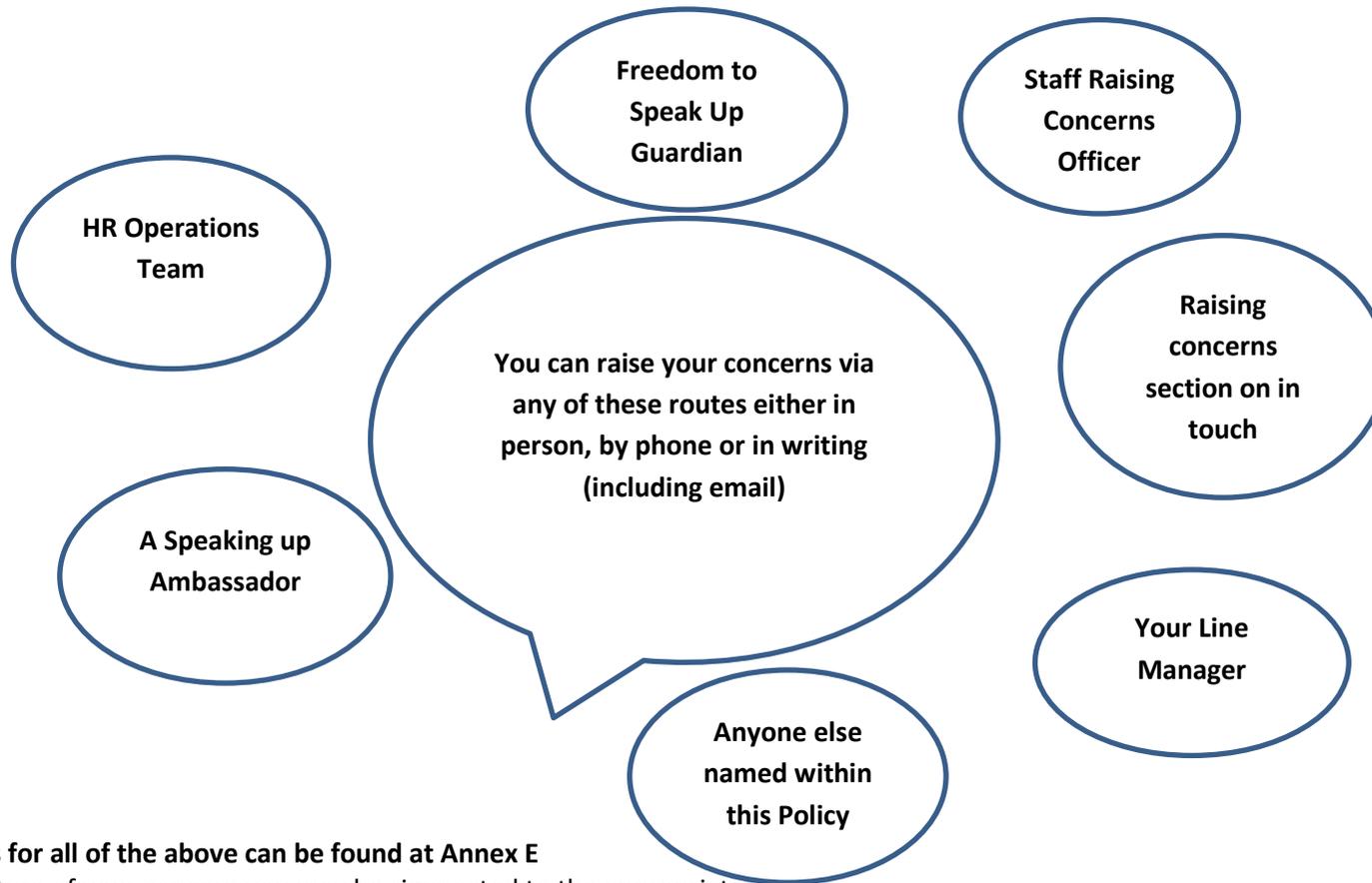
Speaking up internally

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. Details on who you can speak up to within TEWV are detailed on Page 5

However, you have other options in terms of who you can speak up to, depending on what feels most appropriate to you and depending on the size of the organisation you work in (some of the options set out below will only be available in larger organisations).

- Senior manager, partner or director with responsibility for the subject matter you are speaking up about.
- The patient safety team or clinical governance team (where concerns relate to patient safety or wider quality) **by completing** a Raising Concerns form via the staff intranet. You can also call the concerns line 01325 552267 and leave a message.
- Local counter fraud team (where concerns relate to fraud) by contacting 0191 4415918
 - Our Freedom to Speak Up Guardian Dewi Williams tevw.freedomtospeakup@nhs.net 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 teawvnt.hroperations@nhs.net
- Our senior lead responsible for Freedom to Speak Up - Sarah Dexter-Smith sarah.dexter-smith@nhs.net Director of People and Culture they provide 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 Roberta Barker roberta.barker2@nhs.net



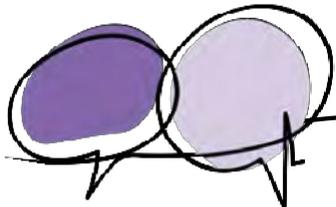


Email Contact details for all of the above can be found at Annex E
Depending on the nature of your concern you may be signposted to the appropriate person/service who can help and support you with your concerns. You will be fully supported through the required process.

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

Whilst we cannot guarantee that we will respond to all matters in a way that you might wish we will strive to handle the matter fairly and properly.

If you have any personal interest in the matter you must tell us at the outset



Speaking up externally

If you do not want to speak up to someone within your organisation, 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.

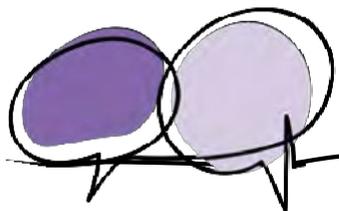
NHS England may decide to investigate your concern themselves, ask your employer or another appropriate organisation to investigate (usually with their oversight) and/or use the information you provide to inform their oversight of the relevant organisation. The precise action they take will depend on 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 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 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 D contains information about making a 'protected disclosure'.



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.

Advice and support

Local support available to you can be found on the Intouch Staff Wellbeing and support information | TEWV Intranet however you may wish to seek support from the Trust Employee Support Services on 07795654423 or email tewv.employeesupportservice@nhs.net, Occupational Health Department or Trusts Employee Psychological Services barry.speak@nhs.net. You can also contact the Whistleblowing Helpline for the NHS and social care on 08000 724725, your professional body or trade union representative.

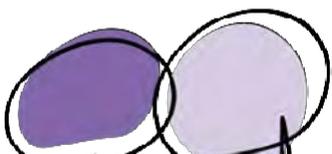
You can access a range of health and wellbeing support via NHS England:

- [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.



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 B.

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 we will notify you 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.

TEWV detailed internal process can be found at Appendix B

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 we decide to investigate, 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 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).

How we learn from your speaking up

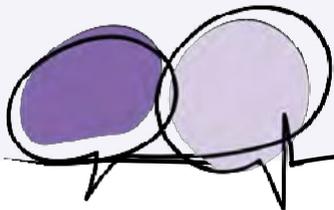
We want speaking up to improve the services we provide for patients and the environment our staff work in. Where it identifies improvements that can be made, we will ensure necessary changes are made, and are working effectively. Lessons will be shared with teams across the organisation, or more widely,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

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.

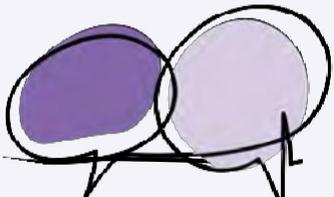
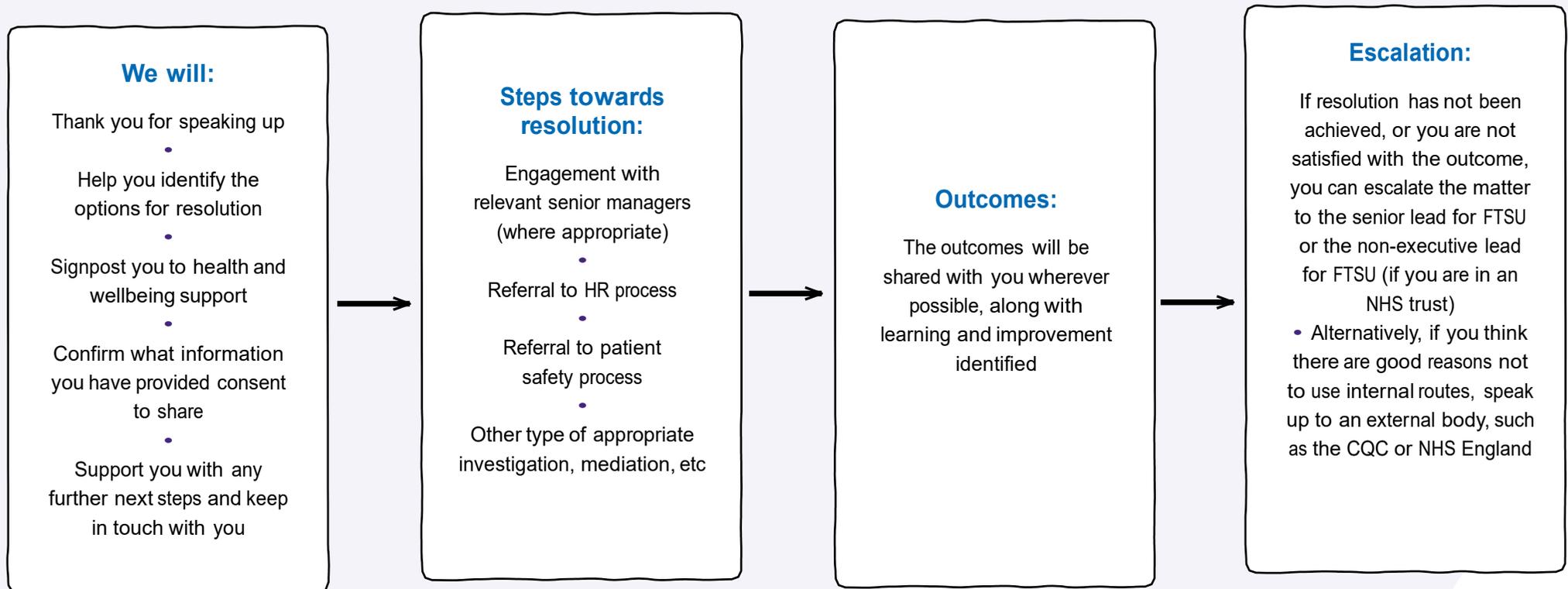
Senior leaders' oversight

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

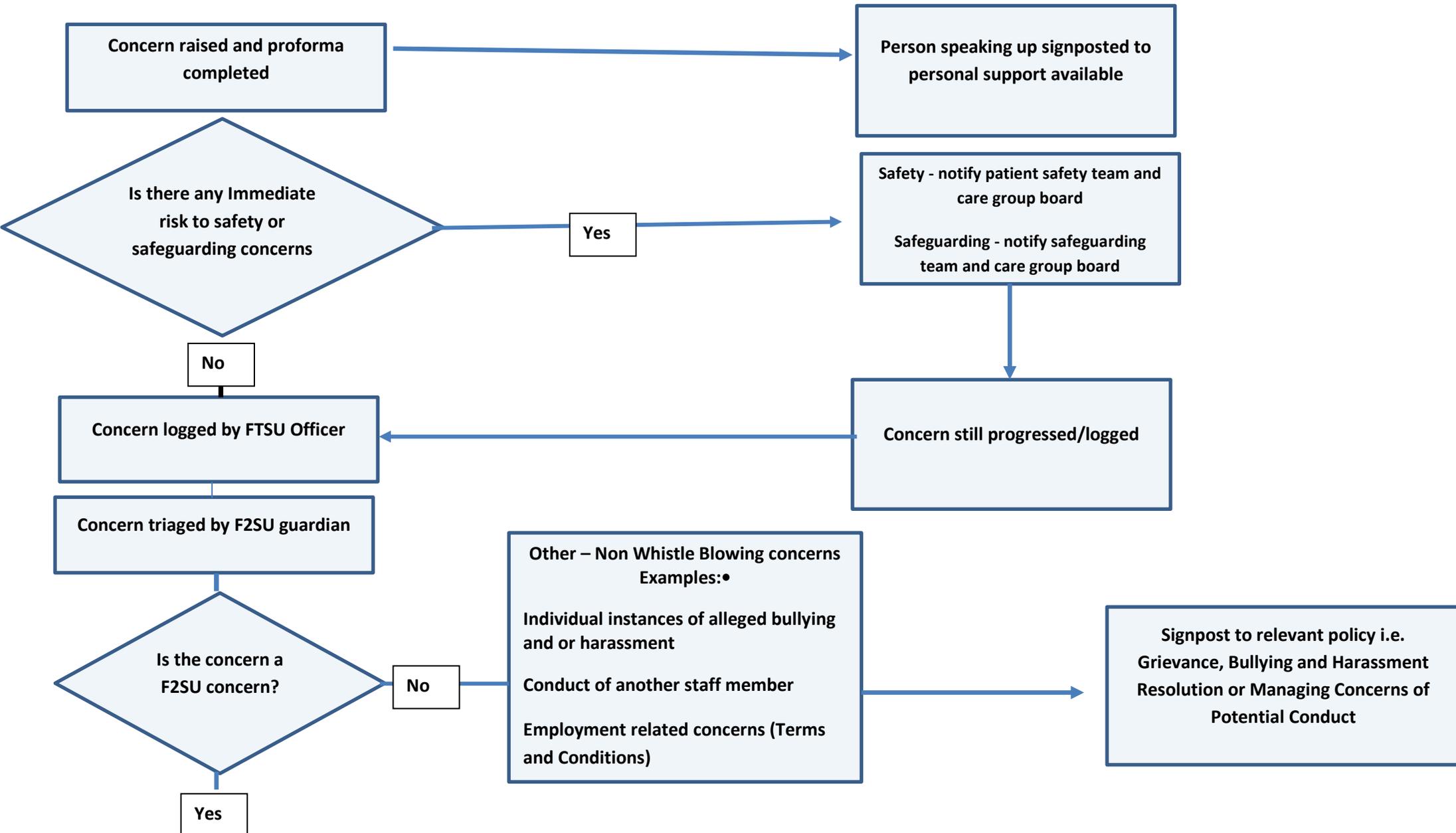


Appendix A:

What will happen when I speak up?



Appendix B: TEWV Internal Process



Risk, malpractice or wrongdoing that is felt to be harming the service we deliver

Examples (this is not an exhaustive list):

- **unsafe patient care**
- **unsafe working conditions**
- **inadequate induction or training for staff**
- **lack of, or poor, response to a reported patient safety incident**
- **suspicious of fraud, corruption or bribery (which will also be reported to our local counter-fraud team)**
- **a bullying culture (across a team or organisation rather than individual instances of bullying).**

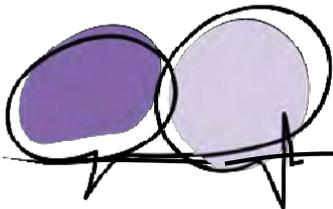
See Appendix C for details on Fact- finding Review

Any concerns raised with the guardian relating to detriment experienced as a result of speaking up will be referred to the Associate Director of Operational Delivery and Resourcing to be reviewed at the time and also highlighted to the Non-Executive Director for FTSU on a quarterly basis.

Appendix C - Freedom to Speak Up Fact-Finding Review

- The identified Freedom to Speak Up Reviewer will conduct a fact-finding review of the FTSU concerns in line with this Policy.
- They will make contact with you and arrange to see you as part of the fact-finding review
- They will aim to complete the fact finding review within 8 weeks. however dependent on the nature and scale of the investigation this may be longer, any delays or extensions required will be reported on and which we will notify you of these
- The fact finding review 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.
- The FTSU Reviewer will provide the FTSU Guardian with 2 weekly updates in relation to the progress of the review.

If during the fact finding review it is apparent that your concern would be better looked at under another process; for example, our process for dealing with bullying and harassment or grievance. If so, we will discuss that with you and ensure that you understand the process in which your concerns will be addressed.

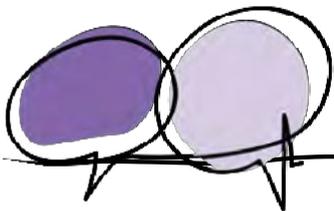


Appendix D:

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 the [Protect](#) or a legal representative.



Appendix E:

TEWV Contact Details

Freedom To Speak up Guardian &
Staff Raising Concerns Officer

tewv.freedomtospeakup@nhs.net

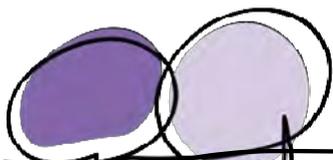
Employee Psychology Services

tewv.employeesupportservice@nhs.net

Employee Support Services
People & Culture – HR Operational Team
Trade Unions (Staffside)

tewv.employeesupportservice@nhs.net,
teawvnt.hroperations@nhs.net
[https://intranet.tewv.nhs.uk/trade-unions.](https://intranet.tewv.nhs.uk/trade-unions)

Speaking Up Ambassadors– full list can be found within internal staff intranet



Document control (external)

To be recorded on the policy register by Policy Coordinator

Date of approval	20 September 2023
Next review date	20 September 2026
This document replaces	HR-0017-v8.1 Freedom to Speak Up Policy - (Whistleblowing/ Raising concerns)
This document was approved by	JCC 16th March 2023 PWG 29th March 2023 People, Culture and Diversity Committee – 30 Aug 2023
This document was approved	30 Aug 2023
This document was ratified by	Management Group
This document was ratified	20 Sept 2023
An equality analysis was completed on this policy on	April 2023
Document type	Public
FOI Clause (Private documents only)	n/a

Change record

Version	Date	Amendment details	Status
9	20 Sept 2023	Review and update of local elements – as part of QI event on FTSU Document still within National Policy format – incorporating TEWV local information/process.	Ratified

How this policy will be implemented:

This policy will be published on the staff intranet and the Trust website

Communication and training aimed at all staff focusing on when and how to raise a concern will be included in regular Trust wide bulletins and incorporated into a range of training courses including corporate induction.

Training Needs Analysis:

Staff/Professional Group	Type of Training	Duration	Frequency of Training
All TEWV staff	Speak Up and Listen Up National Guardians E-Learning package available on ESR. Speak Up and Listen Up is mandatory for all staff. Follow Up is advisory for all senior leaders and board members.	Approx. 1 hour	Speak up listen up is mandatory for all staff and is to be renewed every 3 years.
Senior Leaders	FTSU follow up training	To be confirmed	Follow up is advisory for board members and other senior leaders no agreed frequency
All new staff	Corporate induction	n/a	Once on joining the trust.

Appendix 1 - Equality Analysis Screening Form

Please note: [The Equality Analysis Policy and Equality Analysis Guidance can be found on the policy pages of the intranet](#)

Section 1	Scope
Name of service area/directorate/department	People and Culture
Title	Freedom to Speak up Policy – Whistle Blowing
Type	Policy
Geographical area covered	Trust Wide
Aims and objectives	<p>This 'standard integrated policy' was one of a number of recommendations of the review by Sir Robert Francis into whistleblowing in the NHS, aimed at improving the experience of whistleblowing in the NHS. It is expected that this policy (produced by NHS Improvement and NHS England) will be adopted by all NHS organisations in England as a minimum standard to help to normalise the raising of concerns for the benefit of all patients.</p> <p>The TEWV local procedure has been incorporated into this policy the purpose of which will:</p> <p>Provide employees with the means to raise genuine concerns about malpractice, patient safety, financial impropriety, bribery, corruption, criminal offences or any other serious risks, who will be protected from victimization or recrimination for doing so.</p> <p>Encourage employees to raise concerns at an early stage and in the right way. The Trust will take all concerns seriously and is committed to developing a climate of openness and free expression where raising concerns is welcomed, appreciated and acted upon positively.</p>

	Provide employees with the process for raising concerns and addressing them appropriately. This will allow the Trust to be able to evidence relevant CQC and NHSLA standards. Improvements made as a result of concerns raised will support the achievement of the Trust strategy goals.
Start date of Equality Analysis Screening	March 2023
End date of Equality Analysis Screening	April 2023

Section 2	Impacts
Who does the Policy, Service, Function, Strategy, Code of practice, Guidance, Project or Business plan benefit?	All Employees of the Trust
Will the Policy, Service, Function, Strategy, Code of practice, Guidance, Project or Business plan impact negatively on any of the protected characteristic groups?	<ul style="list-style-type: none"> • Race (including Gypsy and Traveller) NO • Disability (includes physical, learning, mental health, sensory and medical disabilities) NO • Sex (Men, women and gender neutral etc.) NO • Gender reassignment (Transgender and gender identity) NO • Sexual Orientation (Lesbian, Gay, Bisexual and Heterosexual etc.) NO • Age (includes, young people, older people – people of all ages) NO • Religion or Belief (includes faith groups, atheism and philosophical beliefs) NO • Pregnancy and Maternity (includes pregnancy, women who are breastfeeding and women on maternity leave) NO • Marriage and Civil Partnership (includes opposite and same sex couples who are married or civil partners) NO • Armed Forces (includes serving armed forces personnel, reservists, veterans and their families) NO
Describe any negative impacts	
Describe any positive impacts	

Section 3	Research and involvement
What sources of information have you considered? (e.g. legislation, codes of practice, best practice, nice guidelines, CQC reports or feedback etc.)	NHSI&E National Policy FTSU National Guardians Office Trust QI Event Focus groups The Big Conversation
Have you engaged or consulted with service users, carers, staff and other stakeholders including people from the protected groups?	Yes, all staff were invited to attend a number of focus groups focused on the HR Procedures. All staff were invited to comment on the Big Conversation – in relation to HR procedures.
If you answered Yes above, describe the engagement and involvement that has taken place	As above Policy working group and JCC
If you answered No above, describe future plans that you may have to engage and involve people from different groups	NA

Section 4	Training needs
As part of this equality analysis have any training needs/service needs been identified?	Yes
Describe any training needs for Trust staff	All staff are subject to FTSU Training. FTSU Reviewers will receive specific training from the FTSU Guardian. Awareness information/sessions for existing managers. In-depth session for new managers (on all of the HR procedures) as part of their local induction.
Describe any training needs for patients	NA
Describe any training needs for contractors or other outside agencies	NA

Check the information you have provided and ensure additional evidence can be provided if asked