

Public Trust Board paper L

Meeting title:	Public Trust Board				
Date of the meeting:	8 February 2024				
Title:	Draft Freedom to Speak Up Policy				
Report presented by:	Becky Cassidy, Director of Corporate and Legal Affairs				
Report written by:	Becky Cassidy, Director of Corporate and Legal Affairs				
Action – this paper is for:	Decision/Approval	x	Assurance		Update
Where this report has been discussed previously					

Acronyms used:

Purpose of the Report

The report provides the Board with the reviewed Freedom to Speak Up Policy. This policy is a ‘category A’ policy and requires Board approval.

Recommendation

The Board is asked to:

- Approve the policy
- Note the reflection and planning toolkit to be completed

Summary

The National Guardians Office have worked with NHS England to provide national guidance and policy for speaking up in the NHS. The new policy is required to be adopted by all primary care, secondary care and integrated care boards across the NHS.

The UHL Freedom to Speak up policy has been reviewed to align with the national policy. The main changes are around the terminology being used about speaking up, most noticeably the removal of the term “whistleblowing”. There is further work we need to complete internally around the mechanisms for speaking up but these need to be discussed more broadly with appropriate staff networks across UHL. We will complete this work jointly with the Guardian Service during the Spring.

The policy has been shared with staff side, HR and patient safety colleagues initially for comments. Feedback from the Head of Patient Safety was received and incorporated.

In addition to the policy review, all organisations are required to complete the reflection and planning toolkit and set themselves actions to continue to improve speaking up within their organisations. The template for this can be found in appendix 2. This will be completed by the required individuals and reported back to the next People and Culture Committee in March and fed back through the escalation room to Trust Board in April.

Supporting documentation

Appendix 1 – draft Freedom to Speak Up Policy

Appendix 2 – Reflection and Planning Toolkit

Freedom to Speak Up Policy

Approved By:	Trust Board
Date of Original Approval:	12 January 2001 – Trust Board (Whistleblowing Policy)
Trust Reference:	A15/2001
Version:	8
Supersedes:	V7 – February 2021 (Policy and Guideline Committee)
Trust Lead:	Director of Corporate and Legal Affairs/ Freedom to Speak Up Guardians
Board Director Lead:	Chief Executive
Date of Latest Approval	(will be 8 February 2024 – Trust Board)
Next Review Date:	TBC

CONTENTS

Section		Page
1.	Introduction and Overview	3
2.	Policy Scope	4
3.	Definitions and Abbreviations	5
4.	Roles and Responsibilities	5
5.	Speak up – we will listen	8
6.	What can I speak up about ?	8
7.	We want you to feel safe to speak up	9
8.	Who can speak up?	9
9.	How should I speak up?	11
10.	Advice and Support	11
11.	What will we do?	11
12.	Just Learning Culture	12
13.	Education and Training	13
14.	Process for Monitoring Compliance	13
15.	Equality Statement	13
16.	Supporting References, Evidence Base and Related Policies	13
17.	Process for Version Control, Document Archiving and Review	14
	Appendices 1 and 2	15

Review Dates and Details of Changes Made During the Review

June 2017	V5	Policy adapted from National Guidance Freedom to Speak up: raising concerns (whistleblowing) policy for the NHS April 2016/ Renamed following staff survey
August 2017	V5	Policy written as first person. Flow charts added to share simplified approach for staff at UHL to raise concerns around patient safety. Contact details added to policy to create an openness and transparency for staff
December 2019	V6	Policy updated with up to date contact details, added the 5 steps approach
November 2020	V7	Policy rewrite with up to date contact details, added BAME Your Voice reporting mechanism
January 2024	V8	Policy rewrite in line with new National Speaking Up Policy.

KEY WORDS:

RAISING A CONCERN, DISCLOSURE, OPENNESS, FREEDOM TO SPEAK UP, GUARDIAN SERVICE

1 INTRODUCTION AND OVERVIEW

- 1.1 This document sets out the University Hospitals of Leicester (UHL) NHS Trust's Policy and Procedure for Freedom to Speak Up.
- 1.2 Speaking up about any concern you have at work is vital because it will help us to keep improving our services for all patients and the working environment, and culture, for our workforce.
- 1.3 At UHL we are committed to promoting an open, transparent and supportive culture to ensure that everyone feels safe and confident to speak up about issues that concern them, and for you to know that we will listen and act upon your concerns. We know that effective speaking up arrangements help to protect patients and improve the experience of our workers. Sir Robert Francis highlights that organisations should empower all staff from different ethnicities to speak up in an open, honest and transparent culture and highlights that staff from a BAME background were less likely to speak up for fear of repercussions. As an organisation we want to encourage a sense of cultural inclusivity, so all UHL colleagues feel psychologically safe to raise issues they have. We will focus on learning and improving – understanding what has happened and not who is responsible or to blame by applying a Just and Learning Culture approach whenever issues are raised.

- 2.1 This policy applies to anyone who works or has worked for the Trust. This includes all workers - permanent staff, temporary staff and bank staff. It also applies to Non-Executive directors, locums, trainees, agency staff, students, those on work experience, volunteers, and those on an honorary contract or on secondment to the Trust, contractors, suppliers and self-employed NHS professionals.
- 2.2 For the purpose of this policy, the term **worker** will be used to mean everyone in the Organisation.
- 2.3 This policy should be used where staff want to discuss issues they are concerned about. These concerns may be about general risks, errors in practice, malpractice or wrong doing that they believe is harming the service we deliver.

For example, but not restricted to:

- unsafe patient care
 - unsafe working conditions - inadequate induction or training to undertake their role
 - lack of, or poor response to a reported patient safety incident
 - Suspicions of fraud (which should also be reported to local counter-fraud team).
 - A bullying/harassing culture (across a team or organisation rather than individual instances of bullying). Individual instances of bullying will be processed under the UHL NHS Trusts Resolution Policy Trust Ref. B5/2016).
- 2.4 This policy should also be used where staff want to raise a concern that falls under a Public Interest Disclosure and involves raising a concern. The Public Interest Disclosure Act (1998), which provides legal protection for employees (named above) who can raise a concern or make what is known as a 'protected disclosure' which, in the reasonable belief of the member of staff, refers to one of the following:
- That a criminal offence has been committed, is being committed or likely to be committed;
 - That a person has failed, is failing or likely to fail to comply with any legal obligation to which he/she is subject;
 - That a miscarriage of justice has occurred, is occurring or is likely to occur;
 - That the health and safety of an individual has, may have been or is likely to be endangered; and or
 - That the environment has been, is being or is likely to be damaged;
 - Deliberate concealing of information about any of the above.
- 2.5 You should not use this policy to settle a personal grievance or dispute. A grievance is a personal complaint about your own employment situation: for example, you may feel aggrieved that a management decision has affected you unfairly or that you are not being treated fairly. In those cases you should use the Trust's Resolution Policy as appropriate (Trust Ref. B5/2016).
- 2.6 It is not uncommon for staff to initially not be clear what their concern is about, they just know that they feel uncomfortable about what they have seen and or experienced. The Freedom to Speak Up Guardians can help you work through the information you have and where possible define the issues you want to raise and how best to do this.

3 DEFINITIONS AND ABBREVIATIONS

3.1 FTSU:

Freedom to Speak Up

3.2 Public Interest Disclosure Act (1998):

This is the law which protects employees raising concerns or disclosing information in the public interest responsibly and reasonably.

3.3 Protected / Qualifying Disclosures:

Workers who make a protected disclosure are protected in law against dismissal and victimisation in respect of the disclosure.

3.4 BAME

Black, Asian and Minority Ethnic

3.5 HELM

When joining UHL you will, as part of your induction complete an online e-learning package on UHL Health Education Learning Management (HELM) System

4 ROLES & RESPONSIBILITIES

4.1 Responsibility of the Chief Executive

- 4.1.1 The Chief Executive is ultimately accountable for ensuring that Freedom to Speak Up arrangements meets the needs of the Trust. The Chief Executive will
- consider them fully and sympathetically
 - recognise that raising a concern can be a difficult experience for some staff.

The Chief Executive will be given high level information about all concerns raised by our staff through this policy and what we are doing to address any problems.

4.2 Non-Executive Director (NED) for Speaking Up

- 4.2.1 The lead FTSU NED's role is to ensure that the Trust fosters an open culture so that staff feel confident to speak up about anything that concerns them.
- 4.2.2 The lead FTSU NED is responsible for regularly reviewing the improvement plans that are being put in place and the data that we collect to ensure that the Trust is making good progress and acting on the issues being reported by staff members.

In addition, the lead FTSU NED role is to ensure that our Freedom to Speak Up performance is reviewed at board level and that board itself is encouraged and challenged to embrace the ethos and sentiments behind Freedom to Speak Up.

4.3 Director of Corporate and Legal Affairs

- 4.3.1 The role of the Director of Corporate and Legal Affairs is to provide support to the Freedom to Speak up Guardians, ensure that the Trust listens to and responds to staff concerns, triangulates themes from concerns raised and reports back to the sub committees of the Board and related actions.

- 4.3.2 The Director of Corporate and Legal Affairs will ensure that learning from speaking up issues is operationalised across the Trust. They will also ensure that any allegations of detriment are promptly and fairly investigated and acted upon.

4.4 Freedom to Speak Up Guardian

- 4.4.1 The Freedom to Speak up Guardian role is to act in an independent capacity, to support the Trust to become a more open, transparent place to work, creating a culture based on learning and not blaming, and to listen and support all workers to raise concerns.
- 4.4.2 The Freedom to Speak up Guardian has access to anyone in the organisation, or if necessary, outside the organisation.
- 4.4.3 FTSU Guardians do not get involved in investigations or complaints, but help to facilitate the process needed; ensuring organisational policies in relation to speaking up are followed correctly.

The FTSU Guardian is a point of contact for staff, if where appropriate dialogue with line manager has not been successful, and if it is felt that detriment has occurred then a further case of support from the Guardian can be obtained.

The FTSU Guardians will:

- Try and work with the person raising the concern and their managers to attain local resolution.
- Forward the concern for formal review if the issues cannot be locally resolved or the member of staff does not want to adopt a discursive process.
- Work with concerns that are given anonymously.
- Support staff who raise concerns by 'walking along' side them and advocating for them during any meetings or investigation process.
- Raise high risk concerns immediately with clinical managers or other appropriate senior/executive managers to ensure safety is maintained at all times.
- Monitor the outcome of the process to ensure that no negative effects are experienced by the staff member raising the concern.
- Visit wards and teams formally and informally to discuss any concerns they may have and to gain an understanding of the general experiences of staff on those departments.
- Hold listening meetings within CMGs and Trust-wide corporate services to encourage an open conversation to resolve any issues through an informal process.
- Share generic issues and concerns (where appropriate) with managers of the service so that they are aware of pressures within services and can instigate remedial action.
- Provide feedback to the staff member raising the concern and the findings to the Trust Board via a report outlining issues raised causes and actions taken.
- Ensure that the role and outcomes of the work of the FTSUG is known widely

across the Trust by publication of newsletters, INsite pages, visibility of the Guardians around the Trust, both face to face and virtually and also including information in Chief Executive Friday blogs.

- Ensure that FTSU concerns are measured (themes and trends) monitored and published to the People and Culture Committee and Trust Board on a quarterly basis. Also report quarterly to the National Guardians Office.

4.5 Director On-Call

- 4.5.1 The Director on Call will review and acknowledge any staff concerns via the out of hours speaking up guardian service which require immediate escalation.

4.6 Managers and Clinical Leaders (including Clinical Education Supervisors for Junior Doctors)

- 4.6.1 It is the responsibility of Managers and Clinical Leaders to:

- Act at all times as a role model of our Trust Values and the behaviours framework underpinning those values
- Promote and apply a just and learning culture of openness, transparency and learning where workers feel confident about raising issues that concern them or suggestions for improvement
- Ensure that workers are aware of this policy, are familiar with it and the options available to them to raise issues
- Support and reassure those raising concerns, ensuring no mistreatment or victimisation occurs
- Take concerns seriously, listen and discuss options with the worker
- Handle concerns raised in accordance with the principles of this and any other relevant Trust policies and procedures
- Acknowledge issues raised and deal with it promptly and confidentially, giving the individual(s) your full support during the whole process
- Ensure all workers are aware of the support available from the Trust Freedom to Speak Up Guardian.
- Advise workers that they can contact their Trade Union representative (if they have one) and that they can be present at any meetings if they wish.
- Take prompt action to resolve the concern, or where appropriate undertake a proportionate fact finding investigation or escalate the issue to another appropriate person if necessary
- Keep the individual(s) regularly informed of the status of the process and progress of any investigation and of the outcome ensuring that meaningful feedback is provided.
- Check regularly on the wellbeing of the individual(s) raising concerns, and also anyone who is the subject of a concern and signpost or refer to staff support services
- Take action to rebuild relationships or team working where needed.

4.7 Responsibility of Individual Workers

- 4.7.1 It is the responsibility of all workers to:

- Be aware of this policy, and the other routes available to raise issues and concerns.
- Act in accordance with the NHS Constitution to raise genuine concerns that you may have about a risk, malpractice or wrongdoing at work which may affect patients, the public, other staff or the organisation itself at the earliest reasonable opportunity.

4.8 Chief People Officer

4.8.1 The Chief People Officer is responsible for ensuring that UHL's culture and practice encourage and support speaking up and that learning in relation to workers experience is disseminated across the Trust. They will also ensure that values and behaviours associated with speaking up are embedded throughout people processes.

4.9 Generalist Human Resources Staff

Human Resources have a responsibility to ensure that the advice given to staff regarding this policy is accurate and in line with the content and spirit of this policy.

4.10 UHL Staff Side

Staff Side are available to provide advice and support on the application of this policy and throughout any process resulting from the policy.

4.11 Counter-Fraud Specialists

Counter Fraud Specialists are responsible for conducting investigations into suspicions of fraud and bribery in a manner that abides by appropriate legislation, including the Bribery Act 2010 and protects confidentiality of sources (where appropriate).

4.12 Equality, Diversity and inclusion

Responsible in ensuring that staff can raise concerns in respect to equality, diversity and inclusion matters, particularly where issues are raised in relation to The Equality Act 2010.

5 SPEAK UP – WE WILL LISTEN

5.1.2 UHL 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. Themes from our staff concerns can also be used as part of developing our safety priorities within our Patient Safety Incident Response Plan.

5.1.3 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”.

5.1.4 UHL 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.

5.1.5 This policy is for all workers and we want to hear all our workers' concerns.

6 WHAT CAN I SPEAK UP ABOUT?

6.1. 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 for 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.

- 6.2 Speaking up captures a range of issues, some of which may be appropriate for other existing processes, for example HR or patient safety. As an organisation, we will listen and work with you to identify the most appropriate way of responding to the issue you raise.

7 WE WANT YOU TO FEEL SAFE TO SPEAK UP

- 7.1 You speaking up to us is a gift because it helps us identify opportunities for improvement that we might not otherwise know about.
- 7.2 We will not tolerate anyone being prevented or deterred from speaking up or being mistreated because they have spoken up.

8 WHO CAN I SPEAK UP TO?

8.1 SPEAKING UP INTERNALLY

8.1.1 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.

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

- Our Freedom to Speak Up Guardians can support you to speak up if you feel unable to so. They can be contacted by telephone on 0333 733 5488 or via email contact@theguardianservice.co.uk full details can be found on Insite [INsite - Freedom to Speak Up: New service launch \(xuhl-tr.nhs.uk\)](#)

In addition to contacting the Freedom to Speak up Guardian you can also:

- **Call 3636:** Staff concerns reporting line, call internally 3636 or externally 0116 258 3636. It is a voicemail service to allow you to report issues that you believe may affect the quality and safety of patient care in our hospitals. You will be able to leave a message that will be picked up and acted upon. Further information and the Staff Concern reporting online form is available on the following link:

<http://insite.xuhl-tr.nhs.uk/homepage/management/corporate-directorates/medical/patient-safety/3636--raise-a-concern-online>

- **Junior Doctors Gripe Tool:** Junior Doctors can complete Junior Doctor Gripes Reporting Tool form on INsite for events not serious enough to be called an 'incident' and reported through DATIX, but something that, if addressed would make it easier for you to do your job, or make things better for patients. The online form is accessible on INsite

<http://insite.xuhl-tr.nhs.uk/homepage/clinical/clinical-education/junior-doctors/doctors-in-training-committee/gripe-reporting-tool>

- **Your Voice:** is a concern reporting channel for Black, Asian and Minority ethnic colleagues to express any concerns they have to the Freedom to Speak Up

Guardian for an independent listening ear. The online form is accessible on INsite.

<http://insite.xuhl-tr.nhs.uk/homepage/working-life/freedom-to-speak-up-guardian/your-voice>

- Director of Corporate and Legal Affairs as the executive with responsibility for speaking up. Please contact 07815 477 714 or email becky.cassidy@uhl-tr.nhs.uk
- Head of Patient Safety if your concern relates to issues with patient Safety or clinical governance. Please email Claire.e.rudkin@uhl-tr.nhs.uk
- Our People Service Employee Relations Team – 0116 2585614 or email HRGeneralistadvice@uhl-tr.nhs.uk
- Health and Wellbeing team – 0116 2585245 or email healthandwellbeing@uhl-tr.nhs.uk
- Our Non-Executive Director for Freedom to Speak Up. This role provides more independent support for the guardians; provide a fresh pair of eyes to ensure that investigation are conducted with rigour; and help escalate issues where needed. Please contact ballu.patel@uhl-tr.nhs.uk

8.2 SPEAKING UP EXTERNALLY

8.2.1 Whilst it is hoped this policy provides you with the reassurance needed to raise your concerns internally, we recognise this might not always be possible. If you do not want to speak up to someone within UHL, 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:
 - ✓ How NHS trusts are being run
 - ✓ NHS Procurement and patient choice
 - ✓ The national tariff

NHS England may decide to investigate your concern themselves. You can contact the Director of Corporate Affairs to investigate (usually with their oversight) and/or use the information you provide to inform their oversight of the trust. The precise action they take will depend on the nature of the concerns and how it related to their various roles.

Please note that neither the CQC or NHS England can get involved in individual employment matters.

- [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.

8.2.2 If you are considering contacting the media, please seek advice from the trust Communication Team on 0116 2588963 or email communications@uhl-tr.nhs.uk

9 HOW SHOULD I SPEAK UP?

9.1 You can speak up to any of the people listed in section 8.1 in person, by phone or email.

9.2 Confidentiality

9.2.1 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 you 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 resolve the issue. It also means that you might not be able to access any extra support you need or 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.

10 ADVICE AND SUPPORT

10.1 We want to make sure you feel fully supported to speak up about any concerns you have. You can access a range of support internally here:

- Freedom to Speak Up Guardians 0333 733 5488
- AMICA Counselling Service 0116 254 4388
- Occupational Health 0116 258 5307
- Staff Side Representatives (local) and Staff Side Office 0116 258 4080
- Chaplaincy Service-Listening Ear Service 0116 258 4243
- Mental Health First Aiders on [INsite](#)
- Health and Wellbeing on [INsite](#)

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

- [Support available for our NHS people](#)
- NHS England has a [Speak Up Support Scheme](#) that you can apply to for support
- [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 [Advisory, Conciliation and Arbitration Service](#) gives advice and assistance, including on early conciliation regarding employment disputes

11 WHAT WILL WE DO?

11.1 The matter you are speaking up about may be best considered under a specific existing policy/process. 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 1.

11.2 Resolution and investigation

- 11.2.1 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 the opportunity is fully explored, which may be with facilitated conversation and/or mediation.
- 11.2.2 Where an investigation is needed, this will be objective and conducted by someone who is suitably independent 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.
- 11.2.3 Any employment issues that have implications for you/your capability or conduct identified during the investigation will be considered separately.

11.3 Communicating with you

- 11.3.1 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 place 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).

11.4 How we learn from your speaking up

- 11.4.1 We want speaking up to improve the services we provide for patients and the environment for our colleagues to 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.

11.5 Review

- 11.5.1 We will seek feedback from workers about their experience of speaking up. We will review the effectiveness of this policy and our local process, with the outcome published and changes made as appropriate.

11.6 Senior leaders' oversight

- 11.6.1 Our senior leaders are here to listen and learn from you. The ways that we will do this is by:
 - Monthly meetings between the FTSU Guardians and the Director of Corporate and Legal Affairs to review themes and escalation of significant issues
 - Quarterly reporting to the People and Culture Committee
 - Quarterly reporting to the Trust Board

12 JUST AND LEARNING CULTURE

We are committed to the principles and application of a Just and Learning Culture framework whereby we support the consistent, constructive and fair evaluation of the actions of workers involved in incidents or concerns. We know that action singling out an individual is rarely appropriate and that most issues have deeper causes and require wider action. We hope that by demonstrating that our focus is on addressing process and organisational issues that impact on individual's abilities to provide safe patient care that our workforce will feel better able to raise issues that are concerning

them.

13 EDUCATION AND TRAINING

There is no specific education or training required to implement this policy.

FTSU will be discussed as part of the corporate induction programme, with dedicated slides and hand-outs to raise awareness of this policy to new staff to the Trust

The National Guardians Office have developed a three tier e-learning programme

‘Speak up’ ‘Listen up’ Follow Up’

‘Speak up’ is aimed at all workers in healthcare including Students, Volunteers and those in training regardless of their contract terms. To access [Training - National Guardian's Office](#)

14 PROCESS FOR MONITORING COMPLIANCE

Element to be monitored	Lead	Tool	Frequency	Reporting Arrangements
Key indicators relating to the FTSU relevant responses in the Annual NHS Staff Survey	Director of Corporate and Legal Affairs	Annual NHS Staff Survey results	Quarterly	Trust Board
Issues raised under the FTSU Policy	Freedom to Speak up Guardians/ Director of Corporate and Legal Affairs	3636 staff reporting line/CQC/Junior Doctor Gripe Tool/ Fraud/Your Voice	Quarterly	People and Culture Committee and Trust Board

15 EQUALITY STATEMENT

14.1 The Trust recognises the diversity of the local community it serves. Our aim therefore is to provide a safe environment, free from discrimination and treat all individuals fairly, with dignity and appropriately, according to their needs.

14.2 As part of its development, this policy and its impact on equality have been reviewed and no detriment was identified.

14.3 The Equality, Diversity and Inclusion Strategic Plan can be found [here](#)

14.4 Information on Equality, Diversity and Inclusion can be found [here](#)

16 SUPPORTING REFERENCES, EVIDENCE BASE AND RELATED POLICIES

a. This procedure compliments other Trust policies and procedures as listed below.

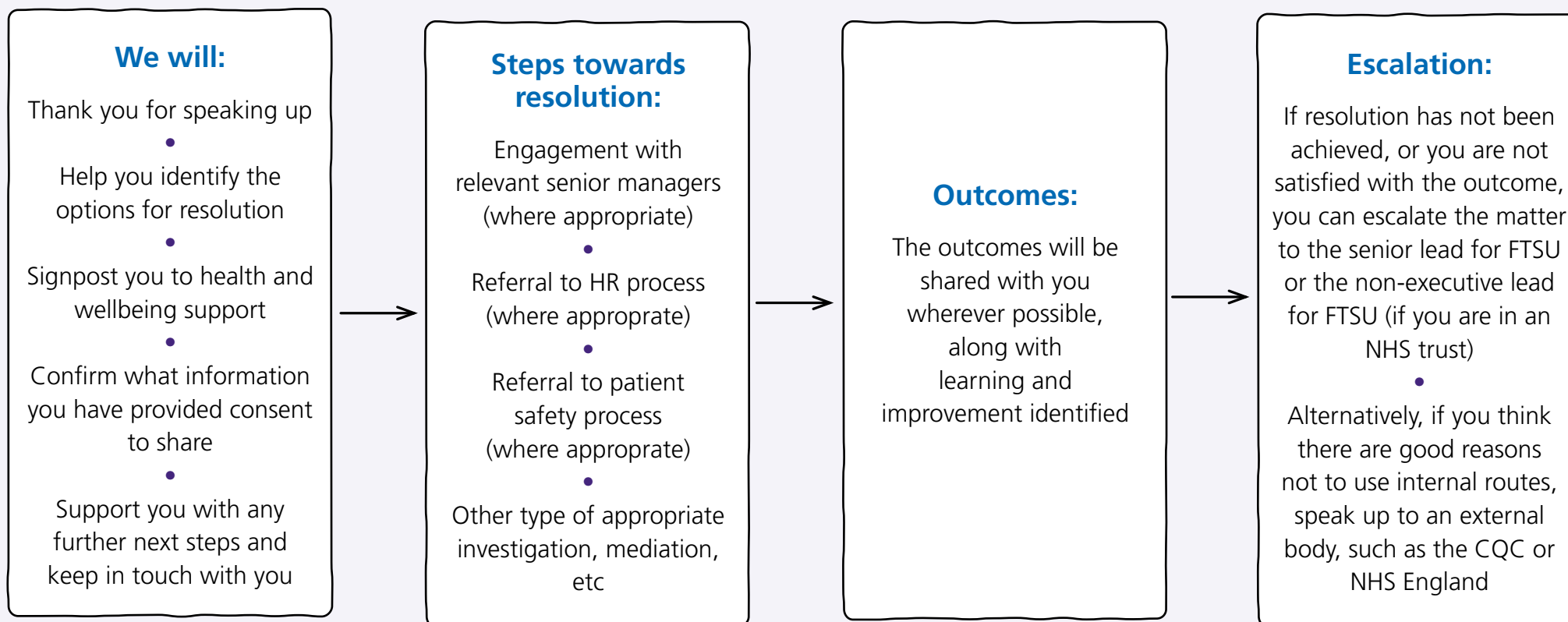
- i. Incident and Accident Reporting Policy (including the investigation of serious, RIDDOR and security incident (Trust Ref. A10/2002)
- ii. Counter Fraud, Bribery and Corruption Policy (A1/2010)
- iii. Resolution Policy and Procedure (Trust Ref. B5/2016)
- iv. National Freedom to Speak Up Policy
- v. The Public Interest Disclosure Act (1998)

17 PROCESS FOR VERSION, DOCUMENT ARCHIVING AND REVIEW

- a. The updated version of the policy will then be uploaded and available through INsite Documents and the Trust's externally-accessible Freedom of Information publication scheme.
- b. This policy will be reviewed every three years.

Appendix A:

What will happen when I speak up?

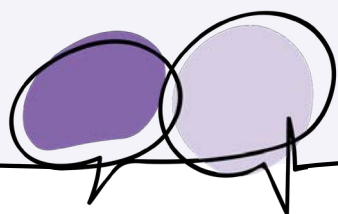


Appendix B:

Making a protected disclosure

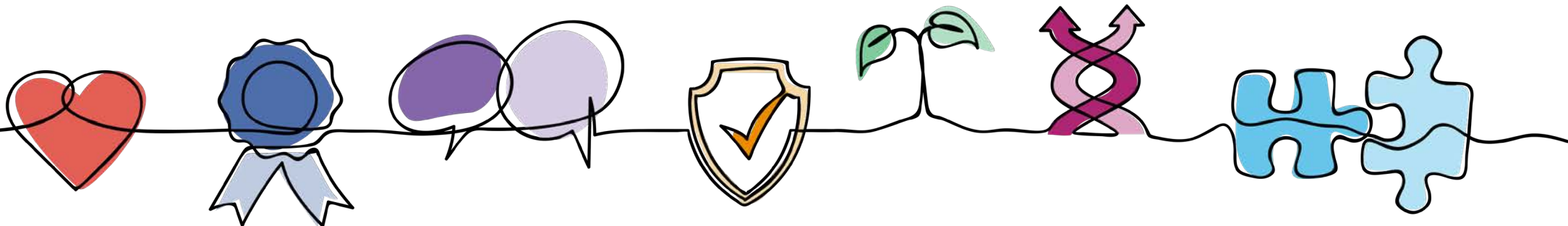
Making a 'protected disclosure'

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 [Protect](#) or a legal representative.



Freedom to Speak up

A reflection and planning tool



Introduction

The senior lead for FTSU in the organisation should take responsibility for completing this reflection tool, at least every 2 years.

This improvement tool is designed to help you identify strengths in yourself, your leadership team and your organisation – and any gaps that need work. It should be used alongside Freedom to speak up: [A guide for leaders in the NHS and organisations delivering NHS services](#), which provides full information about the areas addressed in the statements, as well as recommendations for further reading.

Completing this improvement tool will demonstrate to your senior leadership team, your board or any oversight organisation the progress you have made developing your Freedom to Speak Up arrangements.

You may find that not every section in this tool is relevant to your organisation at this time. For this reason, the tool is provided in Word format to allow you to adapt it to your current needs, retaining the elements that are most useful to you.

If you have any questions about how to use the tool, please contact the national FTSU Team using england.ftsus-enquiries@nhs.net

The self-reflection tool is set out in three stages, set out below.

Stage 1

This section sets out statements for reflection under the eight principles outlined in the guide. They are designed for people in your organisation's board, senior leadership team or – in the case of some primary care organisations – the owner.

You may want to review your position against each of the principles or you may prefer to focus on one or two.

Stage 2

This stage involves summarising the high-level actions you will take over the next 6–24 months to develop your Freedom to Speak Up arrangements. This will help the guardian and the senior lead for Freedom to Speak Up carry out more detailed planning.

Stage 3

Summarise the high-level actions you need to take to share and promote your strengths. This will enable others in your organisation and the wider system to learn from you.

Stage 1: Review your Freedom to Speak Up arrangements against the guide

What to do

- Using the scoring below, mark the statements to indicate the current situation.

1 = significant concern or risk which requires addressing within weeks

2 = concern or risk which warrants discussion to evaluate and consider options

3 = generally applying this well, but aware of room for improvement or gaps in knowledge/approach

4 = an evidenced strength (e.g., through data, feedback) and a strength to build on

5 = confident that we are operating at best practice regionally or nationally (e.g., peers come to use for advice)

- Summarise evidence to support your score.
- Enter any high-level actions for improvement (you will bring these together in Stage 2).
- Make a note of any areas you score 5s in and how you can promote this good practice (you will bring these together in Stage 3).

Principle 1: Value speaking up

For a speaking-up culture to develop across the organisation, a commitment to speaking up must come from the top.

Statements for the senior lead responsible for Freedom to Speak Up to reflect on	Score 1–5 or yes/no
I am knowledgeable about Freedom to Speak Up	
I have led a review of our speaking-up arrangements at least every two years	
I am assured that our guardian(s) was recruited through fair and open competition	
I am assured that our guardian(s) has sufficient ringfenced time to fulfil all aspects of the guardian job description	
I am regularly briefed by our guardian(s)	
I provide effective support to our guardian(s)	
High-level actions needed to bring about improvement (focus on scores 1, 2 and 3)	
1 - Conduct annual review of the service to ensure it is being delivered to meet our workforce needs	
2	

Statements for the non-executive director lead responsible for Freedom to Speak Up to reflect on	Score 1–5 or yes/no
I am knowledgeable about Freedom to Speak Up	
I am confident that the board displays behaviours that help, rather than hinder, speaking up	
I effectively monitor progress in board-level engagement with the speaking-up agenda	
I challenge the board to develop and improve its speaking-up arrangements	
I am confident that our guardian(s) is recruited through an open selection process	
I am assured that our guardian(s) has sufficient ringfenced time to fulfil all aspects of the guardian job description	
I am involved in overseeing investigations that relate to the board	
I provide effective support to our guardian(s)	
<p>Enter summarised evidence to support your score.</p>	
<p>High-level actions needed to bring about improvement (focus on scores 1, 2 and 3)</p>	
1	
2	

Principle 2: Role-model speaking up and set a healthy Freedom to Speak up culture

Role-modelling by leaders is essential to set the cultural tone of the organisation.

Statements for senior leaders	Score 1–5 or yes/no
The whole leadership team has bought into Freedom to Speak Up	
We regularly and clearly articulate our vision for speaking up	
We can evidence how we demonstrate that we welcome speaking up	
We can evidence how we have communicated that we will not accept detriment	
We are confident that we have clear processes for identifying and addressing detriment	
We can evidence feedback from staff that shows we are role-modelling the behaviours that encourage people to speak up	
We regular discuss speaking-up matters in detail	
<p>Enter summarised evidence to support your score.</p>	
<p>High-level actions needed to bring about improvement (focus on scores 1 ,2 and 3)</p>	
1	
2	

Statements for the person responsible for organisational development	Score 1–5 or yes/no
I am knowledgeable about Freedom to Speak Up	
We have included creating a speaking-up culture (separate from the Freedom to Speak Up guardian process) in our wider culture improvement plans	
We have adapted our organisational culture so that it becomes a just and learning culture for our workers	
We support our guardian(s) to make effective links with our staff networks	
We use Freedom to Speak Up intelligence and data to influence our speaking-up culture	
<p>Enter summarised evidence to support your score.</p>	
High-level actions needed to bring about improvement (focus on scores 1, 2 and 3)	
1	
2	

Statements about how much time the guardian(s) has to carry out their role	Score 1–5 or yes/no
We have considered all relevant intelligence and data when making our decision about the amount of ringfenced time our guardian(s) has, so that they are able to follow the National Guardian’s Office guidance and universal job description and to attend network events	
We have reviewed the ringfenced time our Guardian has in light of any significant events	
The whole senior team or board has been in discussions about the amount of ringfenced time needed for our guardian(s)	
We are confident that we have appropriate financial investment in place for the speaking-up programme and for recruiting guardians	
<p>Enter summarised evidence to support your score.</p>	
<p>High-level actions needed to bring about improvement (focus on scores 1, 2 and 3)</p>	
1	
2	

Principle 3: Make sure workers know how to speak up and feel safe and encouraged to do so

Regular, clear and inspiring communication is an essential part of making a speaking-up culture a reality.

Statements about your speaking-up policy	Score 1–5 or yes/no
Our organisation's speaking-up policy reflects the 2022 update	
We can evidence that our staff know how to find the speaking-up policy	
Enter summarised evidence to support your score.	
High-level actions needed to bring about improvement (focus on scores 1, 2 and 3)	
1	
2	

Statements about how speaking up is promoted	Score 1–5 or yes/no
We have used clear and effective communications to publicise our guardian(s)	
We have an annual plan to raise the profile of Freedom to Speak Up	
We tell positive stories about speaking up and the changes it can bring	
We measure the effectiveness of our communications strategy for Freedom to Speak Up	
<p>Enter summarised evidence to support your score.</p>	
High-level actions needed to bring about improvement (focus on scores 1, 2 and 3)	
1	
2	

Principle 4: When someone speaks up, thank them, listen and follow up

Speaking up is not easy, so when someone does speak up, they must feel appreciated, heard and involved.

Statements about training	Score 1–5 or yes/no*
We have mandated the National Guardian’s Office and Health Education England training	
Freedom to Speak Up features in the corporate induction as well as local team-based inductions	
Our HR and OD teams measure the impact of speaking-up training	
Enter summarised evidence to support your score.	
High-level actions needed to bring about improvement (focus on scores 1, 2 and 3)	
1	
2	

Statements about support for managers within teams or directorates	Score 1–5 or yes/no
We support our managers to understand that speaking up is a valuable learning opportunity and not something to be feared	
All managers and senior leaders have received training on Freedom to Speak Up	
We have enabled managers to respond to speaking-up matters in a timely way	
We are confident that our managers are learning from speaking up and adapting their environments to ensure a safe speaking-up culture	
<p>Enter summarised evidence to support your score.</p>	
<p>High-level actions needed to bring about improvement (focus on scores 1, 2 and 3)</p>	
1	
2	

Principle 5: Use speaking up as an opportunity to learn and improve

The ultimate aim of speaking up is to improve patient safety and the working environment for all NHS workers.

Statements about triangulation	Score 1–5 or yes/no
We have supported our guardian(s) to effectively identify potential areas of concern and to follow up on them	
We use triangulated data to inform our overall cultural and safety improvement programmes	
Enter summarised evidence to support your score.	
High-level actions needed to bring about improvement (focus on scores 1, 2 and 3)	
1	
2	

Statements about learning for improvement	Score 1–5 or yes/no
We regularly identify good practice from others – for example, through self-assessment or gap analysis	
We use this information to add to our Freedom to Speak Up improvement plan	
We share the good practice we have generated both internally and externally to enable others to learn	
<p>Enter summarised evidence to support your score.</p>	
High-level actions needed to bring about improvement (focus on scores 1, 2 and 3)	
1	
2	

Principle 6: Support guardians to fulfil their role in a way that meets workers' needs and National Guardian's Office requirements

Statements about how our guardian(s) was appointed	Score 1–5 or yes/no
Our guardian(s) was appointed in a fair and transparent way	
Our guardian(s) has been trained and registered with the National Guardian Office	
<p>Enter summarised evidence to support your score.</p>	
High-level actions needed to bring about improvement (focus on scores 1, 2 and 3)	
1	
2	

Statements about the way we support our guardian(s)	Score 1–5 or yes/no
Our guardian(s) has performance and development objectives in place	
Our guardian(s) receives sufficient one-to-one support from the senior lead and other relevant executives or senior leaders	
Our guardian(s) has access to a confidential source of emotional support or supervision	
There is an effective plan in place to cover the guardian's absence	
Our guardian(s) provides data quarterly to the National Guardian's Office	
<p>Enter summarised evidence to support your score.</p>	
High-level actions needed to bring about improvement (focus on scores 1, 2 and 3)	
1	
2	

Statements about our speaking up process	Score 1–5 or yes/no
Our speaking-up case-handling procedures are documented	
We have engaged with managers and other key stakeholders on the role they play in handling speaking-up cases	
We are assured that confidentiality is maintained effectively	
We ensure that speaking-up cases are progressed in a timely manner within the teams or directorates we are responsible for	
We are confident that if people speak up within the teams or directorates we are responsible for, they will have a consistently positive experience	
<p>Enter summarised evidence to support your score.</p>	
High-level actions needed to bring about improvement (focus on scores 1, 2 and 3)	
1	
2	

Principle 7: Identify and tackle barriers to speaking up

However strong an organisation's speaking-up culture, there will always be some barriers to speaking up, whether organisation wide or in small pockets. Finding and addressing them is an ongoing process.

Statements about barriers	Score 1–5 or yes/no
We have identified the barriers that exist for people in our organisation	
We know who isn't speaking up and why	
We are confident that our Freedom to Speak Up champions are clear on their role	
We have evaluated the impact of actions taken to reduce barriers?	
<p>Enter summarised evidence to support your score.</p>	
High-level actions needed to bring about improvement (focus on scores 1, 2 and 3)	
1	
2	

Statements about detriment	Score 1–5 or yes/no
We have carried out work to understand what detriment for speaking up looks and feels like	
We monitor whether workers feel they have suffered detriment after they have spoken up	
We are confident that we have a robust process in place for looking into instances where a worker has felt they have suffered detriment	
Our non-executive director for Freedom to Speak Up is involved in overseeing how allegations of detriment are reviewed	
<p>Enter summarised evidence to support your score.</p>	
<p>High-level actions needed to bring about improvement (focus on scores 1, 2 and 3)</p>	
1	
2	

Principle 8: Continually improve our speaking up culture

Building a speaking-up culture requires continuous improvement. Two key documents will help you plan and assess your progress: the improvement strategy and the improvement and delivery plan.

Statements about your speaking-up strategy	Score 1–5 or yes/no
We can evidence that we have a comprehensive and up-to-date strategy to improve the speaking-up culture	
We are confident that the Freedom to Speak Up improvement strategy fits with our organisation’s overall cultural improvement strategy and that it supports the delivery of related strategies	
We routinely evaluate the Freedom To Speak Up strategy, using a range of qualitative and quantitative measures, and provide updates to our organisation	
Our improvement plan is up to date and on track	
<p>Enter summarised evidence to support your score.</p>	
High-level actions needed to bring about improvement (focus on scores 1, 2 and 3)	
1	
2	

Statements about evaluating speaking-up arrangements	Score 1–5 or yes/no
We have a plan in place to measure whether there is an improvement in how safe and confident people feel to speak up	
Our plan follows a recognised 'plan, do, study, act' or other quality improvement approach	
Our speaking-up arrangements have been evaluated within the last two years	
<p>Enter summarised evidence to support your score.</p>	
High-level actions needed to bring about improvement (focus on scores 1, 2 and 3)	
1	
2	

Statements about assurance	Score 1–5 or yes/no
We have supported our guardian(s) to structure their report in a way that provides us with the assurance we need	
We have we evaluated the content of our guardian report against the suggestions in the guide	
Our guardian(s) provides us with a report in person at least twice a year	
We receive a variety of assurance that relates to speaking up	
We seek and receive assurance from the relevant executives/senior leaders that speaking up results in learning and improvement	
<p>Enter summarised evidence to support your score.</p>	
<p>High-level actions needed to bring about improvement (focus on scores 1, 2 and 3)</p>	
1	
2	

Stage 2: Summarise your high-level development actions for the next 6 – 24 months

Development areas to address in the next 6–12 months	Target date	Action owner
1		
2		
3		
4		
5		
6		
7		
8		

Development areas to address in the next 12–24 months	Target date	Action owner
1		
2		
3		
4		
5		
6		
7		
8		

Stage 3: Summary of areas of strength to share and promote

High-level actions needed to share and promote areas of strength (focus on scores 4 and 5)	Target date	Action owner
1		
2		
3		
4		
5		
6		
7		
8		