

Freedom to Speak Up (Raising Concerns) Policy	
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Summary	This policy outlines the process for speaking up (raising concerns), and how this will be handled by the organisation.

Version	Date	Control Reason	Title of Accountable Person for this Version
v1	18/04/2016	New Policy	Associate Director, HR
v2	December 2019	Updated Policy	HR
v3	December 2020	Updated Policy	Director of Nursing

Reference Documents	Electronic Locations (Controlled Copy)	Location for Hard Copies
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The Office of the National Guardian PC24 Board		November 2020 January 2021

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1. INTRODUCTION

- 1.1 We celebrate the fact that people speak up, and are committed to creating an open, transparent and safe working culture where staff feel able to speak up safely. This is vital because it will help us to keep improving our services for our patients and the working environment for our staff.

2. STATEMENT OF SCOPE / PURPOSE / INTENT

- 2.1 This policy applies to all employees, workers, secondees, trainees, students, contractors, volunteers and external workers working within the organisation. This includes full-time, part-time, bank, self-employed, agency or former staff, all of whom are referred to as “staff” for the purposes of this policy. This policy applies equally to staff who are not currently at work (e.g. career break / suspension / maternity and parental leave / sickness). Staff may also raise concerns under this policy that relate to contractors, external bodies or third parties.
- 2.2 This Policy intends to:
- Increase staff confidence in speaking up safely.
 - Provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace.

3. RELATIONSHIP TO OTHER PC24 PROCESSES

- 3.1 This policy is for staff who wish to speak up about safety, malpractice or wrongdoing.
- 3.2 If you wish to raise concerns about your personal position at work, but it does not affect patient safety or involve a suspicion of malpractice or wrongdoing, you may wish to also refer to the Grievance Policy & Procedure.
- 3.3 If you would like to report bullying, harassment or victimisation, but do not feel it is having an impact on safety or patient care, you may wish to also look at the Grievance Policy & Procedure.

- 3.4 If you have a concern about a person being at risk of abuse, harm, ill treatment, discrimination, or violation of dignity, and it is not related to the standards of care or conduct of staff, you may wish to contact the Safeguarding Lead (Director of Nursing & Quality).
- 3.5 If you feel you or someone else has been treated differently due to ethnicity, gender, age, disability, sexual orientation, religious belief, marital status, or pregnancy, you may also wish to refer to the Equality & Diversity Policy.
- 3.6 If members of the public wish to raise concerns about standards of patient care, they should be signposted to the Complaints Procedure or to the Nursing & Quality Governance Team.
- 3.7 To report individual incidents that will not have an ongoing impact on patient safety or standards of care, staff may wish to complete an incident report via the Datix Incident Management System. Please note this may not be a confidential reporting mechanism.
- 3.8 A concern about financial misconduct or Fraud, Bribery and Corruption can also be raised with our Local Anti-Fraud Specialist, the NHS Fraud and Corruption Reporting Line, or the Director of Finance (contact details in appendix 1). You may also wish to look at the organisations Counter Fraud & Bribery Policy.
- 3.9 If you are concerned that an individual may be at risk of becoming involved in terrorist activity, you may wish to also contact the Prevent lead (Director of Nursing & Quality).

4. PROTECTING ALL STAFF WHO SPEAK UP

- 4.1 You may feel worried about speaking up. In accordance with our duty of candour, our senior leaders and the entire board are committed to open dialogue and communication, and an open and honest culture. We embrace the raising of concerns as an important source of information to help us make better decisions and control risk.

- 4.2 If in doubt, please speak up anyway. We will take your concern at face value and will not ask you to prove your concern. We will investigate all concerns appropriately, professionally, thoroughly, consistently and fairly.
- 4.3 We will not tolerate harassment, victimisation or limitation of career opportunities in response to a person who has spoken up. Nor will we tolerate any attempt to discourage you from speaking up. Any instances of this will be taken seriously, investigated and managed appropriately.

5. ROLES AND RESPONSIBILITIES

5.1 PC24 Board

- Overall accountability to ensure concerns raised are dealt with appropriately according to the organisation's vision and values.
- Naming a Lead Non-Executive Director (Chairman) who will have oversight of all staff concerns in partnership with the Freedom to Speak Up Guardian (Director of Nursing & Quality).
- Support staff in raising concerns and ensure all staff feel free to speak up.

5.2 Human Resources

- Ensure the policy is widely available, publicised, easily accessible and regularly reviewed in tandem with other campaigns related to speaking up.
- Provide briefings as appropriate at respective Service Delivery Team Meetings.
- Ensure appropriate administration, recording, monitoring, analysis and reporting on concerns raised.
- Monitor and audit the quality of investigations.
- Ensure training, advice or support is available for managers at all levels who may receive or deal with a concern.
- Ensure procedures to challenge the victimisation of people raising concerns are fit for purpose.

5.3 All Managers

- Use visible leadership and lead by example to demonstrate an open, supportive culture where staff feel welcomed and empowered to raise concerns.
- Understand the need for the policy and how it works.
- Be aware of structures and processes to co-ordinate, investigate and record concerns.
- Understand the differences between concerns and grievance / other employment relations and workplace issues.
- Make staff aware of this policy and procedure.
- Respect and document all requests for confidentiality / anonymity where possible.
- Inform Human Resources, if appropriate to do so, of all concerns raised (anonymised as appropriate) and the response.
- Take all concerns seriously and at face value, and ensure they are properly investigated.
- Provide feedback to the person raising the concern, following a reasonable and agreed timescale, and share lessons learnt.
- Provide advice, support and reassurance to staff who speak up as required, including access to mentoring and counselling.
- Take all reasonable steps to protect staff who speak up from bullying, harassment, isolation or victimisation.
- Take action where workers report detriment as a result of speaking up.

5.4 All Employees

- Act in the public interest.
- Understand their right and duty to raise concerns at the earliest opportunity according to this policy, professional codes of practice and the organisations vision and values.
- Participate in any investigation and provide accurate and complete information (in some cases the person raising the concern may feel unable to do so and this will be taken into account).

- Understand it is a disciplinary offence, and a possible breach of professional codes, to:
 - Conceal or destroy information about malpractice.
 - Deter anyone from raising a concern.
 - Bully, harass, isolate or otherwise victimise anyone using this policy, or to allow this to occur.
- Employees have an additional responsibility to promote the interest of patients who are unable or unwilling to represent their own interests, particularly those who have special needs or are particularly vulnerable to injury, exploitation or other forms of harm.

5.5 Freedom to Speak Up Guardian

- Promotion of all aspects of raising and dealing with concerns.
- Provide independent, confidential advice to all staff on all aspects of raising and dealing with concerns at work.
- Report in person to the Board, summarising concerns which have been raised, identifying trends, and making recommendations for improvement.
- Seek feedback from those who have raised concerns.
- Highlight any training needs to senior management as appropriate.

5.6 Local Anti-Fraud Specialist (LAFS)

- Notify Human Resources of all concerns raised directly with the LAFS which originate under this policy.

6. CONFIDENTIALITY AND ANONYMITY

- 6.1 We hope you will feel comfortable raising your concern openly, but we will protect your right to raise it confidentially. This means the person you report the concern to will know who you are, but nobody else will be given your identity unless required by law.
- 6.2 You can raise your concern anonymously, but this can make it harder for us to provide feedback, or ask you for more information to help us investigate the concern. You may

choose to nominate an individual to receive feedback on your behalf, such as a Trade Union representative or Freedom to Speak Up Guardian.

6.3 We will take all reasonable steps to fulfil any requests to maintain your confidentiality. This includes cases where an investigation based on your concern leads to another staff member being involved in a disciplinary process. If we cannot find a way to resolve the concern without revealing your identity, we will discuss with you how you would like to proceed.

6.4 There may be examples where we will be legally required to share your identity (for example, by the police). In these cases we will discuss with you how you would like to proceed.

7. WAYS TO RAISE A CONCERN, ADVICE AND SUPPORT

7.1 In many circumstances the easiest way to get your concern resolved will be to raise it formally or informally with your line manager (or lead clinician or tutor). If you do not feel comfortable doing this, or if it doesn't resolve the situation, you can contact any of the following for advice by phone, in writing or email:

- Freedom to Speak Up Guardian
- Non-Executive Director with responsibility for raising concerns (Chair)
- Safeguarding Lead
- Local Anti-Fraud Specialist
- NHS Fraud and Corruption Reporting Line
- Email to Chief Executive
- External Bodies

(See Appendix 2 for contact details.)

8. HOW WE WILL RESOLVE CONCERNS

8.1 All concerns (informal and formal)

8.1.1 The manager dealing with any concerns raised (whether formal or informal), will:

- Take steps to remove any immediate risk.

- Assess the concern and decide whether an informal or formal investigation is needed.
- Agree a reasonable timescale with you and keep you fully informed (ideally 21 calendar days).
- Advise you whether the concern falls under the scope of other policies instead of (or in addition to) this one.
- Invite you to be involved in discussing how the concern might best be resolved.
- Inform you of your entitlement to workplace representation at any stage of the process.
- Respect any requests for confidentiality / anonymity, including situations where your evidence is used as part of a disciplinary investigation or hearing.
- Handle the matter professionally, thoroughly, consistently and fairly.
- Only discuss the concern raised with the individual(s) that the concern has been raised about if appropriate i.e. if it will not compromise the investigation, especially a criminal investigation.
- Give you feedback on the outcome (in writing if requested), maintaining the duty of confidentiality to others involved as required.
- Discuss further with you if you are unhappy with any part of the outcome or recommendations.

8.2 Formal investigations

8.2.1 For concerns leading to formal investigations, the manager will:

- Nominate a suitably independent investigating officer to lead the investigation.
- Tell the person raising the concern (if known) who is handling the matter and provide full contact details.
- Agree with the investigating officer what time, sources of advice, resources and support will be needed.
- Carry out any recommendations made by the investigation officer following completion of the investigation.
- Provide a comprehensive report with recommendations to the commissioning manager in line with agreed timescales.

8.2.3 If the manager receiving the concern considers themselves suitably independent enough to nominate themselves as the investigating officer:

- This must be agreed with the person raising the concern.
- They should consider seeking advice from Human Resources before beginning the investigation.

9. LEARNING FROM CONCERNS

9.1 The focus of resolving your concern will be on improving the service we provide for patients and staff. Where it identifies improvements can be made, we will track them to ensure necessary changes are made, and are working effectively. We will critically reflect on feedback and lessons will be shared with teams across the organisation, or more widely, as appropriate. We will encourage a culture which openly accepts and learns from mistakes.

9.2 The Board will be given anonymous 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 information in our annual report.

10. FREEDOM TO SPEAK UP GUARDIAN

10.1 Your Freedom to Speak Up Guardian has been given special responsibility and training in supporting workers with concerns. You can approach them for independent and confidential advice on any aspect of raising a concern.

10.2 The Freedom to Speak Up Guardian will:

- Treat your concern confidentially unless otherwise agreed.
- Provide advice and support so that you can choose a way of progressing your concern safely in a way that suits you.
- Ensure you receive timely support to progress your concern.
- Escalate any indications that you are being subjected to detriment for speaking up.
- Ensure you have access to personal support if needed.

- Ensure a concern raised through them has followed the proper processes and that you have been given feedback.

11. RECORDING / MONITORING

- 11.1 The number of concerns raised through this policy is monitored by the monthly Service Delivery Unit Group: no information is shared that can be traced back to an individual. This feeds into the bi-monthly Quality and Workforce Committee, which feeds in turn to the bi-monthly PC24 Board.

12. DEVELOPMENT, CONSULTATION AND REVIEW

- 12.1 This policy has been developed in partnership with the National Guardian Office, Human Resources and the Freedom to Speak Up Guardian, and formally approved by the Executive Team and Board.
- 12.2 We will review the effectiveness of this policy and local processes within 2 years, or sooner in the light of further national guidance or legislation, with the outcome published and changes made as appropriate.

13. RELATED POLICIES

- Grievance Policy & Procedure PC24POL15
- Dignity at Work Policy PC24POL118
- Disciplinary Policy PC24POL14
- Equality & Diversity Policy PC24POL119
- Counter-Fraud and Bribery Policy PC24POL101
- Declaration of Interests Policy PC24POL74
- Duty of Candour Policy PC24POL103

14. REFERENCES

- Department for Business Innovation and Skills: [Whistleblowing: Guidance for Employers and Code of Practice](#). March 2015
- NHS Improvement / NHS England: [Freedom to Speak Up: raising concerns \(whistleblowing\) policy for the NHS](#). April 2016

- Public Interest Disclosure Act:
<http://www.legislation.gov.uk/ukpga/1998/23/contents>
- Whistleblowing Helpline: [Raising Concerns at Work](#). April 2014
- National Guardian Office (various publications):
<https://www.cqc.org.uk/national-guardians-office/content/national-guardians-office>

17. APPENDIX 1 – USEFUL CONTACTS

- Freedom to Speak Up Guardian – Paul Kavanagh-Fields
Paul.kavanagh-field@pc24.nhs.uk
- Chief Executive Officer – Dr Mary Ryan
Mary.ryan@pc24.nhs.uk
- Director of Finance – Heledd Cooper
heledd.cooper@pc24.nhs.uk
- Medical Director – Dr Sandra Oelbaum
Sandra.oelbaum@pc24.nhs.uk
- Director of People – Susan Westbury
Susan.westbury@pc24.nhs.uk
- Human Resources Department
hr@pc24.nhs.uk
- Occupational Health Services – Aintree Hospital
Tel: 0151 529 3803
- Employee Assistance Programme
www.employeeassistance.org.uk
0800 328 1437
Employer Code – urgentcare24