

FREEDOM TO SPEAK UP POLICY

(Incorporating How to Raise a Concern and Whistleblowing)

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1.3	March 2020	Julia Barton	Third Draft	Following comments regarding keeping contact details up to date contacts and EQD Manager

Equality Statement

Equality, diversity and human rights are central to the work of the Hampshire and Isle of Wight Partnership of CCGs. This means ensuring local people have access to timely and high quality care that is provided in an environment which is free from unlawful discrimination. It also means that the Partnership of CCGs will tackle health inequalities and ensure there are no barriers to health and wellbeing.

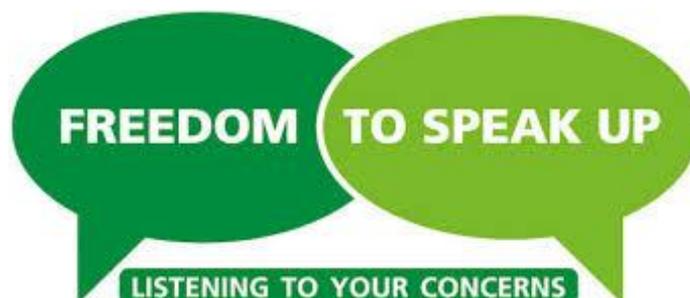
To deliver this work Partnership of CCGs staff are encouraged to understand equality, diversity and human rights issues so they feel able to challenge prejudice and ensure equality is incorporated into their own work areas. Partnership of CCG staff also have a right to work in an environment which is free from unlawful discrimination and a range of policies are in place to protect them from discrimination.

The Partnership of CCGs' equality, diversity and human rights work is underpinned by the following:

- NHS Constitution 2015.
- Equality Act 2010 and the requirements of the Public Sector Equality Duty of the Equality Act 2010.
- Human Rights Act 1998.
- Health and Social Care Act 2012 duties placed on CCGs to reduce health inequalities, promote patient involvement and involve and consult the public.

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Introduction : “Speak up – we will listen”

The Hampshire and Isle of Wight Partnership of CCGs’ (“The Partnership) core values are:

Courage and Innovation	Caring for People and Communities	Kindness and Compassion	Honesty and Integrity	Working Together
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This policy aims to support staff with our core value of **honesty** and **integrity**, and reflects our commitment to quality, putting people’s needs and preferences at the centre of our work. We want to:

- Create a culture of openness and transparency
- Create a culture where speaking up and raising concerns is part of everyday business
- Ensure that there are no repercussions for those that raise concerns
- Ensure that our organisation is a safe and kind place to work

However, things can go wrong from time to time and when this happens we want to encourage you to **take action** and **speak up**. We recognise this takes courage, but as a member of staff, you play a very important part in our efforts to create a culture of openness and transparency. We need your help to prevent unnecessary harm or distress, and so that we can take immediate actions when things go wrong.

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

You may feel worried about raising a concern, and we understand this. But please don’t be put off. In accordance with our duty of candour, our senior leaders and entire board are committed to an open and honest culture. We will look into what you say and make sure you have access to the support you need.

Why do we have a *Freedom to Speak Up* policy?

The recommendations of "Freedom to Speak Up", the independent review commissioned by the Secretary of State and chaired by Sir Robert Francis QC into whistleblowing in the NHS were published in 2015.

The purpose of the review was to provide advice and recommendations on creating a more **open** and **honest** reporting culture in the NHS. The report made a number of recommendations aimed at helping the NHS adopt minimum standards for raising concerns for the benefit of both staff and patients. NHS England and NHS Improvement developed a standard policy which all NHS organisations in England are expected to adopt.

This policy is aligned with the principles of the national policy and provides you with all the information you need if you want to raise a concern.

Who is this policy for?

This policy is relevant to any member of staff working for the Partnership. This includes permanent, temporary, agency, contracting, staff, as well as those on secondment to the Partnership or on an honorary contact, students and learners.

This policy is **not** for:

- people with concerns about their employment that affect **only them** because that type of concern is better handled after an initial discussion with your line manager or a member of the Human resources team, who can direct you to the correct policy or process to follow.
- Patients or members of the public.

What concerns can I raise?

You can raise a concern about any risk, malpractice or wrongdoing you think may be harming the services we commission or that are happening within our own organisation.

Just a few examples of this might include (but are by no means restricted to):

- unsafe patient care
- unsafe working conditions
- inadequate induction or training for staff
- lack of, or poor, response to a reported patient safety incident
- suspicions of fraud (which can also be reported to our local counter-fraud team)
- a bullying culture; either across a team or organisation bullying).

For further examples, please see the Health Education England video on YouTube via this link: <https://www.youtube.com/watch?v=zjau1Ey0di8>

If you are a healthcare professional you also have a professional duty to report a concern. If in doubt, please raise it. Don't wait for proof. We would like you to raise the matter while it is still a concern. It doesn't matter if you turn out to be mistaken as long as you are genuinely troubled.

Is there a difference between “whistleblowing” and “speaking up”?

Workers can speak up about anything that gets in the way of high-quality effective care, or that affects their working life. There may be many channels for speaking up in your organisation about anything that gets in the way of delivering safe and high-quality care or affects your experience in the workplace. It is something that should happen as ‘business as usual’.

Speaking up may take many forms including a quick discussion with a line manager, a suggestion for improvement submitted as part of a staff suggestion scheme, raising an issue with a Freedom to Speak Up Guardian, or bringing a matter to the attention of a regulator. Some people may interpret all or some of these actions as ‘whistleblowing’, others may only associate ‘whistleblowing’ with something that is ‘formal’, or a matter that is escalated outside an organisation, or to describe something that may qualify for ‘protection’ under the Public Interest Disclosure Act. **Speaking up is about all of these things.**

So “raising a concern,” “speaking up”, or “blowing the whistle” are essentially the same thing. The important thing is that you feel supported to speak up or raise a concern about potential wrongdoing or harm. Your Freedom to Speak up Guardian is there to help and advise you on the steps you need to take, support you in this process and will make sure the right investigation takes place.

Feel safe to raise your concern

If you raise what you believe to be a genuine concern, in good faith, under this policy, you will not be at risk of losing your job or suffering any form of reprisal as a result. We will not tolerate the harassment or victimisation of anyone raising a concern. Nor will we tolerate any attempt to bully you into not raising any such concern. Any such behaviour is a breach of our values as an organisation and, if upheld following investigation, could result in disciplinary action. Provided you are acting honestly, it does not matter if you are mistaken or if there is an innocent explanation for your concerns.

Confidentiality

We hope you will feel comfortable raising your concern openly. We also appreciate that you may want to raise it confidentially. This means that while you are willing for your identity to be known to the person you report your concern to, you do not want anyone else to know your identity. Therefore, we will keep your identity confidential, if that is what you want, unless required to disclose it by law (for example, by the police).

You can choose to raise your concern anonymously, without giving anyone your name, but that may make it more difficult for us to investigate thoroughly and give you feedback on the outcome.

Who can raise concerns?

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

Who should I raise my concern with?

Your Line Manager

In most circumstances, your first port of call and the easiest way to get your concern resolved will be to raise it formally or informally with your line manager. However, we understand that there may be circumstances where you don't think it is appropriate to do this, so there are other people specifically identified for you to discuss your concerns with.

Our Freedom to Speak Up Guardian

If raising your concern with your line manager does not resolve matters, or you do not feel able to raise your concerns with them at all, you can contact the Partnership's **Freedom to Speak Up_Guardian**. This is **Carole Truman** who can be contacted via the confidential email address fgccq.fsu.guardian@nhs.net hosted by the Partnership's Governance team in our Freedom to Speak Up office.

As our Freedom to Speak Up Guardian, Carole is a non-executive director of the Partnership. She has an important role to act as an independent and impartial source of advice to Partnership staff. This is at any stage of raising a concern, with access to anyone in the organisation, including the chief executive, or if necessary, outside the organisation. They have been specifically trained to receive concerns and will be able to give you information about where you can go for more support.

Freedom to Speak Up Guardians help:

- ✓ Protect patient safety and the quality of care
- ✓ Improve the experience of workers
- ✓ Promote learning and improvement

By ensuring that:

- ✓ Workers are supported in speaking up
- ✓ Barriers to speaking up are addressed & a positive culture of speaking up is fostered
- ✓ The right investigations take place
- ✓ Issues raised are used as opportunities for learning and improvement

Another member of senior staff in the Partnership

If you still remain concerned or you do not feel able to raise your concerns with the local Freedom to Speak up Guardian, you can contact a senior member of staff in the Partnership

Role	Name	Contact Details
Chief Operating Officer	Roshan Patel	In order that we keep contact details up to date, please access via the staff intranet.
Executive Director of Quality and Nursing (also a trained Freedom to Speak up Guardian).	Julia Barton	
Convenor of the Partnership Audit & Risk Committee and Partnership Conflicts of Interest Guardian	Judy Venables	
Chair of the Remuneration Committee	Peter Cruttenden	
Executive Director of People and Development	Fiona White	
The Partnership's Equality and Diversity Manager	Claire Pond	
Local Counter Fraud and Security Specialist	Colin Edwards	

All these people will be willing to listen to your concerns and will give you information about where you can go for more support. Up to date contact details will be maintained on the Partnership staff Intranet pages.

Safeguarding Concerns

If you are concerned that people using the service are not being cared for properly or you have a concern about the safety of children or vulnerable adults at risk, you can raise your

concern with the local authority (local council) under their safeguarding procedures. For advice on how to do this contact your local Partnership safeguarding or quality team leader.

Raising your concern with an outside body

If for any reason you do not feel comfortable raising your concern internally, you can raise concerns with external bodies, listed below.

- **NHS England and NHS Improvement** 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 care services (general practice)
 - dental services
 - ophthalmic services
 - local pharmaceutical services
- **Health Education England** for education and training in the NHS
- **NHS Protect** for concerns about fraud and corruption.
- **The Care Quality Commission** for quality and safety concerns
Telephone: **03000 616161**
Email: enquiries@cqc.org.uk
Opening hours are Monday to Friday: 8.30am - 5:30pm
- **Your Professional Body (e.g. NMC; GMC or HPC)**
- **Your Trade Union Representative**

Making a 'protected disclosure'

There are very specific criteria that need to be met for an individual to be covered by whistleblowing law when they raise a concern (to be able to claim the protection that accompanies it). There is also a defined list of 'prescribed persons', similar to the list of outside bodies on page 8, who you can make a protected disclosure to. To help you consider whether you might meet these criteria, please seek independent advice from the Whistleblowing Helpline for the NHS and social care, the Public Concerns at Work line or a legal representative.,

Public Concern at Work

Independent whistleblowing charity for free and confidential advice on
020 7404 6609

NHS and Social Care Whistleblowing Helpline

08.00 – 18.00 **w** week days
08000 724 725

How should I raise my concern?

You can raise your concerns with any of the people listed above in person, by telephone or in writing (including email). Whichever route you choose, please be ready to explain as fully as you can the information and circumstances that gave rise to your concern.

What will we do?

We are committed to the principles of the Freedom to Speak Up review and its vision for raising concerns, and will respond in line with them. We are also committed to **listening** to our staff, **learning lessons** and **improving** patient care and staff working conditions.

On receipt of a concern, it will be recorded and you will receive an acknowledgement within **two working days** from our Freedom to Speak Up Office.

Our Freedom to Speak Up Guardian will ensure records are kept of the date the concern was received, whether you have requested confidentiality, a summary of the concerns and dates when we have given you updates or feedback.

Investigating your concerns

Where you have been unable to resolve the matter quickly (usually within a few days) with your line manager, we will carry out a proportionate investigation, using someone suitably independent (usually from a different part of the organisation) and properly trained. We will reach a conclusion within an agreed and practical timescale (which we will notify you of). We will notify you of any delays.

Wherever possible we will carry out a single investigation (so, for example, where a concern is raised about a patient safety incident, we will usually undertake a single investigation that looks at your concern and the wider circumstances of the incident). The investigation will be objective and evidence-based, and will produce a written report that focuses on identifying and rectifying any issues, and learning lessons to prevent problems recurring.

We may decide that your concern would be better looked at under another process; for example, our process for dealing with bullying and harassment. If so, we will discuss that with you. **Any employment issues (that affect only you and not others) identified during the investigation will be considered separately.**

Communicating with you

We will treat you with respect at all times and will thank you for raising your concerns. We will discuss your concerns with you to ensure we understand exactly what you are worried about. We will tell you how long we expect the investigation to take and keep you up to date with its progress. Wherever possible, we will share the full investigation report with you (while respecting the confidentiality of others).

How will we learn from your concern?

The focus of the investigation will be on improving the service we provide for patients and our organisational working environment for staff. Where the investigation identifies

improvements that can be made, we will track them to ensure necessary changes are made, and are working effectively. Lessons will be shared with teams across the organisation, or more widely, as appropriate.

Board oversight

The board 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. We will include similar high level information in our annual report. The board supports staff raising concerns and wants you to feel free to speak up. No staff member will be identifiable, and we will treat easily identifiable circumstances sensitively.

Dissemination//Publication

This policy will be disseminated to ALL CCG staff. We will actively promote Freedom to Speak up processes and the Guardian's role at the launch of our Partnership values, via line managers, and in subsequent training and staff briefing meetings. Each Staff Partnership Forum will discuss and disseminate this policy.

Monitoring

Element to be monitored	Measure	Frequency	Reporting to	Who is responsible?
Formally raised "Speak Up" concerns.	Status reports including data on incidence, and case progress/actions and themes.	Quarterly	1) Corporate Governance Committee 2) Partnership Board	Freedom to Speak Up Guardian
Inclusion in annual report of concerns raised, actions taken and outcomes	Data and narrative	Annual	1) Corporate Governance Committee 2) Partnership Board Annual Report	Freedom to Speak Up

Review and revision

This policy has been approved by the Partnership's Corporate Governance Committee, and any revisions or changes to the policy will need to be considered and approved by this committee. A copy of the policy has also been reviewed by the Partnership's Equality and Diversity Manager and the Audit and Risk Committee.

The policy will be reviewed every three years by the Partnership's Freedom to Speak Up Guardian, to ensure continued validity and relevance, with a schedule of proposed amendments presented to the Corporate Governance Committee for approval.

Training

All Staff	Our Partnership induction sessions are held for all new staff, and will include an awareness raising session on how to raise a concern and Freedom to Speak up.
Line managers and senior staff	All line managers and those at role band 7 and above (including medical staff) are be required to undertake Freedom to Speak Up training. This training will enable them to respond well should they be approached by a member of staff who wants to raise a concern, and will help them create the right environment within teams to help staff feel able to raise concerns safely.
Communications	Communications aimed at all staff focusing on when and how to raise a concern will be included in regular Partnership-wide briefings and communications, including a section on Freedom to Speak up on the Partnership Intranet pages.
Freedom to Speak Up Champions	We will train a cohort of Freedom to Speak Up Champions across all of our sites. Our champions will work closely with our Freedom to Speak Up Guardian.
Health Education England	“ Raising Concerns Video https://www.youtube.com/watch?v=zjau1Ey0di8

References and links relating to this policy

National Guardian Office	National Guardian’s Office 151 Buckingham Palace Road London SW1 9SZ T: 0300 067 9000 E: enquiries@nationalguardianoffice.org.uk www.nationalguardian.org.uk https://www.nationalguardian.org.uk/freedom-to-speak-up-guardian-directory/
Care Quality Commission	https://www.cqc.org.uk/sites/default/files/20160108_Whistleblowing_quick_guide_final_update.pdf
Health Education England	Raising Concerns Video https://www.youtube.com/watch?v=zjau1Ey0di8
NHS England and NHS Improvement	National Policy https://improvement.nhs.uk/resources/freedom-to-speak-up-whistleblowing-policy-for-the-nhs/

Appendix 1: Process for raising and escalating a concern

Step one

If you have a concern about a risk, malpractice or wrongdoing at work, we hope you will feel able to raise it first with your line manager. This may be done orally or in writing.

Step two

If you feel unable to raise the matter with your line manager, for whatever reason, please raise the matter with our Freedom to Speak up Guardian: This person has been given special responsibility and training in dealing with whistleblowing concerns. They will:

- treat your concern confidentially unless otherwise agreed
- ensure you receive timely support to progress your concern
- escalate to the board any indications that you are being subjected to detriment for raising your concern
- remind the organisation of the need to give you timely feedback on how your concern is being dealt with
- ensure you have access to personal support since raising your concern may be stressful.

If you want to raise the matter in confidence, please say so at the outset, so that appropriate arrangements can be made.

Step three

If these channels have been followed and you still have concerns, or if you feel that the matter is so serious that you cannot discuss it with any of the above, please contact one of the executive or non-executive directors.

Step four

Finally, you can raise your concern with one of the external agencies we have set out in this policy.

Appendix 2



Source: Sir Robert Francis QC (2015)
Freedom to Speak Up: an independent report into creating an open and honest reporting culture in the NHS.