

Giving our people the freedom to speak up and to raise concerns policy

(Previously known as – Freedom to Speak Up: Raising Concerns Policy)

Solent NHS Trust policies can only be considered to be valid and up-to-date if viewed on the intranet. Please visit the intranet for the latest version.

Purpose of Agreement	This policy guides employees on the actions to take if they have a genuinely held concern about actual or prospective improper actions of a colleague or process which puts a service or patient safety at risk.
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Version Number	Review Date	Name of reviewer	Ratification Process	Reason for amendments
1	01/10/12	SM	NHSLA, JCC	Legislative changes
2	01/11/16	SM	JCC, PSG	Policy rewrite to incorporate Freedom to Speak up and Duty of Candour
3	1/12/19	Sarah Osborne	Freedom to Speak Up Guardians, Policy Steering Group, Trust Management Team meeting	Review of policy following changes to guidance and personnel
4	29/7/2021	Rachel Cheal and Daniel Winter - Bates	Freedom to Speak Up Oversight Meeting PSG, Clinical Executive Group	Review and refresh of policy

Amendments Summary:

Amend No	Issued	Page	Subject	Action Date
1	Feb 2020	3	Summary extended to include contacts and speaking to manager	Mar 20
2	Feb 2020	5	Introduction now includes HEART values and team of guardians	Mar 20
3	Feb 2020	5	New SCOPE wording, Definitions updated to reflect National definitions	Mar 20
4	Feb 2020	6	Process includes changes in wording and updated titles	Mar 20
5	Feb 2020		3.9 includes anonymous incident reporting	Mar 20
6	Feb 2020		3.20 Clarity on recording of cases	Mar 20
7	Feb 2020		3.21 clarity on investigations	Mar 20
8	Feb 2020	10	Addition of update training for Guardians and induction session	Mar 20
9	Feb 2020	10	Cases are reviewed by Speak up Team, not HR	Mar 20
10	Feb 2020	11	Policies list updated	Mar 20
11	Feb 2020	12/13	Appendices 1 and 2 processes updated	Mar 20
12	Feb 2020	14/15	Appendices 3 and 4 contacts updated	Mar 20
13	Feb 2020	18	Appendix 6 New Equality impact assessment	Mar 20

SUMMARY OF POLICY

At Solent NHS Trust we want staff to feel empowered and safe to raise concerns and speak up, whichever route they chose to do so. We encourage our people, and those that work with us, for example our volunteers and partners, to be open and voice any concerns with us at the earliest opportunity. We aspire to create a culture where everyone feels their voice is heard, and that we take action to learn and improve wherever possible. Importantly, no one will be reprimanded for speaking up and we thank those for raising concerns with us.

This policy integrates the National Policy on Freedom to Speak Up following the Sir Robert Francis review into whistleblowing in the NHS. All NHS Organisations in England are expected to implement this minimum standard to help normalise raising of concerns for the benefit of all patients and employees.

Our people and our partners can speak up and raise concerns via several established routes within the organisation, and, external to the organisation - these are summarised in Appendix 1.

Concerns will be treated confidentially upon request by the person raising the concern.

Where the individual does not wish to speak via one of our established processes, or via an external body, they may choose to speak to one of our Freedom to Speak Guardians as an alternative route. Our Guardians also work with us to help us identify and tackle barriers to enable our people to safely have a voice.

Our guardians can be contacted via the below details

Telephone: 023 810 30100

E-mail: freedomtospeakup@solent.nhs.uk

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Freedom to Speak Up: Raising Concerns Policy

1. INTRODUCTION AND PURPOSE

- 1.1 Our people have the right to speak up and when they need to, to raise any concerns they have at work. We, as an organisation, are committed to listen to our people and partners, and importantly, to learn and to improve based on what is said.
- 1.2 We understand that individuals may feel worried about raising a concern – however, we are committed to providing an open and honest culture, where we want everyone to feel able to speak up when needed, in line with our HEART values and aspiration to be a “great place to work”.
- 1.3 We recognise that some of our people may not want to voice concerns via established processes and routes, either internally or externally to the organisation. Where this is the case, an alternative route is available – via our Freedom to Speak Up (FTSU) Guardians. The team, although employed by the Trust act independently whilst in their Guardian role (i.e. would not be involved in a matter that originated/involved their respective service area).

2. SCOPE

- 2.1 This policy applies to locum, permanent, and fixed term contract employees (including apprentices) who hold a contract of employment or engagement with the Trust, and secondees (including students), volunteers (including Associate Hospital Managers), bank staff, Non-Executive Directors and those undertaking research working within Solent NHS Trust, in line with Solent NHS Trust’s Equality, Diversity and Human Rights Policy. It also applies to external contractors, agency workers, and other workers who are assigned to Solent NHS Trust
- 2.2 Definitions
 - 2.2.1 The National Guardians’ office (www.nationalguardian.org.uk) states “Workers can speak up about anything that gets in the way of high-quality effective care, or that affects their working life. It is something that should happen as ‘business as usual’”.
 - 2.2.2 Some people may interpret raising a concern as ‘whistleblowing’. Others may only associate ‘whistleblowing’ with something that is ‘formal’, or a matter that is escalated outside an organisation, or to describe something that may qualify for ‘protection’ under the Public Interest Disclosure Act. Our preferred term is “Speaking Up.
 - 2.2.3 Freedom to Speak up Guardians –individuals who act in a neutral capacity (i.e. impartial) ensuring a safe place for people to raise concerns. Guardians triage concerns and signpost to appropriate routes and sources of support. Guardians elevate the staff voice ensuring they are protected when raising concerns.
Guardians do not conduct investigations into claims made, nor do they speak on behalf of staff or represent individuals (for example in investigations) or the represent the organisation.
Guardians are nominated individuals who are employed in other roles across the organisation, but who have protected time to conduct their FTSU role. They promote a culture of speaking up.
 - 2.2.4 Independent Freedom to Speak Up Guardian - an individual who leads the Guardians.
The Independent FTSU Guardian assists in the triangulation (analysis) of (anonymous) themes and works in close partnership with other departments (e.g. People Services) to ensure learning is addressed.
Together the Guardians with the Independent FTSU Guardian can flag thematic issues, early, to assist in improvements in processes.

3. PROCESS

3.1 We want our people to feel able to speak up about positive things, but also when things are of concern to them. Examples of concerns may include (list not exhaustive)

- Unsafe patient care or practice
- Unsafe working conditions
- Malpractice and Professional Misconduct
- Inadequate induction or training
- Lack of, or poor response to a reported patient safety incident
- Suspicions of fraud, bribery and/or corruption
- Matters relating to bullying and harassment or discrimination

3.2 **Feel safe to raise a concern**

3.2.1 Regardless of the route people choose to speak up, they will not be at risk of any form of reprisal or reprimand because of raising a concern. Provided the employee is acting honestly, it does not matter if they are mistaken or if there is an innocent explanation for the concerns. We do not tolerate the harassment or victimisation of anyone raising a concern. Nor will we tolerate any attempt to bully the employee into not raising any such concern. Any such behaviour is a breach of our core values and, if upheld following investigation, could result in disciplinary action.

3.3 **Confidentiality**

3.3.1 Concerns can be raised anonymously via the Trust's Incident Reporting Form – by clicking on the "report anonymously if whistleblowing". The incident is then considered by the Quality and Safety team and only the appropriate person(s) will see it

3.3.2 We hope that everyone will feel comfortable raising a concern openly, but we appreciate that employees may want to raise concerns confidentially. They may choose to do this via our Freedom to Speak Up Guardians, who will honour their anonymity, if specifically requested, unless we are required to disclose it by the law (for example to the police, or if there are safeguarding concerns) and in which case the individual should be informed.

3.3.3 If concerns are raised in writing anonymously, (for example by writing to the FTSU Guardians at the Trust Headquarters) it may be more difficult for us to signpost to an appropriate investigative route and to give feedback on the outcome.

3.4 **Raising concerns via the most appropriate route**

3.4.1 We hope that our people feel empowered to speak up and raise any concerns in the first instance with their line manager. However, there are several routes, both internally and externally that are available. These are summarised in Appendix 1. Appendix 2 summarises the process.

3.4.2 Key contact details are summarised as follows:

- Internal contacts – Appendix 3
- External bodies – Appendix 4

3.5 **Raising concerns via our Freedom to Speak Up Guardians**

3.5.1 Our Freedom to Speak Up Guardians are also available as an alternative route to our people and our partners. You can read more about their role within section 4.3.

3.5.2 **Assessment/review of concerns raised**

Once the concern has been discussed, the FTSU Guardian will support the staff member to understand potential next step – this may include signposting to a more appropriate route, for example via the incident investigatory process, raising the matter with line management, or via the

process for dealing with bullying and harassment, or formal grievances (list not exhaustive) or, where there is no further action required.

Wherever possible a single investigation will be conducted.

An investigation will be objective and evidence-based and will produce a report that focuses on identifying and rectifying any issues, and lessons that can be learnt to prevent problems recurring.

3.5.3 Making a “protected disclosure”

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). To help you consider whether you might meet these criteria, please seek independent advice from the Whistleblowing Helpline for the NHS and social care, Public Concern at Work, or a legal representative.

3.5.4 Communicating with the employee

We will

- always treat the employee with respect and will thank them for raising their concerns
- keep the employee informed of progress and likely timescales of the investigation
- share report with the person raising the initial concern, or they will be informed of the reason why the full report cannot be shared.

4. ROLES AND RESPONSIBILITIES

Employees

4.1 Employees are responsible for the following under this policy. Employees:

- have a responsibility to be honest when speaking up and/or making a claim
- have a duty to ensure compliance with professional standards
- have duty to report concerns affecting patient care or safety, and to report incidents

Managers

4.2 Managers are responsible for the following under this policy:

- Encouraging employees to raise concerns at the earliest opportunity
- Being approachable
- Taking any complaints/concerns made by employees seriously
- Responding to any complaints/concerns positively within the prescribed timescales
- Maintaining confidentiality
- Ensure that there is a fair process for investigation
- Maintaining good communication with the employee who raised the concern
- Acting consistently and fairly
- Providing support to employees
- Keeping clear and concise records of the dates and time of action taken

Freedom to Speak up Guardian

4.3 The Freedom to Speak up Guardian is responsible for:

- Being an expert in all aspects of raising and handling concerns and knowing where to signpost
- Offering support and advice to employee who wish to raise a concern or are handling concerns
- Ensuring feedback is given to the employee raising a concern
- Watch over any concerns that have been raised
- Safeguarding the interests of the individual raising a concern
- Identifying common themes
- Taking an objective view

- Ensuring concerns are escalated as appropriate
- Completing such reports as required

Guardians will set clear expectations with individuals raising concerns in relation to their involvement /support.

Guardians are appointed as vacancies arise, via expressions of interest. Guardians undergo an interview process to ensure they understand case handling, confidentiality and can ensure support to staff. Guardians are not position based/hierarchical and are committed, with support from their manager, to ensuring dedicated protected time of 4 hours per month.

Lead FTSU Guardian

In addition to the responsibilities described in section 4.3 – the lead FTSU Guardian also responsible for:

- Reporting to the FTSU Oversight Group and Board – including producing the annual report (on themes and activity, individual cases and details will not be disclosed – confidentiality is maintained). Matters of concern will be escalated as appropriate.
- Reporting to the National FTSU office on themes and activity, individual cases and details will not be disclosed– confidentiality is maintained

The Trust Board

4.4 The Trust Board (via the Freedom to Speak up Steering group) are responsible for the following under this policy:

- Receiving the annual report on Speaking up complaints
- Ensuring that recommended actions following investigations are prioritised and actioned
- Provides an organisational culture where employees are encouraged to raise concerns and are supported when they do.

National Guardian Freedom to Speak up

The Freedom to Speak Up National Guardian can independently review how employees have been treated having raised concerns where NHS Trusts may have failed to follow good practice.

5. TRAINING

5.1 The Freedom to Speak Up Guardians will receive specialist training and support via the National Guardians Office, the local network and the other Freedom to Speak Up Guardians within the Trust, including update training

5.2 Employees will undertake Freedom to Speak Up training via e-learning and presentations from the Freedom to Speak Up Guardians, including a short introductory session at Trust Induction

6. EQUALITY IMPACT ASSESSMENT AND MENTAL CAPACITY

6.1 The Trust is committed to treating people fairly and equitably regardless of their age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, or sexual orientation. An equality impact assessment has been carried out for this policy, which is attached at Appendix 5 and no significant issues have been identified.

6.2 This policy has also been assessed and meets the requirements of the Mental capacity Act 2005.

7. SUCCESS CRITERIA/MONITORING EFFECTIVENESS

7.1 The success and effectiveness of the policy will be monitored annually as follows:

- Cases will be reviewed by the Freedom to Speak up team and themes identified, both in the type of event being spoken up about and the areas/services involved
- The Board will be given high level information about all concerns raised by people through this policy and what it is doing to address any problems.
- High level thematic /activity information will be included within the Annual Report

8. REVIEW

This document may be reviewed at any time at the request of either staff side or management but will automatically be reviewed 3 years from initial approval and thereafter on a triennial basis unless organisational changes, legislation, guidance or non-compliance prompt an earlier review.

9. REFERENCE AND LINKS TO OTHER DOCUMENTS

9.1 This policy links to the following policies:

- Resolution Policy
- Management of Complaints Service Concerns and Feedback Policy
- Improving and managing conduct policy
- Equality Diversity Inclusion and Human Rights policy
- Being Open and Duty of Candour Policy
- Anti-Fraud, Corruption and Bribery Policy
- Health and Safety Policy
- Incident Reporting Investigation and Learning Policy
- Physical Security Management Policy
- Managing Performance of Medical and Dental Staff
- Safeguarding Children Young People and Adults at Risk Policy
- Performance Management Policy

Appendix 1 – Infographic of routes available for raising concerns



Speaking up routes

We want colleagues to feel empowered and safe to raise concerns and speak up, whichever route they choose to do so. We encourage our people, and those that work with us, to be open and voice any concerns with us at the earliest opportunity.
[Click on the boxes to find out more about our speaking up routes.](#)

Internal

Line management/ senior management	Health and Safety team	Wellbeing Champions
Equality, Diversity and Inclusion team	Patient Safety team	Mental Health First Aiders
Trust Chaplain	People Partners	Clinical tutors
Freedom to Speak Up Lead Non-Executive Director	Trusted colleagues	Lead clinician
Executive team <small>Chief Executive Officer, Chief Medical Officer, Chief Nurse, Chief of Staff, Chief People Officer</small>	Resource groups <small>LDHFA resource group, Disability resource group, Multi-faith resource group, BAME resource group</small>	Local Security Management Specialist

Independent

Local Freedom to Speak Up Guardians	National Guardians Office
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External

NHS England	Union Representation
Local Counter Fraud Specialist	Care Quality Commission (CQC)
	Professional bodies

Process for Speaking up / Raising concern

You have a concern or want to raise something

Follow Trust procedures

Which may include reaching out to some of the below support –

- Line manager/supervisor
- Mentor/education lead
- People directorate/HR
- Clinical lead
- Occupational Health
- Wellbeing Teams
- Patient Safety Team
- Security
- Diversity and Inclusivity
- Staff resource groups
- A trusted colleague

You may want to discuss your concern with a Freedom to Speak up Guardian

TEL: 02381030100

FREEDOMTOSPEAKUP@SOLENT.NHS.UK

This may be because

- You are unsure of where to gain support
- You want to raise the concern anonymously
- You are worried about the impact of raising a concern
- You have raised the concern in the past and you feel the situation is unchanged
- You feel the concern needs to be escalated higher in the organisation

Support may include

- Advice, guidance, and support
- Early resolution or mediation
- Official grievance procedure
- Incident raised and reviewed
- Occupational health referral (if appropriate)
- Escalation to Board/Senior management
- Signposting to Union
- Support from Clinical body
- Peer support and advice

Support may include

- Providing a safe and confidential environment for concerns to be discussed
- Signposting to the correct support team/lead
- Escalating a concern on behalf or with yourself
- Providing a confidential/anonymously account to the relevant leads
- Giving advice and guidance
- Escalating to board and Senior management team if appropriate

Appendix 3 - SOLENT NHS Trust CONTACTS WITHIN THIS POLICY

TITLE	NAME	EMAIL	TELEPHONE NUMBER
Chief of Staff	Rachel Cheal	Rachel.Cheal@solent.nhs.uk Or rachel.cheal1@nhs.net	023 810 32305
Chief Executive	Sue Harriman	Sue.Harriman@solent.nhs.uk or sueharriman@nhs.net	023 810 32213
Chief Finance Officer and Deputy Chief Executive	Andrew Strevens	Andrew.Strevens@solent.nhs.uk or Andrew.strevens@nhs.net	023 810 31395
Chief Medical Officer	Dan Baylis	Dan.baylis@solent.nhs.uk	023 810 31566
Chief Nurse	Jackie Munro	Jackie.munro@solent.nhs.uk	023 810 31792
Freedom to Speak up Non Executive Director	Thoreya Swage	Contact via Chief of Staff	023 810 32305
Freedom to Speak Up Lead Guardian	Dan Winter-Bates	freedomtospeakup@solent.nhs.uk	023 810 30100
Quality and Safety team		Quality&Safety2@solent.nhs.uk	023 810 30064
Freedom to Speak Up Guardians		freedomtospeakup@solent.nhs.uk	023 810 30100

Information on speaking up and the details of the guardians is available on SolNet

Appendix 4 - External FREEDOM TO SPEAK UP CONTACTS

WIDER DISCLOSURES		
Care Quality Commission	Matters relating to Health and Social Care	030 0061 6161 www.cqc.org.uk
Healthwatch England	Matters relating to Health and Social Care	03000 683000
Health Education England	Matters relating to education and training for health care workers	https://hee.nhs.uk
NHS England	Matters relating to the delivery of primary medical, dental, ophthalmic and pharmaceutical services	https://www.england.nhs.uk/
NHS Counter Fraud Authority	Matters relating to fraud, corruption and other unlawful activity in relation to health services in England	0800 028 4060 https://cfa.nhs.uk/reportfraud
NHS Improvement	Performance of English NHS Trusts, including clinical quality, governance and risk management	https://www.england.nhs.uk/ (merged with NHS England in April 2019)
Public Health England	Matters relating to Public Health	www.gov.uk/government/organisations/public-health-england
The Charity Commissioners for England and Wales		https://www.gov.uk/government/organisations/charity-commission
Food Standards Agency		https://www.food.gov.uk/
National Whistleblowing helpline for the NHS and Social Care		0800 724 725
Safeguarding	Links to all local Adults and Children and Young People Safeguarding boards and information on reporting	http://intranet.solent.nhs.uk/TeamCentre/QualityAndProfessionalStandards/Safeguarding/Pages/Home.aspx
Hampshire Fire and Rescue	Matters relating to Safety risks in commercial buildings such as blocked fire exits	023 8064 4000 Outside office hours (5pm – 9am) 023 8038 6390 Weekends 023 8038 6390 https://www.hantsfire.gov.uk/contact-us/
Hampshire Constabulary		https://www.hampshire.police.uk/contact/af/contact-us/ 101 or 999 if an emergency
In all cases always call 999 in an emergency.		

Appendix 5 – Equality Impact Assessment

Equality Analysis and Equality Impact Assessment

Equality Analysis is a way of considering the potential impact on different groups protected from discrimination by the Equality Act 2010. It is a legal requirement that places a duty on public sector organisations (The Public Sector Equality Duty) to integrate consideration of Equality, Diversity and Inclusion into their day-to-day business. The Equality Duty has 3 aims, it requires public bodies to have due regard to the need to:

- **eliminate unlawful discrimination**, harassment, victimisation and other conduct prohibited by the Equality Act of 2010;
- **advance equality of opportunity** between people who share a protected characteristic and people who do not;
- **foster good relations** between people who share a protected characteristic and people who do not.

Equality Impact Assessment (EIA) is a tool for examining the main functions and policies of an organisation to see whether they have the potential to affect people differently. Their purpose is to identify and address existing or potential inequalities, resulting from policy and practice development. Ideally, EIAs should cover all the strands of diversity and Inclusion. It will help us better understand its functions and the way decisions are made by:

- **considering the current situation**
- **deciding the aims and intended outcomes of a function or policy**
- **considering what evidence there is to support the decision and identifying any gaps**
- **ensuring it is an informed decision**

Equality Impact Assessment (EIA)

Step 1: Scoping and Identifying the Aims

Service Line / Department	Freedom to Speak Up	
Title of Change:	Freedom to Speak Up policy review	
What are you completing this EIA for? (Please select):	Policy	<i>(If other please specify here)</i>
What are the main aims / objectives of the changes	The policy guides employees on the actions to take if they have a genuinely held concern about actual or prospective improper actions of a colleague or process which puts a service or patient safety at risk.	

Step 2: Assessing the Impact

Please use the drop-down feature to detail any positive or negative impacts of this document /policy on patients in the drop-down box below:

Protected Characteristic	Positive Impact(s)	Negative Impact(s)	Action to address negative impact: <i>(e.g. adjustment to the policy)</i>
Sex			No negative impacts on any characteristic
Gender reassignment			
Disability			
Age			
Sexual Orientation			
Pregnancy and maternity			
Marriage and civil partnership			
Religion or belief			

Race			
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If you answer yes to any of the following, you MUST complete the evidence column explaining what information you have considered which has led you to reach this decision.

Assessment Questions	Yes / No	Please document evidence / any mitigations
In consideration of your document development, did you consult with others, for example, external organisations, service users, carers or other voluntary sector groups?)	Yes	Used National Guidance available
Have you taken into consideration any regulations, professional standards?	Yes	National FTSU Guidance

Step 3: Review, Risk and Action Plans

How would you rate the overall level of impact / risk to the organisation?	Low	Medium	High
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
What action needs to be taken to reduce or eliminate the negative impact?	We collect data regarding the demographics of staff using the FTSU guardians which is reported to Board		
Who will be responsible for monitoring and regular review of the document / policy?	FTSU Guardians		

Step 4: Authorisation and sign off

I am satisfied that all available evidence has been accurately assessed for any potential impact on patients and groups with protected characteristics in the scope of this project / change / policy / procedure / practice / activity. Mitigation, where appropriate has been identified and dealt with accordingly.

Equality Assessor:	Dan Winter-Bates	Date:	28 July 2021
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