

Freedom to Speak Up Policy

Division: Trust-Wide

Document No: PEO-22



North Bristol
NHS Trust

Specific staff groups to whom this policy <u>directly</u> applies	Likely frequency of use	Other staff who may need to be familiar with policy
All Staff	Monthly	All Staff

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Consultation:	Divisional Triumvirates HR People Partners Head of People EDI Lead Executive Team Trade Union / Staff-Side Representatives FTSU Guardians and Champions Non-Executive Director FTSU Champion
Approval Authority (Committee/ Group/ Lead Clinician):	People Committee JCNC Sub-Group
Executive Lead (Trust-Wide only):	Glyn Howells, Executive Lead for Freedom to Speak Up & Chief Finance Officer
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Summary of changes since the previous version	Version 2 - Policy incorporates national policy wording issued by NHS England in July 2022. Version 3 - Policy includes Glyn Howells as Executive Lead for Freedom to Speak up, Jane Khawaja as NED Lead, and details of the new Speaking Up LINK page and Executive Hotline Grievance and Harassment and Bullying policies replaced by Fairness at Work Policy (PEO-33)

COMMITTEE DECISION FORM

To be completed as appropriate and returned to author after the Committee meeting

Committee:	People Committee
Committee Chair and title:	Kelvin Blake, Non-Executive Director
Document name:	Freedom to Speak Up Policy
Lead Author/ Clinician:	Hilary Sawyer, Lead Freedom to Speak Up Guardian
Specialty/ Division/ Trust-wide:	Trust-wide
Committee meeting date at which the document was discussed:	10/01/2023

DECISION (please tick appropriate box)

Approved

Approved subject to following minor amendments being made:

Not approved, Amendments required by the author – Chair to be sent amended document – approval will be given when changes are made

Not approved, Amendments or rewrite required by the author before resubmission to the next Committee meeting

The Committee made the following comments and required these amendments:

For further discussion please contact:

1. Executive summary: Speak up – we will listen

- 1.1. We will provide an inclusive environment for speaking up and we will listen and where appropriate take action or support you to take action. 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 and for you as individuals.
- 1.2. This policy is for all our workers (including our volunteers). The NHS People Promise commits to ensuring that “we each have a voice that counts, that we all feel safe and confident to speak up and take the time to really listen to understand the hopes and fears that lie behind the words”.
- 1.3. We want to hear about any concerns you have, whichever part of the organisation you work in. We are committed to supporting all staff to feel comfortable and safe in speaking up, including agency workers, bank workers, locums, and students. We will continue to support the voice of workers who are disabled or neurodiverse, or from a Black, Asian, and Minority Ethnic background, or from the LGBTQ+ community to speak up. This policy is for all workers, and we want to hear all our workers’ concerns.
- 1.4. We ask all our workers to complete the ‘Freedom to Speak Up – Speak Up – Core Training for all Workers’ online (available on the intranet via [LEARN](#)). The online module on listening up is specifically for managers to complete and the module on following up is for senior leaders to complete. Staff will be supported to complete this module if they feel they need some help.

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2. Duties, Roles and Responsibilities

2.1. All Staff

Staff should familiarise themselves with the process for raising concerns and should, if possible, raise their concerns with their immediate line manager in the first instance (see section 6).

2.2. All Managers

Managers should ensure that all staff have a clear understanding about what raising concerns refers to, and the process including to:

- Respond quickly and positively to concerns that are raised, without seeking to apply blame
- Ensure a timely investigation or fact-finding review takes place into the concern and issues raised, or the issue is addressed in reasonable time scale
- Where appropriate, implement actions/recommendations identified
- Provide a report to the person who received the concern e.g., Freedom to Speak Up Guardian, or People Team
- Ensure that feedback on any progress or actions taken is fed back to the person raising the concern directly, or where they wish to remain anonymous feedback should be highlighted through the standard Trust communication channels or via the FTSU Guardian
- Ensure that, where the person raising the concern is known (or suspected), there is no disadvantageous treatment, and
- Ensure any matter raised directly with them, which falls under the remit of this policy, is appropriately managed with support from the Executive Lead for FTSU, the Director of Corporate Governance or People Team.

2.3. Freedom to Speak Up Guardians

The Lead Freedom to Speak Up (FTSU) Guardian and the other Guardians are trained by the National Guardian's Office to provide an independent and impartial source of advice to staff at any stage of raising a concern. They will:

- Thank the colleague for speaking up, listen, and support
- Keep all information confidential and respect any requests for anonymity during the process
- Liaise with the colleague who has raised the concern to identify the most appropriate mechanism to address the matter, and agree actions
- Ensure the concern is passed to the most appropriate person for further action (liaising with the Executive Lead for FTSU or the Director of Corporate Governance where required, always maintaining confidentiality when requested)
- Offer advice regarding the policy, process and support available, including wellbeing support
- Maintain regular, timely contact with the person raising the concern during the process until closure
- Keep confidential records of the concern and any resulting actions for feedback to the person raising the concerns
- Request feedback about the process after closure
- Use internal mechanisms to promote the policy within the Trust. This may include sensitively publicising anonymised examples of some of the more general types of concerns raised and resulting actions taken
- Meet regularly with the Director of Corporate Governance, Executive lead for Freedom to Speak Up, the Chief Executive and the non-executive director responsible for Freedom to Speak Up, to explore common themes identified

- Report every six months to the Board of Directors

2.4. **Freedom to Speak Up (FTSU) Champions**

The Trust has appointed a number of staff FTSU champions, trained in line with National Guardian's Office guidance, who will:

- Promote the FTSU agenda
- Ensure staff understand the roles of the Guardians and Champions
- Ensure staff are supported when they raise concerns
- Treat in confidence all information given to them by a member of staff unless permission is given to share
- Work as part of the FTSU Champion network to ensure that Freedom to Speak Up reaches all parts of the organisation
- Signpost staff to relevant resources and other areas of support, such as Unions, Staff Network Groups/Forums, Chaplains, Staff Wellbeing and Psychology, Occupational Health, Employee Assistance Programme
- Attend the FTSU network meetings and relevant training and continuing professional development as required
- Identify areas for improvement in the culture of the organisation

Freedom to Speak Up staff champions do not act as advocates or representatives for workers, but act impartially to support staff with concerns, ensuring that they remain objective and unbiased.

2.5. **Staff Side Representatives**

The role of the Staff Side is to advise their members of the options open to them and the relevant Trust policy to follow. They will also support any employee who wishes to bring a concern to the attention of the Trust and act as an advocate in the first instance.

2.6. **Senior Leaders**

All senior leaders across the organisation support the implementation of this policy and are ambassadors for supporting and creating a culture of openness and transparency.

2.7. **Executive Directors**

All Executive Directors support the implementation of this policy. The Executive Lead for FTSU, together with the Director of Corporate Governance is responsible for monitoring this policy on behalf of the Executive Team and the concerns/issues that are raised as a result.

2.8. **Non-Executive Director**

The Non-Executive Director responsible for FTSU is a senior, independent lead role predominantly to support for FTSU Guardians as a fresh pair of eyes to ensure that investigations are conducted with rigor and to help escalate issues, where needed.

2.9. **Trust Board**

The Board of North Bristol NHS Trust (NBT) is committed to this policy. If you speak up under this policy, you will not be at risk of losing your job or experiencing any form of disadvantageous treatment as a result. The Board will not accept anyone attempting to stop you speaking up, harass, bully, or victimise you or otherwise act against you in any way.

3. Who can speak up?

- 3.1. This policy can be used to raise any issue relating to NBT.

- 3.2. Anyone who works (or has worked) in NBT can speak up. 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.

4. We want you to feel safe to speak up

- 4.1. You speaking up to us is a gift because it helps us identify opportunities for improvement that we might not otherwise know about. It supports individual and organisational learning.
- 4.2. We expect you to feel psychologically safe to speak up and will not accept anyone being prevented or deterred from speaking up or being mistreated because they have spoken up.
- 4.3. Victimisation of a person who raises concerns is a disciplinary matter and will be fully investigated in line with the Trust's [Disciplinary Policy](#).
- 4.4. You have the right to be accompanied by a trade union representative, or a colleague or friend at any time during the process of raising a concern.
- 4.5. Despite all this, we understand that speaking up may be stressful. There is support available within the Trust, such as via Unions, Staff Network Groups/Forums, Chaplains, Staff Wellbeing and Psychology, Occupational Health, Employee Assistance Programme.

5. What can I speak up about?

- 5.1. 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
 - you feel the behaviours of others is affecting your wellbeing or that of your colleagues or patients.

Speaking up is about all these things.

- 5.2. Speaking up, therefore, can capture a range of issues, some of which may be appropriate for other existing processes such as Human Resources (HR) or patient safety/quality processes under the following policies:

- [Fairness at Work Policy \(PEO-33\) - LINK \(nbt.nhs.uk\)](#)
- [Equality, Diversity, and Inclusion Policy](#)
- [Responding to Patient Safety Incidents – Policy and Procedure \(CG-70\)](#)
- [Maintaining High Professional Standards Policy \(PEO-11\)](#)

As an organisation we will listen, support, and work with you to identify the most appropriate way of responding to the issue you raise.

6. Who can I speak up to?

See summary at Appendix A

Speaking up internally

6.1. Most speaking up happens routinely 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. Search on LINK for the [A. Early Resolution Introduction - LINK \(nbt.nhs.uk\)](#) guidance on informal, compassionate, collaborative conversations.

6.2. However, you have other options in terms of who you can speak up to, depending on what feels most appropriate to you:

- Senior manager or director with responsibility for the subject matter you are speaking up about (contact details available on the intranet).

- The Patient Safety team (PatientSafetyTeam@nbt.nhs.uk)

- The Safeguarding team (safeguarding@nbt.nhs.uk)

- Our People team:

0117 414 2000 (extension 42022, option 3)

Peopleteam@nbt.nhs.uk

- NBT Harassment and Bullying Support:

0117 4145599 (extension 45599)

Or search [Harassment & Bullying Support](#) on the intranet for more information.

- Local Counter Fraud team (where concerns relate to fraud):

Simon Stanyer, Local Counter Fraud Specialist

07747565380

simon.stanyer@kpmg.co.uk

Isabel Turner, Local Counter Fraud Specialist

07392861672

isabel.turner@kpmg.co.uk

- Our Freedom to Speak Up Guardians can support and advise you regarding the route to speaking up or who can support you to speak up if you feel unable to do so by other routes. The guardian will ensure that the issues they raise are responded to, and that the person speaking up receives feedback on the actions taken:

SpeakUp@nbt.nhs.uk

Hilary Sawyer, Lead Guardian

07880 005382

hilary.sawyer@nbt.nhs.uk

Room 11, Ground Floor, Christopher Hancock Building, Southmead Hospital

Annie Langford, Guardian

0117 414 4520

anne.langford@nbt.nhs.uk

Karoline Rowlands, Guardian

0117 414 8503

karoline.rowlands@nbt.nhs.uk

Deborah Hacker, Guardian

0117 414 9004

deborah.hacker@nbt.nhs.uk

David Rowland, Guardian

0117 414 5903

david.rowland@nbt.nhs.uk

- Our senior lead responsible for Freedom to Speak Up, who provides senior support for our speaking-up guardians and executive lead including reviewing the effectiveness of our FTSU arrangements:

Xavier Bell, Director of Corporate Governance

xavier.bell@nbt.nhs.uk

- Our executive lead responsible for Freedom to Speak Up.

Glyn Howells, Chief Finance Officer

Glyn.Howells@nbt.nhs.uk

- Our non-executive director responsible for Freedom to Speak Up:

Jane Khawaja, Non-Executive Director

Jane.Khawaja@nbt.nhs.uk

- Our Trust Chair or Chief Executive:

Michele Romaine, Trust Chair

michele.romaine@nbt.nhs.uk

Maria Kane, Chief Executive

maria.kane@nbt.nhs.uk

- You can speak to your Trade Union representative. A list of recognised unions at NBT, along with contact details, can be found on our intranet by searching [Joint Union Committee Members](#).

Speaking up externally

6.3. If you do not want to speak up to someone within NBT, 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 at on their [website](#).

- [NHS England](#) for concerns about:
 - How NHS trusts and foundation trusts are being run
 - NHS procurement and patient choice
 - The national tariff.
 - GP surgeries
 - Dental practices
 - Optometrists
 - Pharmacies

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.

Making a 'protected disclosure'

- 6.4. 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.
- 6.5. 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.
- 6.6. To help you consider whether you might meet these criteria, please seek independent advice from the charity [Protect](#) or a legal representative.

7. How should I speak up?

- 7.1. You can speak up to any of the people or organisations listed above in person, by phone or in writing (including email).
- 7.2. The most important aspect of your speaking up is the information you can provide, not your identity.
- 7.3. 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.

8. Advice and support

- 8.1. You can find out about the local support available to you on our speaking up page [Speaking Up - LINK \(nbt.nhs.uk\)](#)
- 8.2. Your local staff networks can be a valuable source of support. These can be explored on our intranet by searching [Staff Networks](#).
- 8.3. NBT has a harassment and bullying advice line, where the People Team can put you in contact with an advisor:
 - 0117 4145599 (Ext: 45599)
 - Or search [Harassment & Bullying Support](#) on the intranet for more information.
- 8.4. You can speak to your Trade Union representative. A list of recognised unions at NBT, along with contact details, can be found on our intranet by searching [Joint Union Committee Members](#).
- 8.5. You can also contact the Executive Hotline on 07880 932987 if your concern has still not been resolved or you feel it needs to be immediately escalated. Messages will be checked and responded to by the CEO or one of the Executive Directors between 9am and 5pm, Monday to Friday.
- 8.6. You can access a range of health and wellbeing support via NHS England [support available for our NHS people](#)
- 8.7. NHS England has a [Speak Up Support Scheme](#) that you can apply to for support.
- 8.8. 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.

9. What will we do?

- 9.1. If you contact a FTSU Guardian, we will respond within 2 working days.
- 9.2. 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.

- 9.3. NBT (and NHS England via the NHS People Promise) is committed to applying a Restorative Just Culture approach when things have not gone according to plan, or as expected or hoped. This approach seeks to heal and repair harm and restore relationships, where possible. It promotes organisational and individual learning and accountability. This offers staff an alternative to simply applying more traditional or formalised policies.

If you speak up about something that does not fall into an HR or patient safety incident process, this Speaking Up policy ensures that the matter is still addressed.

- 9.4. What you can expect to happen after speaking up is shown in **Appendix B**. This includes signposting you to appropriate sources of health and wellbeing support.

Resolution and investigation

- 9.5. We support our managers/supervisors and leaders 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.
- 9.6. Where a fact-finding investigation is needed, this will be commissioned by the Executive Lead for FTSU together with the senior leader responsible for the relevant area. It will be objective and conducted by someone who is suitably independent (this might be someone outside the organisation or from a different part of the organisation, trained in investigations. It will not be the FTSU Guardian). 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. There is a Frequently Asked Questions section at Appendix 3 which sets out additional information on investigations.
- 9.7. Any employment issues that have implications for you/your capability or conduct identified during the investigation will be considered separately.

Communicating with you

- 9.8. 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 and discuss the action to be taken. We expect most concerns to be resolved informally. If the Trust decides to formally investigate a matter, you will be told how long we expect the investigation to take and we will agree with you how to keep you up to date with its progress. Wherever possible, the full investigation report will be shared 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

- 9.9. We want speaking up to improve the services we provide for patients, the environment our staff work in, and their relationships with colleagues. Where it identifies improvements that can be made, we will ensure necessary changes are made, and are working effectively. Lessons will be shared sensitively with teams across the organisation, or more widely, as appropriate (always respecting confidentiality and requests for anonymity). We want to develop a culture of understanding, learning and improvement, rather than blame.

Review

- 9.10. 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

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

10. Associated policies/documents

- 10.1. [Equality, Diversity and Inclusion Statement and Policy](#)
- 10.2. [Responding to Patient Safety Incidents – Policy and Procedure \(CG-70\)](#)
- 10.3. [Fairness at Work Policy \(PEO-33\) - LINK \(nbt.nhs.uk\)](#)
- 10.4. [Maintaining High Professional Standards Policy \(PEO-11\)](#)
- 10.5. [Disciplinary Policy \(PEO-06\)](#)
- 10.6. [Supporting Performance Policy](#)

11. References

- 11.1. [Speaking Up Review](#), Sir Robert Francis, February 2015
- 11.2. [National Guardian Office](#)
- 11.3. [The National Speak Up Policy](#) (June 2022)
- 11.4. [The Guide for the NHS on Freedom to Speak Up](#) (June 2022)

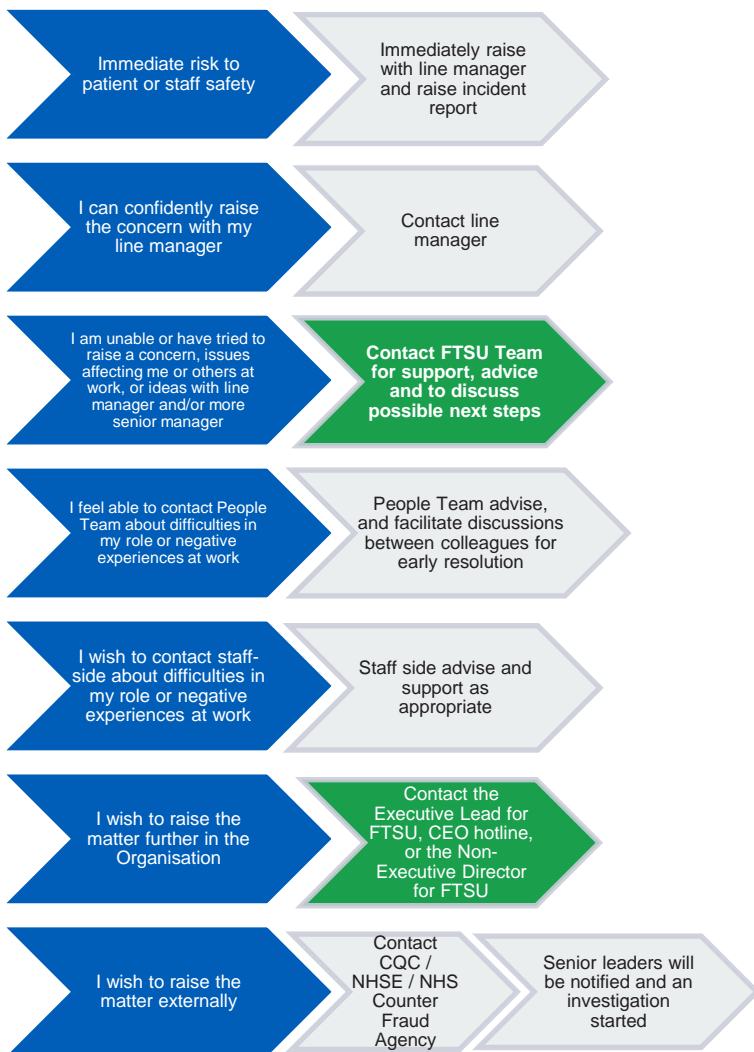
12. Monitoring effectiveness

- 12.1. The below table details the monitoring procedures in order that NBT can be assured that compliance with a policy is being met. It identifies both the processes for monitoring compliance and the actions to be taken where deficiencies and non-compliance are identified. This table must be completed in all policies
- 12.2. This section describes how the implementation of the policy will be monitored. Audit activity should form part of all policy monitoring; therefore, an audit tool/checklist must be appended (or reference made to a national audit the Trust participates in on a regular basis). The below table should be populated with the key areas currently being monitored in addition to any monitoring criteria as required by regulators such as the CQC. This table can be extended as required.

What will be monitored	Monitoring/ Audit method	Monitoring responsibility (individual/group/ committee)	Frequency of monitoring	Reporting arrangements (committee/group the monitoring results are presented to)	How will actions be taken to ensure improvements and learning where the monitoring has identified deficiencies
Whether the policy remains fit for purpose – whether the policy is still in line with Trust objectives and any changes in legislation	Regular policy review	Director of Corporate Governance Lead Freedom to Speak Up Guardian	Bi-annually	People Committee	Updates to policy wording and implementation
Ensuring a culture of speaking up is achieved throughout the Trust	Reports to the Board and People Committee	Lead Freedom to Speak Up Guardian	Bi-annually	Trust Board People Committee	FTSU strategy and implementation plan to be updated as appropriate

Appendix A

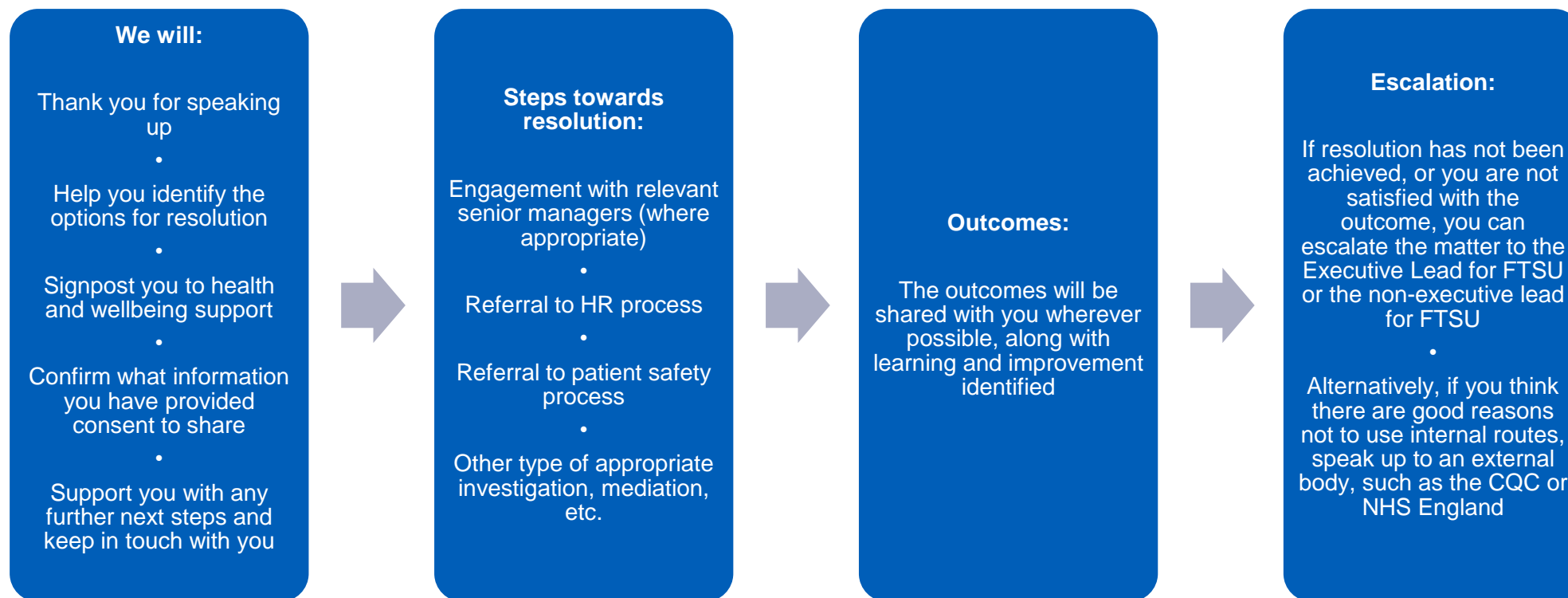
I wish to speak up about something:



- We will thank you for speaking up
- We will listen, support, and advise you throughout
- We will advise on appropriate route and ask for your agreement
- **Confidentiality will be maintained**
- We will address the concern
- An appropriate independent, impartial person will investigate if needed
- Learning will be shared (sensitively)
- Learning will be put into operation
- Any instances of disadvantageous treatment will be escalated

Appendix B

What will happen when I speak up?



Appendix C

Frequently Asked Questions:

Will my concerns be formally investigated?

Many concerns can be resolved informally. This might be through a facilitated conversation, mediation, or by escalating the issues to a senior manager to resolve. Sometimes, concerns are complex and involve issues/facts that need to be explored in more detail. In those cases, a formal investigation will be commissioned, and will be undertaken by an independent investigator.

Who will commission the formal investigation?

The decision to commission a formal investigation will usually be taken by a senior manager or Executive Director who has had the concern escalated to them (usually via the FTSU Guardian), in conjunction with the Executive Lead for FTSU or in their absence, the Director of Corporate Governance as the Deputy Lead for FTSU. If it is not appropriate for either of these individuals to be involved (e.g., if there is a conflict of interest), then the Non-Executive Director with responsibility for Freedom to Speak Up will be involved.

What if I do not want a formal investigation?

The organisation will work with you to try and resolve the concerns you have raised, and we will try to find a way forward that works for everyone. If you speak up under this policy, you will not be at risk of losing your job or experiencing any form of disadvantageous treatment as a result. Sometimes, the concerns may be serious enough that the organisation needs to act even if you would prefer not to (e.g., it may relate to a patient safety issue, or a cultural issue with wide-reaching impact), but the organisations commitment to ensuring that you do not suffer any disadvantageous still applies, and you would be offered support throughout the process.

Will I get to see the investigation report?

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).