

## FREEDOM TO SPEAK UP POLICY

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1.0	24 November 2022	Associate Director of Nursing (VW)	National Policy (adapted and implemented for NHS Lincolnshire Integrated Care Board)
2.0	12 December 2023	Associate Director of Nursing (VW)	Policy review undertaken after policy had been in place for twelve months to capture changes in how local process is being utilized following implementation and to ensure accurately reflects latest NHSE Freedom to Speak Up National Guidance.



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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 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.

# 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 speaking up for the benefit of patients and workers. Its aim is to ensure all matters raised are captured and considered appropriately.



**Lincolnshire Integrated Care Board (ICB) has adopted this policy and is committed to conducting its business with honesty and integrity. It expects all staff to maintain high standards in accordance with its Constitution and will continue to maintain and develop a culture of openness and accountability and a supportive environment, in which staff can raise any issues or concerns in a timely manner.**

ICB senior leaders and the Board are committed to an open and honest culture in line with its values. The ICB will investigate what staff say and will ensure staff always have access to the support they need.

## 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 staff.

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”. 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 workers 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 workers and we want to hear all our workers’ concerns.**

## 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. Examples could include:

- Raising a concern
- Making a disclosure
- Offering a suggestion or improvement
- Making a complaint
- Making a qualifying disclosure
- Whistleblowing

Speaking up is about all of these things. The matter that you are speaking up about may be best considered under an existing policy. For example, it may be our process for dealing with Dignity at Work. If so, we will speak to you about where this matter should be addressed but regardless of where it is dealt with as an organisation, we will listen and work with you to identify the most appropriate way of responding to the issue you raise.

We ask all our workers to complete 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. To access the training, please visit the [eLearning for healthcare Hub](#) and search 'Freedom to Speak Up' – to find out more about each course and sign-in or register, click on the information button.

Find out more and view videos about the [Freedom to Speak Up in Healthcare in England programme](#).

### Roles and responsibilities

**Our Freedom to Speak Up Guardian** is the ICB Director of Nursing who is an Executive Member of the ICB Board. The Freedom to Speak Up Guardian is responsible for helping to nurture a culture of openness, by acting as an independent and impartial source of advice to staff at any stage of raising a concern. To ensure there are robust arrangements in place the Freedom to Speak up Guardian will also have a **Freedom to Speak up Lead** who is the Associate Director of Nursing.

**Our [Freedom to Speak up Champions](#)** are members of staff who have been trained to provide advice to staff on their concerns, co-ordinate arrangements for investigations and where necessary, escalate to the Freedom to Speak Up

Guardian. They will support the ICB and the Freedom to Speak Up Guardian in nurturing a culture of openness and honesty. The Freedom to Speak Up Champion will be by self-nomination in addition to a selection process, that will be determined by the Freedom to Speak Up Guardian.

**The Executive Team** are responsible for reviewing all concerns escalated to them in accordance with this policy. As recommended by the independent freedom to speak up review, the best evidence suggests that a good safety culture is most successfully embedded in organisations where responsibility and accountability for local policy and procedures for raising concerns, sit with the Executive Team. The Executive Team is therefore responsible for ensuring this policy is properly applied.

**All Managers/Clinical Leaders** are key to developing a culture of safety and learning in which all staff feel safe to raise a concern about anything they believe is harming the services we deliver. Managers and clinical leaders hold a responsibility to process and investigate all such concerns effectively in line with this policy.

**All Staff** have a responsibility to read and understand this policy and to support the principles set out within it. Staff raising a concern under this policy may choose to be represented or supported by either an employee of the ICB or a Trade Union Representative.

# We want you to feel safe to speak up

Your speaking up to us is a gift because it 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. To find out more click here to access our dedicated intranet page [What is Freedom to Speak Up? - Lincolnshire ICB](#)

## Who can speak up?

Anyone who works in NHS healthcare, including pharmacy, optometry and dentistry. This encompasses any healthcare professionals, non-clinical workers, receptionists, directors, managers, contractors, volunteers, students, trainees, junior doctors, locum, bank and agency workers, and former workers. Freedom to speak up is applicable to everyone and any relevant policy would be applied dependent upon the individual employing organisation

## Who can I speak up to?

### Speaking up internally

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. If your line manager is unable to resolve the matter you may wish to speak to a more senior manager in conjunction with your direct line manager if appropriate.

However, if matters are unresolved or more serious, you have other options in terms of who you can speak up to, depending on what feels most appropriate to you.

- **Senior Manager, or Director** with responsibility for the subject matter you are speaking. Alternatively, you may speak to:
- **[Freedom to Speak up Champions](#)**: members of staff who have been trained to provide advice to staff to help guide them on their concerns and to direct them to the most appropriate route for their concern.
- **Our Senior Lead responsible for Freedom to Speak Up**: (Vanessa Wort - Associate Director of Nursing) [vanessa.wort@nhs.net](mailto:vanessa.wort@nhs.net). Vanessa provides senior support for our speaking-up guardian and champions and is responsible for reviewing the effectiveness of our Freedom to Speak up arrangements.
- **Our HR team**: [agem.lincshr@nhs.net](mailto:agem.lincshr@nhs.net) who provide support and guidance to managers and staff.
- **Our Freedom to Speak Up Guardian**: (Martin Fahy – Director of Nursing) [m.fahy@nhs.net](mailto:m.fahy@nhs.net) who can support you to speak up if you feel unable to do so by other routes. ‘The guardian 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](#).

**If you raise a concern that cannot be dealt with informally (i.e. by your line manager) the matter will be addressed in accordance with the formal procedure set out in Appendix B (Raising a concern – the procedure).**

## Speaking up externally

If your concern relates to other areas of the NHS outside of the ICBs responsibilities, you can speak up externally to the following organisations as applicable:

- [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 (The national tariff is a set of prices and rules used by providers of NHS care and commissioners to deliver the most efficient, cost effective care to patients).

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

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



- [NHS Counter Fraud Agency](#) for concerns about fraud and corruption, using their [online reporting form](#) or calling their freephone line **0800 028 4060**  
For Lincolnshire our local counter fraud team contact is here: [Meet your Local Counter Fraud Team - Lincolnshire ICB](#)

If you would like to speak up about the conduct of a clinical 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 C contains information about making a 'protected disclosure'.

# How should I speak up?

## Procedure for Raising a Concern

Initially your concerns **should be raised with your line manager** (unless they are concerns that relate to them). The procedure for raising both an informal and formal concern is shown at Appendix B.

If your concerns relate to other areas of NHS services you may, as appropriate, speak to the organisations listed above. You can contact them by phone, in writing or by e-mail.

The ICB will treat you with respect at all times. We will discuss your concerns with you and seek to ensure we understand exactly your concerns. If an investigation is required we will advise you how long the investigation is expected to take and keep you up to date with progress.

The ICB will maintain a confidential concerns/serious concerns log and hold a record of all investigations and their outcomes where the concern relates to an area of service delivery/activity that it is responsible for.

## 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.

# Advice and support

## Where can I find more?

**We have developed a page on our intranet which provides all the information that you need in one place. Find out more by clicking the link below:**

[What is Freedom to Speak Up? - Lincolnshire ICB](#)

You can also 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.

# What will we do?

## 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 our 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.

## 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).

## Timeframes

The ICB expects to complete investigations within 20 working days. If the issue is

complex and more than 20 working days is needed to investigate the matter you will be informed of this. Please note you may also at any point be asked to attend additional meetings to support further investigation.

Following completion of the investigation the outcome will be reported to the Freedom to Speak Up Guardian. They will then where possible taking account of confidentiality, ensure you are notified of the outcome of the investigation including what action has been taken as a result of the staff members concerns. Where action is not considered practicable or appropriate, you will be advised of the reasons for this. This response will normally be available 5 working days following the completion of an investigation.

Any individuals who are involved in the investigation must treat all matters as strictly confidential. The outcomes of investigations will be recorded on the Concern/Serious Concerns log.

## How we learn from your speaking up

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

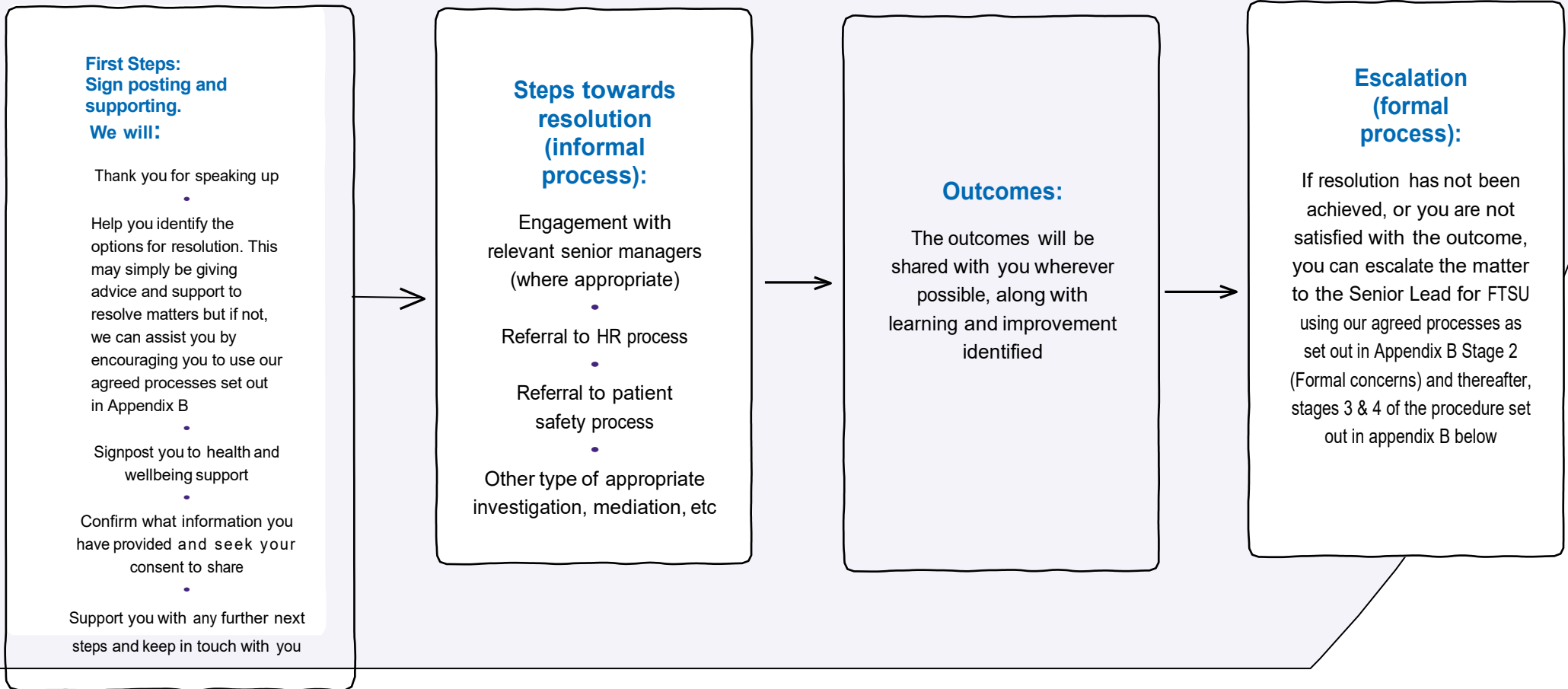
## Review

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

## Senior leaders' oversight

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

# Appendix A: What will happen when I speak up?



# Appendix B - Raising a concern (the procedure):

If after signposting and support you feel your concern is not resolved you can raise concerns in line with the following procedure.

## Stage 1 (Informal Process)

- Wherever possible, concerns should be discussed and resolved informally. Any staff (including workers, agency staff and contractors) who have concerns about any wrongdoing within the ICB should in the first instance raise their concerns with their line manager.
- If staff members have a concern and it is about their Line Manager, they should take the matter up with the next line of management.
- A number of processes exist for concerns to be discussed in a positive way as part of everyday practice this includes, team meetings, regular 1:1's and performance development reviews and this is encouraged by the ICB to ensure any concerns are dealt with as early as possible.
- If you feel your concern has not been resolved following a discussion with your line manager through your usual processes (such as a 1:1 discussion) then please submit an FTSU1 Raising Concerns Form (informal process) to your Line Manager
- The Line Manager will then investigate the concerns and provide the Freedom to Speak Up Guardian with a copy of the Raising Concerns Form detailing the outcomes of the investigation. They will also take into account confidentiality, share the outcome with the individual who raised the concerns.
- Concerns raised with a manager are not expected to be complex and it is expected investigations would be completed within 20 working days with responses available in 5 working days. If a staff member requests a formal response to their concerns this can be provided by the manager investigating but they may initially take a less formal approach and verbally confirm the individual of the outcome.
- Where informal mechanisms do not resolve the concern, the further stages listed below provide a formal procedure within which to address the concerns.

## Stage 2 (Formal Concerns)

- There may be times when it may be more appropriate to raise concerns directly with the Freedom to Speak Up Champions or Freedom to Speak Up Guardian or, where staff have exhausted stage 1 of this policy and are not satisfied with the response they have received. In this case the employee will be asked to complete a FTSU2 Raising Concerns Form (formal process) and submit this to the Freedom to Speak up Guardian or the Freedom to Speak up Lead.
- All issues will be acknowledged within 3 working days.

- The Freedom to Speak Up Guardian (or the Freedom to Speak up Lead) will appoint an individual at the appropriate level to investigate the nature of the concerns raised and to ensure that matters are investigated appropriately.
- Where the concern relates to the ICB Chief Executive or ICB Chair the Freedom to Speak Up Guardian will work with the other party to investigate the concerns raised.
- Where the concern relates to both the ICB Chief Executive and ICB Chair the Freedom to Speak Up Guardian will liaise with another ICB Non-Executive Director who together, will be responsible for identifying an appropriate route for investigation. This can include making a request for an independent investigation.
- The ICB expects to complete investigations within 20 working days. If the issue is complex and more than 20 working days is needed to investigate the matter you will be informed of this. Please note you may also at any point be asked to attend additional meetings to support further investigation.
- Following completion of the investigation the outcome will be reported to the Freedom to Speak Up Guardian. They will then where possible taking account of confidentiality, ensure you are notified of the outcome of the investigation including what action has been taken as a result of the staff members concerns.
- Where action is not considered practicable or appropriate, you will be advised of the reasons for this. This response will normally be available 5 working days following the completion of an investigation.
- Any individuals who are involved in the investigation must treat all matters as strictly confidential.
- The outcomes of investigations will be recorded on the Concern Log.

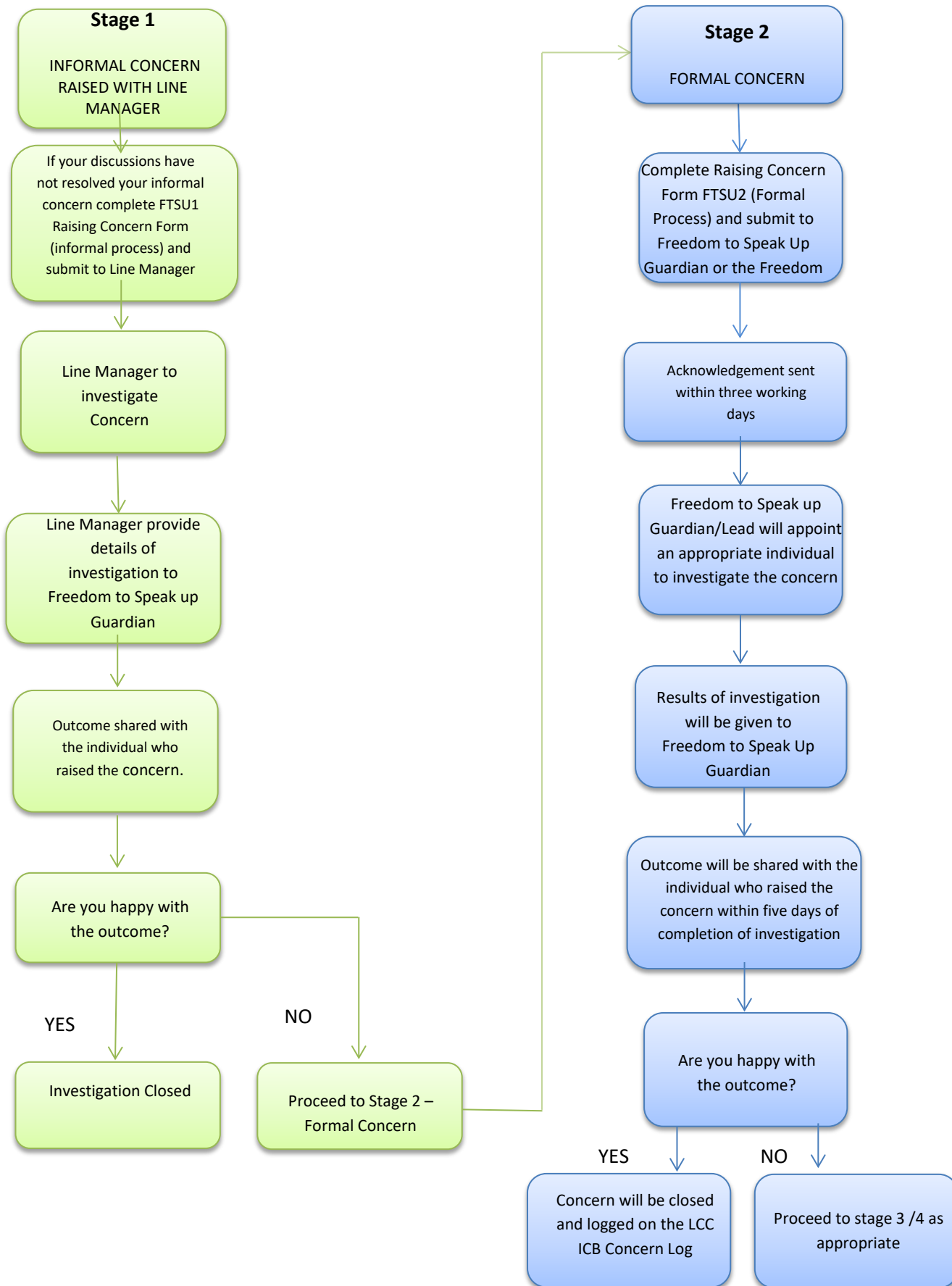
### **Stage 3 (Internal Review)**

- If for any reason the staff member is dissatisfied with the outcome of stages 1 and 2 of this process the Freedom to Speak Up Guardian, will initiate an internal review. In doing this the matter will be raised with the Chief Executive and/or Chair (unless the matter of the investigation affects either) who will review the circumstances surrounding the concern/s and determine if any further action is required or possible. The review will be completed within 20 working days and where appropriate taking into account confidentiality, the outcome of this review will be reported back to you within 5 working days.
- The outcomes of internal reviews will be recorded on the Serious Concern Log.
- In the event that the Internal Review involves the Chief Executive and/or Chair, alternative arrangements will be made with the Freedom to Speak Up Guardian and the Corporate Manager to commission an alternative route for investigation.

### **Stage 4 (Independent External Review)**

- If the investigation finds the allegations unsubstantiated and all internal procedures have been exhausted, but the member of staff raising a concern is not satisfied with the outcome of the investigation, the ICB recognises the lawful rights of employees and ex-employees to make disclosures to prescribed bodies (such as the Health and Safety Executive, relevant audit body, or the regulators), or where justified, elsewhere.

## Procedure for raising a concern flow chart



# Appendix C:

## 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.

NHS Lincolnshire ICB encourages all its workers to raise concerns with them directly so that we can try to put things right. However, if you feel you are not able to do this then this useful guide may help you decide what your best route is: [ACAS Whistleblowing at Work](#).

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 you can seek advice from your legal representative, trade union or, as appropriate, the Whistleblowing Charity Protect at <https://protect-advice.org.uk/>

**Freedom to Speak Up policy for the NHS**