

Freedom to Speak Up Policy

Document Data			
Document Type:	Policy		
Document Reference	7822		
Document Status:	Approved		
Document Owner:	Head of HR		
Executive Lead:	Director of People		
Approval Authority:	Trust Partnership Forum		
Review Cycle:	36 months		
Date Version Effective From:	23 March 2020	Date Version Effective To:	22 March 2023

Introduction

Speak up – we will listen

Speaking up about any concern you have at work is really important. In fact, it's vital because it will help us to keep improving our services for all patients and the working environment for our staff.

You may feel worried about raising a concern, and we understand this. But please don't be put off. In accordance with our duty of candour, our senior leaders and entire 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.

This 'standard integrated policy' was one of a number of recommendations of the review by Sir Robert Francis into creating an open and honest reporting culture in the NHS, to ensure staff feel safe to raise concerns, feel confident they will be listened to and that their concerns are acted upon.

Our local process has been integrated into the policy and provides more detail about how we will respond to and investigate a concern.

Please visit the Freedom to Speak Up page on 'Connect' for more information and advice to help you raise a concern: [\[REDACTED\]](#)

Please note: Where there are references to the **Disciplinary policy** in this document, you should refer to the policy on the DMS which originated from your previous organisation, either Weston Area Health NHS Trust or University Hospitals Bristol NHS Foundation Trust

Document Change Control				
Date of Version	Version Number	Lead for Revisions	Type of Revision	Description of Revision
Oct 2017	1.00	Head of Employee Relations	New policy	Replaces Whistleblowing Policy
January 2020	2.1	Freedom to Speak Up Guardian	Major	Updates to reflect the expected approach from managers, and to update terminology related to “whistleblowing” Updated template and additional sections for Governance. Updates to reflect current best practice
June 2020	2.2	Deputy Freedom to Speak up Guardian	Minor	Update to Non-executive responsible for Freedom to Speak up (section 5.5 and Appendix A)
September 2021	2.3	Deputy Freedom to Speak Up Guardian	Minor	Update to Executive director responsible for Freedom to Speak Up (section 5.5) and update to terminology used to describe Freedom to Speak Up staff advocates – changed to champions in line with national guidance
June 2022	2.4	Deputy Freedom to Speak Up Guardian	Minor	Minor update to wording to reflect current practice

Sign off Process and Dates	
Groups consulted	Date agreed
Joint Union Committee	19/03/2020
Policy Assurance Group	20/02/2020
Trust Partnership Forum	23/03/2020

- **Stakeholder Group** can include any group that has been consulted over the content or requirement for this policy.
- **Steering Group** can include any meeting of professionals who has been involved in agreeing specific content relating to this policy.
- **Other Groups** include any meetings consulted over this policy.
- **Policy Assurance Group** must agree this document before it is sent to the **Approval Authority** for final sign off before upload to the DMS.

Status: Approved

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1. Introduction

University Hospitals Bristol and Weston NHS Foundation Trust (the Trust, UHBW) positively encourages any member of staff who has a concern, to raise this with their line manager, supervisor or another senior member of staff. If you feel unable to raise concerns with a manager then you are encouraged to speak in confidence to the Trust's Freedom to Speak Up Guardian.

You can raise a concern about risk, malpractice, wrongdoing or anything you think is harming the service we deliver – or about anything you think could be improved. Just a few 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 reported patient safety incident
- Suspicions of fraud (which can also be reported to our local counter-fraud team on [REDACTED])
- A bullying culture (across a team or organisation rather than individual instances of bullying).

For further examples, please see this [REDACTED]

Remember that if you are a healthcare professional you may have a professional duty to report a concern. **If in doubt, please raise it.**

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.

This policy is not for people with concerns about their employment that affect only them – that type of concern is better suited to the Trust's [REDACTED]

2. Purpose

This 'standard integrated policy' was one of a number of recommendations of the review by Sir Robert Francis into creating an open and honest reporting culture in the NHS, to ensure staff feel safe to raise concerns, feel confident they will be listened to and that their concerns are acted upon. 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 and staff.

3. Scope

All employees of UHBW, trainees, agency staff, volunteers, governors, staff of other parts of the NHS working in UHBW, all self-employed NHS professionals and contractors are covered by this policy.

4. Duties, Roles and Responsibilities

4.1 Board of Directors

The Board of UHBW is committed to this policy. If you raise a concern under this policy you will not be at risk of losing your job or suffering any form of retribution as a result. The Board will not tolerate anyone attempting to stop you, harass, bully or victimise you or otherwise take action against you in any way.

4.2 Executive Directors

The Director of People is the Executive Director responsible for monitoring this procedure and the concerns/issues that are raised as a result. All Executive Directors support the implementation.

4.3 Senior Leadership Team

All members of the Senior Leadership Team support the implementation of this policy and are ambassadors for supporting and creating a culture of openness and transparency in which all colleagues feel safe to raise concerns.

4.4 Freedom to Speak Up Guardian

The Freedom to Speak Up Guardian is an independent and impartial source of advice to staff at any stage of raising a concern. They will:

- Liaise with the colleague who has raised the concern to identify and agree together the most appropriate mechanism to address the matter;
-
- Offer advice regarding the policy, process and support available;
- Maintain timely contact with the person raising the concern,
- Keep confidential records of the concern and any resulting actions for feedback to the person raising the concerns;
- Use internal mechanisms to promote the policy within the Trust. This may include publicising examples of some of the more general concerns raised and resulting actions taken;
- Keep all information confidential and respect any requests for anonymity during the process;
- Meet regularly with the Director of People to explore common themes identified;
- Report every six months to the Board of Directors and every six months to the People Committee; and
- Prepare an annual report for the Board.

4.5 Freedom to Speak Up Champions

The Trust has appointed a number of staff champions who will:

- Promote the FTSU agenda through communicating its benefits to staff;
- Ensure staff understand the role of the Guardian 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 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 Governors, Staff Forums, Chaplains;
- Attend the Champion network meetings and relevant training as required;
- Identify areas for improvement in the culture of the organisation.

Freedom to Speak Up champions do not handle speaking up cases, nor do they act as advocates or representatives for workers, but act impartially to support staff with concerns, ensuring that they remain objective and unbiased.

4.6 All Managers

Managers are key to developing a culture of safety and learning in which all colleagues feel safe to raise a concern. They should ensure that all staff have a clear understanding about what raising concerns refers to, and will:

- Respond positively to concerns that are raised with them, without seeking to apply blame;
- Ensure a timely investigation takes place into the concern and issues raised;
- Where appropriate, implement actions/recommendations identified;
- Provide feedback to the person who raised the concern
- Ensure that any progress or actions taken are 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;
- Ensure that, where the person raising the concern is known (or suspected), there is no victimisation or less favourable treatment; and
- Ensure any matter raised directly with them, which falls under the remit of this policy, is appropriately managed with support from HR.

4.7 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 5.5 and Appendix A).

4.8 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 should 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.

5. Policy Statement and Provisions

This policy can be used to raise any issue relating to UHBW.

Should the concern relate to another organisation, the manager hearing the concern will formally write to that organisation asking for a full investigation. The response from the external organisation will be monitored by two executive directors.

No person shall be discriminated against or victimised for raising concerns either at the time or subsequently.

Victimisation of a person who raises concerns is a disciplinary matter and will be fully investigated in line with the Trust's [REDACTED]

Employees 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.

Both the person raising concerns and those who are potentially the focus of a concern will be treated with fairness and openness.

5.1 Feel Safe to Raise your Concern

If you raise a 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 any such concern. Any such behaviour is a breach of our values as an organisation and, if upheld following investigation, could result in disciplinary action.

Provided you are acting honestly, it does not matter if you are mistaken or if there is an innocent explanation for your concerns. However if evidence is found that any person has made a false allegation, in the knowledge that it is untrue, then this will be investigated fully in line with the Trust's [REDACTED]

5.2 Confidentiality

If you wish to keep your identity confidential it will not be disclosed without your consent.

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). You can choose to raise your concern anonymously, i.e. 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 the situation arises where the concern cannot be resolved without revealing your identity then whether and how to proceed will be discussed with you. Confidentiality cannot be maintained if the manager or person to whom the concerns are expressed considers that there is an immediate risk to patient safety and that, therefore, the matter must be addressed immediately. In such circumstances you would be informed of this course of action and a support plan would be mutually agreed.

5.3 Measures for supporting and protecting individuals

The measures the Trust will take to protect employees raising a concern under this policy include:

- Preserving anonymity – should the employee feel this is necessary;
- On-going support from a senior manager of the organisation and intervention if necessary where individuals encounter difficulties or problems as a result of raising the concern;
- Confidential counselling support (where necessary) arranged through the Trust's Occupational Health Service;
- The arrangement of formal de-briefing where this is required;
- Mediation support where this is required;
- Informing the individual of how the process will be managed and, wherever possible, providing regular information to the individual on the progress of the case.

Where the Trust is not able to resolve the concern without revealing the identity of the individual (for instance because evidence is needed in an internal or external forum), the matter will be discussed formally with them to determine whether and how it is possible to proceed. Members of staff should be given the opportunity to have their Staff Side Representative, or colleague accompany them

5.4 Who can raise concerns?

Anyone who works (or has worked) in the NHS, or for an independent organisation that provides NHS services can raise concerns. This includes agency workers, temporary workers, students, volunteers and governors.

5.5 Who should I raise my concern with?

In many circumstances the easiest way to get your concern resolved will be to raise it formally or informally with your line manager (or lead clinician or tutor). But where you don't think it is appropriate to do this, you can use any of the following options:

- A member of the HR Team on [REDACTED]
- The Safeguarding Team on [REDACTED]
- The Patient Safety Team on [REDACTED]
- The Trust's Freedom to Speak Up Guardian by telephone [REDACTED], via e-mail [REDACTED] or in writing to Freedom to Speak Up Guardian, [REDACTED]
[REDACTED] This is an important role identified in the Freedom to Speak Up review to act as an independent and impartial source of advice

to staff at any stage of raising a concern, with access to anyone in the organisation, including the Chief Executive, or if necessary, outside the organisation.

- The Trust has appointed Staff Champions within the Trust to provide additional support, alongside the Freedom to Speak Up Guardian, to staff who wish to raise concerns at any point, whether they have yet to raise the concern and may be unsure as to what to do, or whether concerns raised remain unresolved and further guidance and support is required. Staff can find details about who Staff Champions are and how to contact them on Connect at the following link: [REDACTED]

If you still remain concerned after this, you can contact:

- Our Executive Director with responsibility for raising concerns, the Director of People: [REDACTED]
- Our Non-Executive Director with responsibility for raising concerns is [REDACTED] who can be contacted via [REDACTED]

All these people have been trained in receiving concerns and will give you information about where you can go for more support.

If for any reason you do not feel comfortable raising your concern internally, you can raise concerns with external bodies (see section 5.6).

5.6 Advice & Support

Beyond the local support listed above, you can also contact the NHS and Social Care Whistleblowing Helpline (08000 724 725), your professional body or trade union representative. You can also contact Protect (formerly Public Concern at Work), leading experts in whistleblowing (<https://protect-advice.org.uk/>).

5.7 How should I raise my concern?

You can raise your concerns with any of the people listed in section 5.5 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. Please do not worry if you are unable to provide exact details including dates/times, we would rather you told someone than keep it to yourself.

5.8 What will we do?

We are committed to the principles of the Freedom to Speak Up review and its vision for raising concerns, and will respond in line with them.

This means that we listen to our staff to learn lessons and improve patient care.

Once a concern has been raised with the Freedom to Speak Up Guardian, the concern will be recorded and you will receive an acknowledgement normally within two working days. The central record will record the date the concern was received, whether you have requested confidentiality,

a summary of the concerns and dates when we have given you updates or feedback. The central record is accessed only by the Freedom to Speak Up Guardian.

5.9 Investigation

Where we have been unable to resolve the matter quickly (usually within a few days), we may need to carry out a proportionate investigation – using someone suitably independent (usually from a different part of the organisation) and properly trained – and we will reach a conclusion within an agreed timescale.

We will agree with you who will carry out the investigation and we will take into account any concerns you may have around the independence of the investigator and any conflicts of interest and make any appropriate changes.

Wherever possible we will carry out a single investigation (so, for example, where a concern is raised about a patient safety incident, we will usually undertake a single investigation that looks at your concern and the wider circumstances of the incident). The investigation 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.

If your concern suggests a Serious Incident has occurred, an investigation will be carried out in accordance with the [REDACTED]

We may decide that your concern would be better looked at under another process; for example, our process for dealing with bullying and harassment under the Dignity at Work Policy. If so, we will discuss that with you.

Any employment issues (that affect only you and not others) identified during the investigation will be considered separately.

5.10 Communicating with you

We will treat you with respect at all times and will thank you for raising your concerns. We will discuss your concerns with you to ensure we understand exactly what you are worried about. We will tell you how long we expect the investigation to take and keep you up to date with its progress. Wherever possible, we will share the investigation report with you. However, it may be necessary to provide a summary of findings rather than the full detail in order to respect and ensure confidentiality of others.

5.11 How we will learn from your concern

The focus of the investigation will be on improving the service we provide for patients and how we support staff. Where it identifies improvements that can be made, we will track them to ensure necessary changes are made, and are working effectively. Lessons will be shared with teams across the organisation, or more widely, as appropriate.

5.12 Board oversight

The Board of Directors will receive high level information about all concerns raised by our staff through this policy and what we are doing to address any problems. We will include similar high level information in our annual report. The Board supports staff raising concerns and wants you to feel free to speak up.

5.13 Review

We will review the effectiveness of this policy and local process at least annually, with the outcome published and changes made as appropriate. This will be through the reporting cycle to the Board.

5.14 Disclosure to the Media

We want our staff to feel confident that they are able to raise concerns internally and that these will be dealt with fairly and properly.

We strongly discourage staff members from making a disclosure to the media as the first response to their concern. This could adversely prejudice any investigation related to their concern, and risk disproportionate reputational harm to the Trust. If all other routes have been exhausted and approach to the media is considered, then staff should contact the Communications Team.

5.15 Disclosure to another NHS Organisation

An individual with an issue relating to another NHS organisation should contact their line manager in the first instance who will raise the issue with the appropriate Executive Director who will contact the appropriate Executive Director in the NHS organisation concerned.

5.16 Raising your concern with an outside body

Alternatively, you can raise your concern outside the organisation with:

NHS England and NHS Improvement ([england.nhs.uk](https://www.england.nhs.uk) or [improvement.nhs.uk](https://www.improvement.nhs.uk)) 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
- Primary medical services (general practice);
- Primary dental services;
- Primary ophthalmic services;
- Local pharmaceutical services.

Care Quality Commission for quality and safety concerns: ([cqc.org.uk](https://www.cqc.org.uk))

Health Education England for education and training in the NHS: <https://www.hee.nhs.uk/>

NHS Counter Fraud Authority for concerns about fraud and corruption: <https://cfa.nhs.uk/>

5.17 Making a 'protected disclosure'

There are very specific criteria that need to be met for an individual to be covered by 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', similar to the list of outside bodies detailed in 5.5, who you can make a protected disclosure to. To help you consider whether you might meet these criteria, please seek independent advice from the NHS and Social Care Whistleblowing Helpline (08000 724 725), [Protect \(formerly Public Concern at Work\)](#) or a legal representative.

5.18 Regulatory Bodies

Extensive guidelines on how to raise a concern and how to escalate a concern, where appropriate, with regulatory bodies, can also be found on the following websites:

[British Medical Association](#) (BMA) - guidance for doctors and medical students.

[General Medical Council](#) (GMC) - guidance for doctors on raising and acting on concerns.

[General Dental Council](#) (GDC) – guidance for dentists.

[Nursing and Midwifery Council](#) (NMC) - guidance and toolkits for nursing and midwifery.

[Health and Care Professions Council](#) (HCPC) - guidance for health care professionals.

[Care Quality Commission](#) (CQC) - guidance for health and care staff about how you can escalate a concern with the CQC.

Further information is obtainable through the [National Whistleblowing helpline website](#).

6. Standards and Key Performance Indicators

6.1 Applicable Standards

The Trust must have a Freedom to Speak Up Guardian and a Speaking Up Policy in place.

6.2 Measurement and Key Performance Indicators

Measurement and Key performance indicators comprise:

- The number of Speaking Up concerns raised

The outline of all concerns will be recorded and outcomes monitored by the Freedom to Speak Up Guardian. The Board and People Committee will explore any key themes or issues, patterns/similarities so as to maintain a learning culture within the Trust.

- National staff survey indicators relating to staff feeling secure about raising concerns about unsafe clinical practice and having confidence in the organisation to address the concern.

7. References

Speaking Up Review, Sir Robert Francis, February 2015

National Guardian's Office, <https://www.nationalguardian.org.uk>

8. Associated Internal Documentation

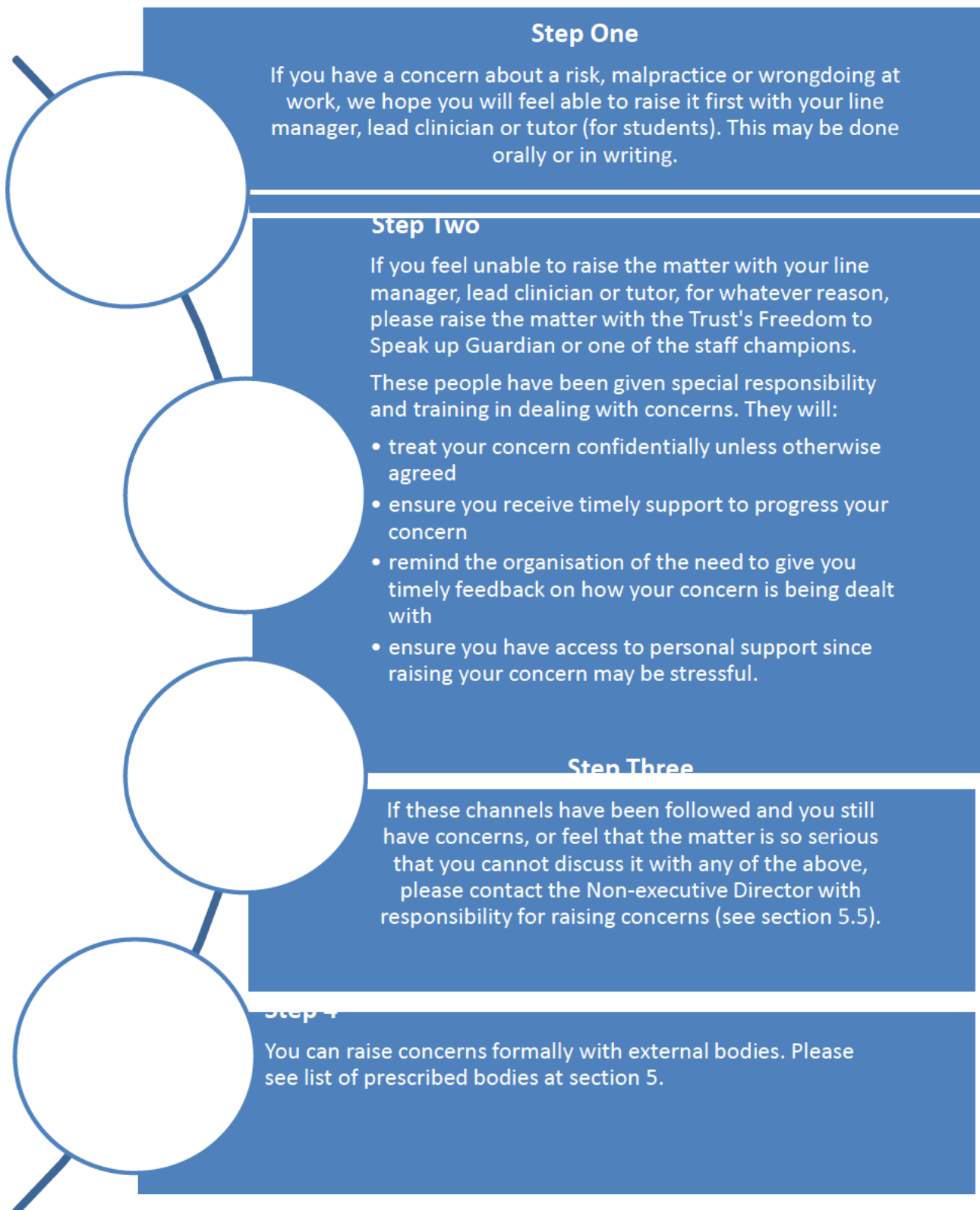
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

9. Appendix A – Process for Raising and Escalating a Concern



10. Appendix B – Monitoring Table for this Policy

The following table sets out the monitoring provisions associated with this Policy.

Objective	Evidence	Method	Frequency	Responsible	Committee
To ensure that policy remains fit for purpose	Whether policy is still in line with Trust objectives and any changes in legislation	Regular policy review	24 months	Head of Employee Relations	Policy Group
To ensure a culture of speaking up is achieved throughout the Trust	Reports to the Board and People Committee	Reports	Quarterly	Freedom to Speak Up Guardian	Board and People Committee

11. Appendix C – Dissemination, Implementation and Training Plan

The following table sets out the dissemination, implementation and training provisions associated with this Policy.

Plan Elements	Plan Details
The Dissemination Lead is:	Head of HR
This document replaces existing documentation:	No
Existing documentation will be replaced by:	N/A
This document is to be disseminated to:	All staff
Method of dissemination:	HRWeb and Newsbeat.
Training is required:	No
The Training Lead is:	N/A

Additional Comments
[DITP - Additional Comments]

12. Appendix D - Equality Impact Assessment

Further information and guidance about Equality Impact Assessments is available here:



Query	Response
What is the main purpose of the document?	To promote an open culture in the Trust and describe how concerns will be managed
Who is the target audience of the document?	Add <input checked="" type="checkbox"/> or <input checked="" type="checkbox"/>
Who is it likely to impact on? (Please tick all that apply.)	Staff <input checked="" type="checkbox"/> Patients <input checked="" type="checkbox"/> Visitors <input checked="" type="checkbox"/> Carers <input checked="" type="checkbox"/> Others <input checked="" type="checkbox"/>

Could the document have a significant negative impact on equality in relation to each of these characteristics?	YES	NO	Please explain why, and what evidence supports this assessment in relation to your response.
Age (including younger and older people)		X	This policy is open to all staff and active promotes all groups to speak up. Promotion activities have been tailored to ensure all groups know about and can access the Freedom to Speak Up Policy and the Freedom to Speak Up Guardian.
Disability (including physical and sensory impairments, learning disabilities, mental health)		X	As above plus the Guardian is available to meet members of staff in a convenient location should this be more accessible.
Gender reassignment		X	
Pregnancy and maternity		X	
Race (includes ethnicity as well as gypsy travelers)		X	
Religion and belief (includes non-belief)		X	
Sex (male and female)		X	
Sexual Orientation (lesbian, gay, bisexual, other)		X	
Groups at risk of stigma or social exclusion (e.g. offenders, homeless people)		X	
Human Rights (particularly rights to privacy, dignity, liberty and non-degrading treatment)		X	

Will the document create any problems or barriers to any community or group? NO

Will any group be excluded because of this document? NO

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Will the document result in discrimination against any group?

NO

If the answer to any of these questions is YES, you must complete a full Equality Impact Assessment.

Could the document have a significant positive impact on inclusion by reducing inequalities?	YES	NO	If yes, please explain why, and what evidence supports this assessment.
Will it promote equal opportunities for people from all groups?			
Will it help to get rid of discrimination?			
Will it help to get rid of harassment?			
Will it promote good relations between people from all groups?			
Will it promote and protect human rights?			

On the basis of the information/evidence so far, do you believe that the document will have a positive or negative impact on equality? (Please rate by circling the level of impact, below.)

Positive impact				Negative Impact		
Significant	Some	Very Little	NONE	Very Little	Some	Significant

Is a full equality impact assessment required? NO

Date assessment completed: 8 November 2019

Person completing the assessment: [REDACTED] Freedom to Speak Up Guardian

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