

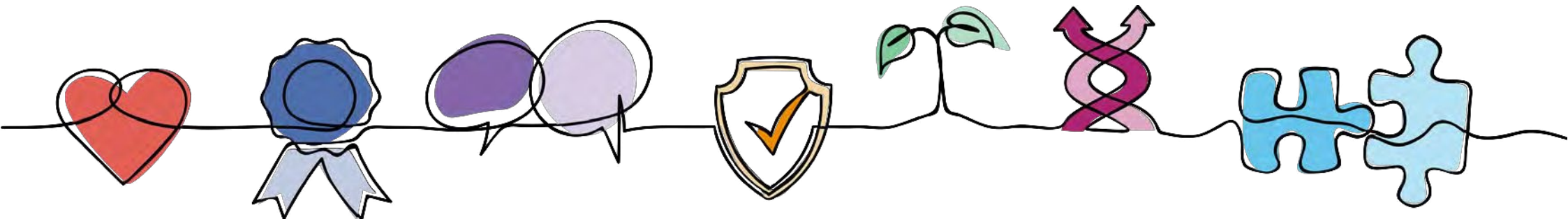


Gloucestershire Health and Care
NHS Foundation Trust

Freedom to Speak Up policy for the NHS

Version 8, May 2024

Adapted for Gloucestershire Health & Care NHS Foundation Trust



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Equality and Health Inequalities Statement

Promoting equality and addressing health inequalities are at the heart of NHS England's values. Throughout the development of the policies and processes cited in this document, we have:

- Given due regard to the need to eliminate discrimination, harassment and victimisation, to advance equality of opportunity, and to foster good relations between people who share a relevant protected characteristic (as cited under the Equality Act 2010) and those who do not share it; and
- Given regard to the need to reduce inequalities between patients in access to, and outcomes from healthcare services and to ensure services are provided in an integrated way where this might reduce health inequalities.

Speak up – we will listen

We welcome speaking up and we will listen. By speaking up at work you will be playing a vital role in helping us to keep improving our services for all patients and the working environment for our colleagues.

This policy is for all our colleagues in GHC. The [NHS People Promise](#) commits to ensuring that “we each have a voice that counts, that we all feel safe and confident to speak up, and take the time to really listen to understand the hopes and fears that lie behind the words”.

We want to hear about any concerns you have, whichever part of the organisation you work in. We know some groups in our workforce feel they are seldom heard or are reluctant to speak up. You could be an agency worker, bank worker, locum or student. We also know that colleagues with disabilities, or from a minority ethnic background or the LGBTQ+ community do not always feel able to speak up.

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

We ask all our colleagues to complete [the online training](#) on speaking up. The online module on listening up is specifically for managers to complete and the module on following up is for senior leaders to complete.

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

This policy

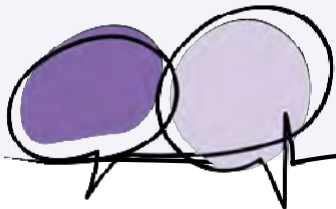
All NHS organisations and others providing NHS healthcare services in primary and secondary care in England are required to adopt this national policy as a minimum standard to help normalise speaking up for the benefit of patients and colleagues. Its aim is to ensure all matters raised are captured and considered appropriately.



What can I speak up about?

You can speak up about anything that gets in the way of patient care or affects your working life. That could be something which doesn't feel right to you: for example, a way of working or a process that isn't being followed; you feel you are being discriminated against; or you feel the behaviours of others is affecting your wellbeing, or that of your colleagues or patients. This can include sexual safety too.

Speaking up is about all of these things and therefore captures a range of issues, some of which may be appropriate for other existing processes. For example, our local policies include: Sexual Safety, Lone working, Relationships & Professional Boundaries, Managing Allegations, Domestic Abuse, Complaints Procedure which you will find on GHC's intranet. As an organisation, we will listen and work with you to identify the most appropriate way of responding to the issue you raise.



We want you to feel safe to speak up

Your speaking up helps us identify opportunities for improvement that we might not otherwise know about. We will not tolerate anyone being prevented or deterred from speaking up or being mistreated because they have spoken up. This policy enables colleagues to speak up with out fear, and to nurture and develop a culture of openness, compassion, fairness and transparency.

Who can speak up?

Anyone who works in NHS healthcare, including pharmacy, optometry and dentistry. This encompasses any healthcare professionals, non-clinical colleagues, directors, managers, private contractors, volunteers, students, trainees, junior doctors, locum, bank and agency colleagues, and former colleagues. If members of the public, service users and patients wish to raise concerns, the Service Experience Team experience@ghc.nhs.uk or complaints@ghc.nhs.uk Complaints Procedure exists.

Who can I speak up to?

Speaking up internally within GHC

The Board are committed to this policy. 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.

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

- A Senior manager, or Director, with responsibility for the subject matter you are speaking up about. For example, for concerns related to criminal activity, contact the Accredited Security Management Specialists: Security@ghc.nhs.uk or ☎ 0300 421 8272 or 8218.
- Our CEO Douglas Blair is Executive Lead for Freedom to Speak Up. Email douglas.blair@ghc.nhs.uk or use the Direct to Douglas App.
- Nicola Hazle, Director of Nursing, Therapies and Quality (Nicola.Hazle@ghc.nhs.uk or ☎ 07816 224583) or Non-Executive Lead for Freedom to Speak Up Jan Marriott (☎ 07917 633484 or email Jan.Marriott@ghc.nhs.uk)
- The patient safety team patientsafety@ghc.nhs.uk or clinical governance team (where concerns relate to patient safety or wider quality issues). There is also a link on Datix for direct access to the Freedom to Speak Up Guardian.
- The Local counter fraud team (for fraud concerns) contact Lee Sheridan ☎ 0300 422 2726 SheridanLee@ghc.nhs.uk or Paul Kerrod ☎ 0300 422 2753 or KerrodPaul@ghc.nhs.uk or ghn-tr.fraudAccountMailbox@nhs.net
- Our Freedom to Speak Up Guardian Sonia Pearcey who can support you. ☎ 07964 250579 or freedomtospeakup@ghc.nhs.uk or via the FTSU App. Sonia will ensure that people who speak up are thanked for doing so, that the issues they raise are responded to, and that the person speaking up receives feedback on the actions taken. You can find out more about the guardian role [here](#).
- Contact our HR team - [Human Resources - Interact \(ghc.nhs.uk\)](#)
- Staff Side. As trade union representatives (staff side colleagues) they ensure that member's views are represented. Contact Staff Side on ☎ 07816 062699.

Speaking up outside of GHC

If you do not want to speak up to someone within GHC, you can speak up externally to:

- [Care Quality Commission](#) (CQC) for quality and safety concerns about the services it regulates – you can find out more about how the CQC handles concerns [here](#).
- [NHS England](#) for concerns about:
 - GP surgeries
 - dental practices
 - optometrists
 - pharmacies
 - how NHS trusts and foundation trusts are being run (this includes ambulance trusts and community and mental health trusts)
 - NHS procurement and patient choice
 - the national tariff.

NHS England may decide to investigate your concern themselves, ask your employer or another appropriate organisation to investigate (usually with their oversight) and/or use the information you provide to inform their oversight of the relevant organisation. The precise action they take will depend on the nature of your concern and how it relates to their various roles.

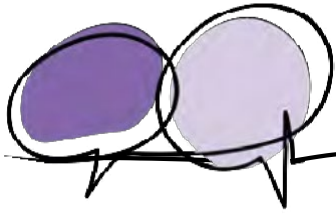
Please note that neither the Care Quality Commission nor NHS England can get involved in individual employment matters, such as a concern from an individual about feeling bullied.



- [NHS Counter Fraud Authority](#) for concerns about fraud and corruption, using their [online reporting form](#) or calling their freephone line **0800 028 4060**.

If you would like to speak up about the conduct of a member of staff, you can do this by contacting the relevant professional body such as the General Medical Council, Nursing and Midwifery Council, Health & Care Professions Council, General Dental Council, General Optical Council or General Pharmaceutical Council.

Appendix B contains information about making a 'protected disclosure'.



How should I speak up?

You can speak up to any of the people or organisations listed above in person, by phone or in writing (including email).

Confidentiality

The most important aspect of your speaking up is the information you can provide, not your identity.

You have a choice about how you speak up:

- **Openly:** you are happy that the person you speak up to knows your identity and that they can share this with anyone else involved in responding.
- **Confidentially:** you are happy to reveal your identity to the person you choose to speak up to on the condition that they will not share this without your consent.
- **Anonymously:** you do not want to reveal your identity to anyone. This can make it difficult for others to ask you for further information about the matter and may make it more complicated to act to resolve the issue. It also means that you might not be able to access any extra support you need and receive any feedback on the outcome.

In all circumstances, please be ready to explain as fully as you can the information and circumstances that prompted you to speak up.

You can raise your concerns with any of the people listed in person, by phone or in writing (including email), including the Freedom to Speak Up App System to the Freedom to Speak Up Guardian, as another confidential or anonymous route to speak up. This can be found on your desktop or mobile phone.

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

Advice and support

You can find out about the local support available to you at [either link to organisation intranet or reference other locations where this information can be found]. Your local staff networks [include link to local networks] can be a valuable source of support.

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

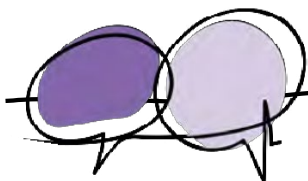
- [Support available for our NHS people.](#)
- [Looking after you: confidential coaching and support for the primary care workforce.](#)

NHS England has a [Speak Up Support Scheme](#) that you can apply to for support. You can also contact the following organisations:

- [Speak Up Direct](#) provides free, independent, confidential advice on the speaking up process.
- The charity [Protect](#) provides confidential and legal advice on speaking up.
- The [Trades Union Congress](#) provides information on how to join a trade union.
- [The Law Society](#) may be able to point you to other sources of advice and support.
- [The Advisory, Conciliation and Arbitration Service](#) gives advice and assistance, including on early conciliation regarding employment disputes.

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

- NHS Whistleblowing helpline 08000 724 725
- Care Quality Commission on 0300 616161 or enquiries@cqc.org.uk for quality and safety concerns
- NHS Improvement and NHS England 0300 311 22 33 or england.contactus@nhs.net 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
- Health Education England (<https://www.hee.nhs.uk/>) for education and training in the NHS
- The NHS Counter Fraud Authority 0800 028 4060 or <https://cfa.nhs.uk/reportfraud> for concerns about fraud, bribery and corruption
- The charity Protect for free, confidential whistleblowing advice on 020 3117 2520020 7404 6609 or by email whistle@protect-advice.org.uk
- The Health and Safety Executive on 0300 003 1647



What will we do?

The matter you are speaking up about may be best considered under a specific existing policy/process; for example, our process for dealing with bullying and harassment. If so, we will discuss that with you. If you speak up about something that does not fall into an HR or patient safety incident process, this policy ensures that the matter is still addressed.

We are committed to listening to our colleagues, learning lessons and improving patient care as well as the environment colleagues work in. You will receive an acknowledgement of your concern within 2 working days, within GHC.

What you can expect to happen after speaking up is shown in Appendix B.

Resolution and investigation

We support our managers/supervisors to listen to the issue you raise and take action to resolve it wherever possible. In most cases, it's important that this opportunity is fully explored, which may be with facilitated conversations and/or mediation.

Where an investigation is needed, this will be objective and conducted by someone who is suitably independent (this might be someone outside your organisation or from a different part of the organisation) and trained in investigations. It will reach a conclusion within a reasonable timescale (which we will notify you of), and a report will be produced that identifies any issues to prevent problems recurring.

Any employment issues that have implications for you/your capability or conduct identified during the investigation will be considered separately. The FTSU Guardian will be available for independent support throughout this time.

Communicating with you

We will treat you with respect at all times and will thank you for speaking up. We will discuss the issues with you to ensure we understand exactly what you are worried about. If we decide to investigate, we will tell you how long we expect the investigation to take and agree with you how to keep you up to date with its progress. Wherever possible, we will share the full investigation report with you (while respecting the confidentiality of others and recognising that some matters may be strictly confidential; as such it may be that we cannot even share the outcome with you).

How we learn from your speaking up

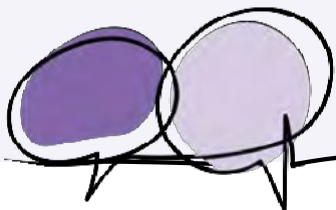
We want speaking up to improve the services we provide for patients and the environment our colleagues work in. Where it identifies improvements that can be made, we will ensure necessary changes are made, and are working effectively. Lessons will be shared with teams across the organisation, or more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

Review

We will seek feedback from colleagues 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.

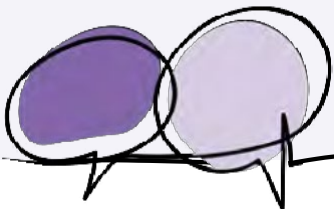
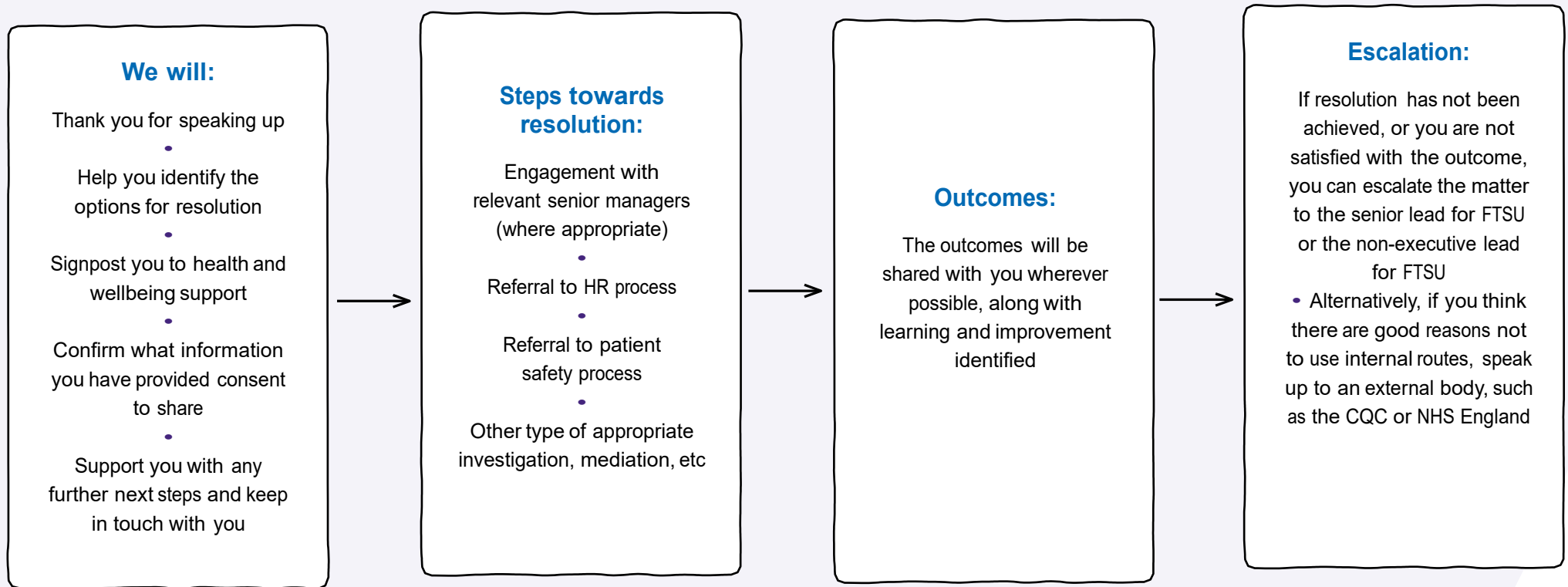
Senior leaders' oversight

The board will receive a report every six months providing a thematic overview of speaking up by our colleagues to our FTSU guardian(s).



Appendix A:

What will happen when I speak up?

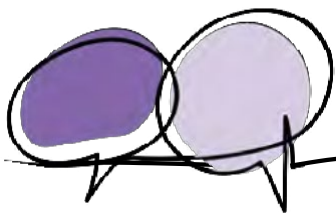


Appendix B:

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



National Guardian Freedom to Speak Up

The new National Guardian can independently provide case review on how staff have been treated having raised concerns where NHS trusts and foundation trusts may have failed to follow good practice, working with some of the bodies listed above to take action where needed.

The National Guardians Office Contact details are:

Email: enquiries@nationalguardianoffice.org.uk

Phone: 0300 067 9000

Webpage: <https://www.nationalguardian.org.uk>

Write to us: National Guardian's Office 151 Buckingham Palace Road London SW1W 9SZ

PROCESS FOR MONITORING POLICY COMPLIANCE within GHC

The Trust will receive regular Freedom to Speak Up Guardian reports which will be submitted frequently enough to enable the Board of Directors to maintain a good oversight of Freedom to Speak Up matters and issues, and no less than every six months. Reports are presented by the Freedom to Speak Up Guardian in person, and will include both quantitative and qualitative information and case studies or other information that will enable the Board to fully engage with FTSU in GHC to understand the issues being identified, areas for improvement, and take informed decisions about action.

Data and other intelligence will be presented in a way that maintains the confidentiality of individuals who speak up.

The policy will be reviewed where necessary in light of any learning, annually or earlier if there are changes to legislation which has an impact upon the content.

This policy has been equality impact assessed in accordance with the Trust's local arrangements for this process which are compliant with the requirements of the Equality Act 2010.

REFERENCES

This policy should also be considered in conjunction with the requirements or recommendations of external documents including:

- Freedom to Speak Up: raising concerns (whistleblowing) policy for the NHS (2016)
- Guidance for Boards on Freedom to Speak Up in NHS trusts and NHS foundation trusts (2019) NHS Improvement
- National Guardian Freedom to Speak Up A summary of speaking up learning and actions in response to case reviews (2019)
- Care Quality Commission Essential Standards and Well-led Framework
- Care Quality Commission Regulation 20 – The Duty of Candour
- Raising Concerns in the NHS – NHS Employers (2019)
- Developmental reviews of leadership and governance using the well-led framework: guidance for NHS trusts and NHS foundation trusts (2017)
- Learning not blaming: response to 3 reports on patient safety (2015) Department of Health and Social Care
- GHC Trust policies, procedures or processes

