

Freedom to Speak Up Policy

Document Governance

Ratified Date	21/01/2022	Version No	5	Expiry Date <i>Max. 3 years from ratification</i>	21/01/2025
Reason(s) for change (if not new at this edition)					
The policy has undergone a review with a few amendments that include adding 'Dear Caroline'. We have also ensured it acknowledges inclusivity for all staff. The EIA has been completed and acknowledgements made on the need for continued diversity in the recruitment of ambassadors, and planned training on cultural sensitivity.					

Chief Officer	Chief Officer of Improvement and Compliance
Lead Author	Freedom to Speak Up Guardian (Ken Levins)

Document Type:	Policy	Reference No:	COR026	Document level:	Trust wide
Document purpose:	To provide guidance for all staff on how to raise a concern in relation to staff and patient safety.				
Applicable to	The policy is applicable to all staff across the organisation, at all grades and roles.				

People/Groups Consulted:	Freedom to Speak Up Ambassadors who represent a diversity of staff from various backgrounds and cultures.
Governance oversight group (if applicable)	N/A
Approval Group:	Executive Lead for Compliance and Information. Quality Committee. Executive Board.

Other documents to be read in conjunction	N/A
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Version Control and Change Summary

Version	Date	Section	Author	Comments
1	July 2016		Matthew Joyes	New policy replaced whistleblowing policy
2	Jan 2019		Matthew Joyes	Full revision and update
3	March 2019		Matthew Joyes	Minor Amendment
4	Sept 2020		Ken Levins	Minor Amendments – Flow Chart and

				Change in Executive Lead
5	January 2022		Ken Levins	Reviewed in line with expiry date including amendments as detailed above.

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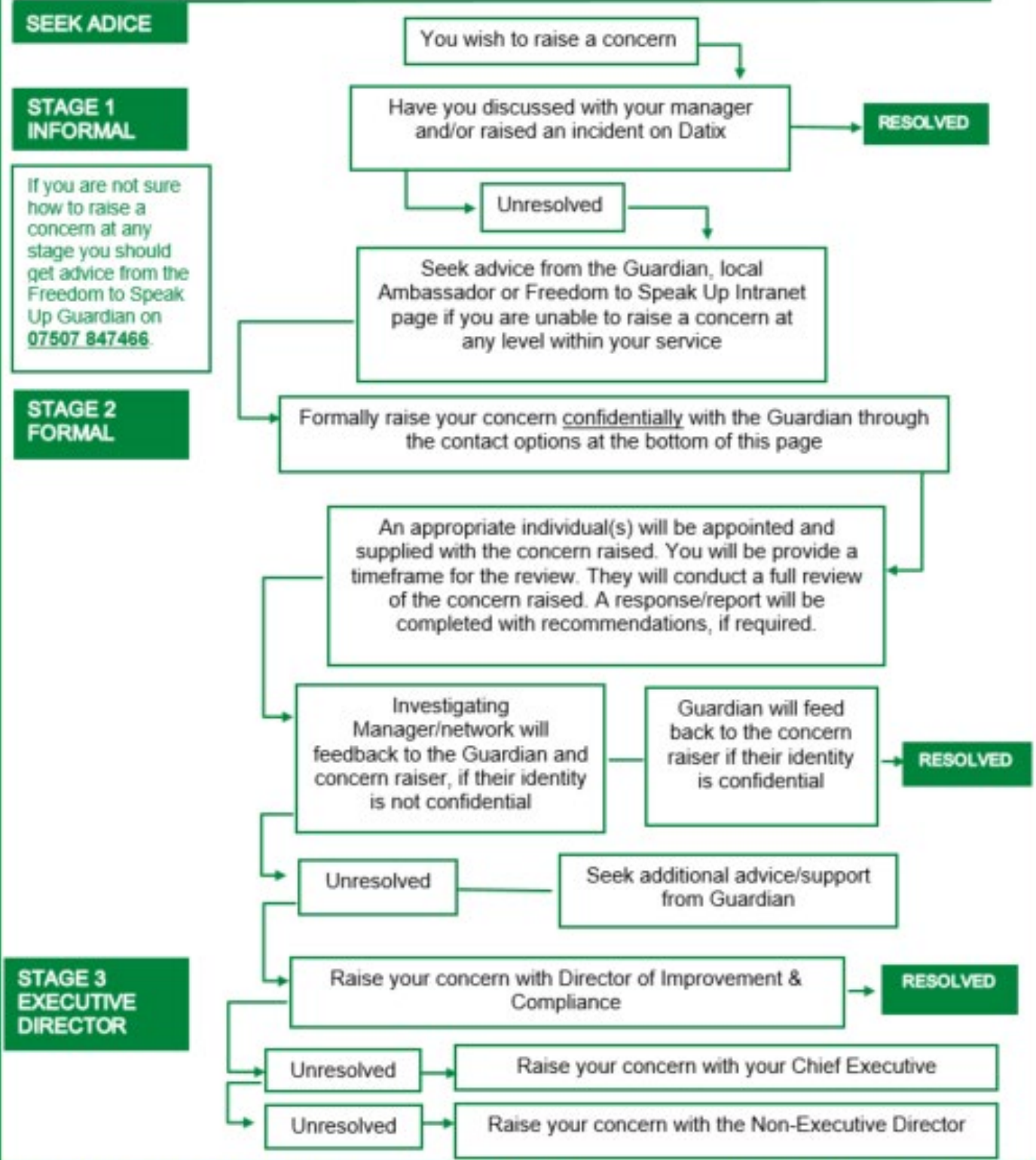
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FREEDOM TO SPEAK UP FLOWCHART

This flowchart sets out the stages in raising a concern. Please note that depending on the issue(s) it might be appropriate to consider escalating your concern to the Local Guardian at an earlier stage than is shown on the flowchart.

Stages in raising a Freedom to Speak Up Concern



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1.0 Introduction

Speaking up about any concern you have at work is important. In fact, it is vital because it will help the Trust to keep improving our services for all patients and the working environment for our staff. It is a key priority to Lancashire and South Cumbria Foundation Trust that all staff are able to bring their whole-selves to work and operate in a safe, inclusive environment that centers excellent patient care.

We understand that there may be many factors that discourage you from raising a concern. In accordance with our professional and NHS obligations, including our Duty of Candour to patients, The Trust is committed to an open and honest culture. We will look into all concerns raised regardless of the cause or alignment to any protected characteristic. We will also ensure that you have access to any support you may need whether that be internal or external.

This policy is aimed to promote and facilitate raising concerns but also sets out the protection that the Trust and the law provides to those that do so.

This policy is based on the national standard policy developed by NHS Improvement and the National Guardian's Office which has helped ensure consistency across all parts of the NHS.

2.0 Scope - what is covered by freedom to speak up

You have the right to speak up about anything that affects patient care or has an impact on your working life. This may include but is not limited to concerns in relation to:

- Bullying and Harassment
- Patient/service user safety
- Staff safety
- Estates or environment
- Unsafe working conditions

Anyone who works directly or indirectly for the Trust can raise concerns under this policy. This includes bank workers, agency workers, students, volunteers and governors.

3.0 Duties

The Board of Directors is responsible for:

- Ensuring that systems and processes are in place for staff to Speak Up if they have concerns, and that they are supported to do so and are protected from retribution for Speaking Up.

The Chief Executive and Chair are responsible for:

- Appointing the Freedom to Speak Up Guardian;
- Ensuring that Speak Up arrangements meet the needs of the workers;
- Ensuring the annual report contains information about Speaking Up;
- Ensuring the Trust is engaged with both the Regional Freedom to Speak Up Guardian network and the National Freedom to Speak Up Guardian's Office;

The Executive Lead (the Director of Improvement & Compliance) is responsible for:

- Overseeing the creation of the Speak Up vision, policy and process;
- Ensuring the Freedom to Speak Up Guardian role has been implemented, using a fair recruitment process in accordance with the example job description and other guidance published by the National Freedom to Speak Up Guardian;
- Ensuring that the Freedom to Speak Up Guardian has a suitable amount of ring fenced time and other resources and there is cover for planned and unplanned absence;

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- Ensuring that Speak Up cases are effectively managed and responded to;
- Conducting an annual review of the Speak Up vision, policy and process; This is to include recognition of cultural barriers to utilising the speaking up process
- Operationalising the learning derived from Speak Up issues;
- Ensuring allegations of detriment are promptly and fairly investigated and acted on;
- Providing the Board with a variety of assurance about the effectiveness of the Trust Speak Up vision, policy and process.

The Non-Executive Lead is responsible for:

- Holding the Chief Executive, Executive Lead and the Trust Board to account for implementing the Speak Up vision, policy and process;
- Robustly challenging the Trust Board to reflect on whether it could do more to create a culture responsive to feedback and focused on learning and continual improvement;
- Overseeing speaking up concerns regarding board members.

The Director of Workforce and OD is responsible for:

- Ensuring that the Freedom to Speak Up Guardian has the support of HR staff and appropriate access to information to enable them to triangulate intelligence from speaking up issues with other information that may be used as measures of the Speak Up culture or indicators of barriers to Speaking Up;
- Ensuring that HR culture and practice encourage and support Speaking Up and that learning in relation to workers' experience is disseminated across the Trust;
- Ensuring that workers have the right knowledge, skills and capability to Speak Up and that managers listen well and respond to issues raised effectively.

The Director of Nursing and Quality and Medical Director are responsible for:

- Ensuring that the Freedom to Speak Up Guardian has appropriate support and advice on safety and safeguarding issues;
- Ensuring that effective and, as appropriate, immediate action is taken when potential safety issues are highlighted by speaking up;
- Ensuring learning is operationalised within the teams and departments that they oversee.

The Freedom to Speak Up Guardian works to protect safety and the quality of care, improve the experience of workers and 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;
- Issues raised are used as opportunities for learning and improvement.

The Guardian operates independently, impartially and objectively, whilst working in partnership with individuals and groups throughout their organisation, including their senior leadership team.

They are responsible to the Executive Lead, and accountable to the Non-Executive Lead, Chief Executive, Chair and National Freedom to Speak Up Guardian.

The Freedom to Speak Up Ambassadors support the Freedom to Speak Up Guardian by directly supporting their work, by advising staff on how to Speak Up and by supporting staff in raising concerns through the Speak Up process.

- inadequate induction or training for staff;
- lack of, or poor, response to a safety incident;
- suspicions of fraud (which can also be reported to our local counter-fraud team);
- a bullying culture (across a team or service rather than individual instances of bullying).

Remember that if you are a healthcare professional you may 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.

This policy is not for people with concerns about their employment that affect only them. This type of concern is better suited to our Grievance policy, or for matters of individual bullying the Dignity at Work policy.

Anyone who works directly or indirectly for the Trust can raise concerns under this policy. This includes bank workers, agency workers, students, volunteers and governors.

4.0 The Policy

4.1 Freedom To Speak Up Vision

The Trust is committed to creating an open and honest culture, which is just and dedicated to learning and continuous improvement. We believe that our staff feeling able and safe to Speak Up when things are wrong is essential to achieving this. The Trust Board fully commits itself to supporting staff Speak Up, listening to staff when they Speak Up, and to taking action when they do to learn and improve. The Trust is also committed to ensuring that no person suffers detriment for Speaking Up.

Our Freedom to Speak Up Vision is based on five principles:

1. All staff feel confident to Speak Up and know how to do so;
2. All staff feel safe to Speak Up;
3. All concerns are fully considered and reviewed;
4. Speaking Up makes a difference – we listen, learn and improve;
5. Concerns are well received, welcomed and thanked at all levels.

To deliver our Freedom to Speak Up Vision, the Executive Lead and Freedom to Speak Up Guardian will maintain a single, rolling improvement plan setting out the actions planned and underway. The Quality and Non-Executive Lead will review, scrutinise and support delivery of this plan.

4.2 How To Speak Up (please refer to the How to Speak up Flow chart on page 4 for a quick reference)

In most circumstances the easiest way to get your concern resolved will be to raise it formally or informally with your line manager or senior manager.

Where you don't think it is appropriate to do this or you don't feel able to do so, you can use any of the options set out below:

- Contact the Freedom to Speak Up Guardian – the Guardian can support you in raising your concern;
- Contact a Freedom to Speak Up Ambassador – Ambassadors are based locally and act on behalf of the Guardian to support staff raising a concern;
- Use the online system to raise a concern anonymously through Datix by accessing the Speak Up intranet page on the Home page of the Trust intranet;
- Email Speak.Up@lscft.nhs.uk.

We hope you will feel comfortable raising your concern openly, but 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.

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You can raise your concerns with any of the people listed above in person, by phone 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.

If a concern is raised through the Dear Caroline online system which relates to a matter covered by this Speak Up policy, it may be managed under this policy and process.

4.3 How We Will Respond

If you raise your concern with your line manager, they should listen to your concern and agree with you a way to locally seek resolution.

If you raise your concern with the Freedom to Speak Up Guardian, Ambassadors or through the Speak Up inbox, the Executive Lead will be informed of the concern and they will agree an appropriate process for taking action. You will be informed of what action is being taken and how long this is expected to take. You will be kept up to date and informed of the outcome. This action could include (but is not limited to):

- Commissioning a fact finding review;
- Commissioning a formal investigation;
- Taking direct action;
- Changing Trust policy or procedure;
- Referral to counter-fraud, the police or other external body.

The Executive Lead will appoint the best person to take action and to keep in touch with you. In most cases by default this will be the manager with the ability to take action on the matters raised in your concern such as the manager, senior manager or clinical lead for the respective areas, but an independent person may be appointed by the Executive Lead on the following basis:

- The concern is about the manager(s) of the service;
- A specialist person with skills or knowledge is necessary;
- The concern requires urgent or time-critical investigation;
- An independent person is needed to give confidence or objectivity.

It is important to note that the Executive Lead is responsible for taking action in response to your concern. The Freedom to Speak Up Guardian and Freedom to Speak Up Ambassadors must remain objective, impartial and independent and will not act as an advocate for staff or the Trust.

Where possible and where you wish, we will seek to involve you in resolving the concerns.

The Trust welcomes all genuine concerns. However, we recognise in a very small number of cases a concern may be raised which is vexatious. All concerns raised are fully considered however where a concern is confirmed as vexatious, the Executive Lead may close the concern with no further action.

4.4 Your Protection When Speaking Up

If you raise a genuine concern 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 a concern. Any such behaviour is a breach of our values 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.

There are very specific criteria that need to be met for an individual to be covered by whistleblowing law (the Public Interest Disclosure Act 1998) when they raise a concern (to be able to claim the protection that accompanies it). There is also a defined list of 'prescribed persons' who you can make a protected disclosure to. To help you consider whether you might meet these criteria, please seek advice from the Freedom to Speak Up Guardian (who can offer confidential advice).

4.5 Training

The Freedom to Speak Up Guardian will provide training for staff on how to raise a concern – this will include ensuring this is covered on induction and through e-learning. Additionally, the Freedom to Speak Up Guardian will provide workshop training for managers on how to respond to concerns raised locally.

4.6 Support In Speaking Up

The Freedom to Speak Up Guardian and Freedom to Speak Up Ambassadors are available to offer advice to staff on the raising concerns process. This advice can be sought confidentially or anonymously. If advice is sought and you choose not to raise a concern, the Guardian or Ambassador will respect this decision however if safety, safeguarding or criminal matters are raised they are obliged to act on that information.

The Freedom to Speak Up Guardian and Freedom to Speak Up Ambassadors can support you in raising a concern; this could be by raising the concern on your behalf or supporting you through the process. However, the Guardian or Ambassador must remain objective, impartial and independent and will not act as an advocate for staff or the Trust.

5.0 Monitoring

The Freedom to Speak Up Guardian will maintain a register of all concerns raised through the Guardian, Ambassadors or the Speak Up inbox. This central system will track the actions being taken against each concern. The system will be restricted so that only the Guardian, Executive Lead and Non-Executive Lead have access.

The Freedom to Speak Up Guardian will submit information as follows to enable monitoring by the Trust Board:

Standard	Time frame/ format	How this will be monitored	By whom
A bi-annual high-level and anonymised summary of all concerns raised in the previous month for inclusion in the Trust Board papers	bi-annually	Trust Board	Freedom to Speak Up Guardian
A bi-annual report on concerns raised, themes and trends to the Quality Committee	bi-annually	Quality Committee	Freedom to Speak Up Guardian
A quarterly return on overall numbers to the National Freedom to Speak Up Guardian's Office	quarterly	National Freedom to Speak Up Guardian's Office	Freedom to Speak Up Guardian

6.0 References (including applicable NICE publications)

National Freedom to Speak Up Guardian.

<https://www.cqc.org.uk/national-guardians-office/content/national-guardians-office>

7.0 Implementation plan

Category	Action(s)	Target date	Responsible person
Engagement	Discuss this policy in network SLT business meeting	October 2020	Guardian
Training	Update of policy for Ambassadors	November 2020	Guardian
Other (e.g. resources)	Could meet the criteria for publicising as Policy of the Month. Pod-cast introduction by author	Policy team will advise - month etc.	Policy Team (Effectiveness Department) Policy Author

Appendix i: Equality Impact Assessment: this MUST be done in collaboration with the Trust Equality and Diversity Lead

When completing, remove all guidance text like this but do not alter or delete any elements of this assessment

LSCFT puts equality, inclusion, and human rights at the centre of the design and delivery of inclusive services for the diverse communities we serve, and the empowering culture we create for our staff.

The legal case is set out in the Equality Act 2010 and the practice is embodied by our staff every day, without exception.

We are stronger together.

Equality@lscft.nhs.uk



This assessment applies to any Trust policy document, or activity required in a Policy, which will have an impact on people.

Please refer to the Equality Impact Assessment (EIA) Form Guidance and the Equality and Diversity Lead. This assessment must be done in collaboration with the E&D Lead

1. What is the title of the Policy and purpose of the activity in requires or involves that needs to be considered and assessed for its impact on people?

Freedom to Speak Up Policy.

The purpose of the policy is to inform all staff on how to raise a concern in relation to staff and patient safety. The policy is pertinent to all LSCFT staff and patients, and is in accordance with the Francis Report 2015/ national Guardians Office.

2. Which group/s of people is/are being considered?

Patients / Service Users











Staff

Public

Partner agencies

Other (*please specify here*) [Staff side representatives \(eg for an HR type policy\)](#)

3. Which of the following protected characteristics may or are likely to be affected by this policy? (* in any box as needed)

Age  <input checked="" type="checkbox"/>	Disability  <input checked="" type="checkbox"/>	Gender-reassignment  <input checked="" type="checkbox"/>	Marriage/Civil Partnership <i>in employment only</i>  <input checked="" type="checkbox"/>	Pregnancy & Maternity  <input checked="" type="checkbox"/>	Race  <input checked="" type="checkbox"/>	Religion or Belief  <input checked="" type="checkbox"/>	Sex  <input checked="" type="checkbox"/>	Sexual Orientation  <input checked="" type="checkbox"/>	Other <i>detail below</i>  <input checked="" type="checkbox"/>
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Other: HIV positive

4. What engagement is taking place or has already been undertaken with those who are likely to be affected?

The policy is an update that includes the change of Executive Lead for FTSU, change to referencing from Dear David to Dear Caroline, and the introduction of a flow chart to aid usability for the reader. All other content remains the same.

5. What impact or potential impact has been identified through the consultation?

Consultation not required as only an update and not a review, however policy was shared with FTSU Ambassadors/ Concern raisers with protective characteristics, and no impact was identified. I would consult with Staff Networks in light of the recent Race Equality review.

6. What further steps are needed to mitigate or safeguard against the impact/potential impact identified?

No further steps needed. Further steps would be things such as, diversity of ambassadors, including culturally sensitive training, identifying areas with concerns and offering bespoke training based on workforce and service user population.

Outcome of the assessment	Action/s Required	Timescale	Accountability
Outcome 1: No change(s) required <i>When the scoping exercise has not identified any potential for discrimination or adverse impact and all opportunities to promote equality have been taken.</i>	No further steps identified		
Outcome 2: Adjustments to remove barriers that were identified in the consultation <i>We need to be satisfied that the proposed adjustments will remove the barriers identified.</i>	<ul style="list-style-type: none"> Recruitment of Diverse Ambassadors Partnership working with Staff and Service User networks to identify 		

	themes and concerns that are not being raised within the function		
<p>Outcome 3: There is still potential for adverse impact or missed opportunities to promote equality.</p> <p><i>This requires the consideration of 'reasonable adjustments' under the law to adapt and enable people to engage in or access the activities/practices required by the policy. In this case, the justification for continuing must be described here and should also be in line with the duty to have 'due regard'.</i></p> <p><i>For the most important relevant policies, compelling reasons will be needed. We need to demonstrate that there are sufficient plans to reduce the negative impact with 'reasonable adjustments' and/or plans to monitor the actual impact</i></p>			
<p>Outcome 4: Stop and rethink.</p> <p><i>When an EIA shows actual or potential unlawful discrimination you will now need to make changes to the policy and practices it requires.</i></p>			

<p>How will we monitor this and to whom will we report outcomes?</p> <p>The executive owner of the policy must be made aware of this assessment and any monitoring or rewriting in relation to outcomes 2,3 or 4</p> <p><i>Risks identified throughout the assessment process and controls designed to address them, must be described and rated and recorded on Datix or in service risk registers in line with Trust processes. Assurance mechanisms should be developed for each activity to ensure that equality and diversity compliance is achieved on an ongoing basis</i></p>	
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7. Who undertook this assessment and when?

Name: Ken Levins	
Job Title: Freedom to Speak Up Guardian	Date assessment started: 26/10/2020
Service: Compliance & Information Network	Date assessment completed: 26/10/20

8. Authorised by Trust Equality and Diversity Lead (Signature):

Pav Akhtar, LSCFT ED&I Strategic Lead

Date: 20/01/22

Freedom to Speak Up Policy



Why we need it...

“The Freedom to Speak Up policy has been written to encourage you to speak up on staff and patient safety, as it will help us to keep improving our services for all patients and the working environment for all our staff.”



What do I need to do...?

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

This policy is aimed to promote and facilitate raising concerns but also sets out the protection that the Trust and the law provides to those that do so.

This policy is based on the national standard policy developed by NHS Improvement and the National Guardian's Office which has helped ensure consistency across all parts of the NHS.



The evidence base

National Guardians Office Guidelines and NICE guidelines for Raising a Concern.



Who does it affect?

You can raise a concern about risk, malpractice or wrongdoing you think is harming the service we deliver. This can be called raising concerns, whistleblowing or Speaking Up. Examples of this might include (but are by no means restricted to):

- unsafe patient care;
- unsafe working conditions;

Anyone who works directly or indirectly for the Trust can raise concerns under this policy. This includes bank workers, agency workers, students, volunteers and governors.



Contact

Ken.levins@lscft.nhs.uk

Speak.up@lscft.nhs.uk