

FREEDOM TO SPEAK UP POLICY



With you.
For you.

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1 Speak up – we will listen

- 1.1 Speaking up about any concern you have at work is really important. A relevant concern can relate either within the workplace or externally, in relation to danger, risk, malpractice or wrong doing which affects others.
- 1.2 This may be a specific concern regarding some danger, fraud or other illegal or unethical conduct that affects others, how the CCG delivers its services or how it affects patient services. It is vital that you know how to speak up as it will help us to keep improving the working environment for our staff and services for all patients.
- 1.3 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, the CCG is committed to an open and honest culture. We will look into what you say and you will always have access to the support you need.

2 What concerns can I raise?

- 2.1 You can raise a concern about risk, malpractice or wrongdoing you think is harming the service we commission. Just a few examples of this might include (but are by no means restricted to):
 - unsafe working conditions
 - inadequate induction or training for staff
 - suspicions of fraud (which can also be reported to the counter-fraud team)
 - a bullying culture (across a team or organisation rather than individual instances of bullying).
 - failure to comply with legal obligations
 - damage to the environment
 - unsafe patient care
 - lack of, or poor, response to a reported patient safety incident
- 2.2 Remember that all employees and workers, including clinical and non-clinical registered professionals within the NHS have a duty to report a concern under the circumstances set out in this policy. If in doubt, please raise it.
- 2.3 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.
- 2.4 This policy should not be used to raise concerns of a personal nature for example complaints relating to a management decision or matters of individual conscience where there is no suggestion of wrong doing but an employee or worker is, for example, required to act in a way which conflicts with a deeply held belief. These matters should be dealt with using the relevant alternative procedure, for example, the Grievance Procedure.

3 Feel safe to raise your concern

- 3.1 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 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.

- 3.2 Provided you are acting honestly, it does not matter if you are mistaken or if there is an innocent explanation for your concerns.

4 Confidentiality

- 4.1 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.

5 Who can raise concerns?

- 5.1 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 governors.

6 Who should I raise my concern with?

- 6.1 In many circumstances the easiest way to get your concern resolved will be to raise it formally or informally with your line manager. But where you don't think it is appropriate to do this, you can use any of the options set out below in the first instance.

- 6.2 If raising it with your line manager does not resolve matters, or you do not feel able to raise it with them, you can contact one of the following people:

- Quality
Chief Nurse
- Financial Matters
Chief Finance Officer
- HR or Staffing Matters
Head of People Services
- Medicines Management Matters
Head of Medicines Management
- Fraud Bribery or Corruption Matters
Anti-Fraud Manager
- Maladministration
Chief Officer

Where there is any indication that there could be a safeguarding issue, advice **must** be sought from the CCG Safeguarding Designated Lead Nurse who will provide guidance and support any agreed action/escalation through the Local Safeguarding Board policies and procedures. The Safeguarding Team contact details are found in the CCG Safeguarding Children and Adult Policy.

The CCG's Safeguarding Children and Adult Policy is available to view on the West Lancashire CCG's website - [here](#)

6.3 If you remain concerned after this, you can raise your concerns through the:

National Director: Transformation and Corporate Operations in the capacity of NHS England's appointed Freedom to Speak Up Guardian via the email: england.voicingyourconcerns@nhs.net

6.4 All these people have been trained in receiving concerns and will give you information about where you can go for more support.

6.5 If for any reason you do not feel comfortable raising your concern internally, you can raise concerns with external bodies, listed on page 8.

7 Advice and support

7.1 Details on the local support available to you can be obtained by contacting HR Services on mlcsu.hrservices@nhs.net or contacting the Freedom to Speak Up Guardian on mlcsuftsuguardian@nhs.net

7.2 However, you can also contact the Whistleblowing Helpline for the NHS and social care, your professional body or trade union representative.

8 How should I raise my concern?

8.1 You can raise your concerns with any of the people listed above in person, by phone or in writing (including email).

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

9 What will we do?

9.1 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 (see Annex B).

9.2 We are committed to listening to our staff, learning lessons and improving patient care and the services we commission. On receipt the concern will be recorded and you will receive an acknowledgement within two working days. The central record will record 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.

10 Investigation

- 10.1 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 CCG) and properly trained – and we will reach a conclusion within a reasonable timescale (which we will notify you of). Wherever possible we will carry out a single investigation (so, for example, where a concern is raised about a 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 report that focuses on identifying and rectifying any issues and learning lessons to prevent problems recurring.
- 10.2 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.
- 10.3 If your concern suggests a Serious Incident has occurred, an investigation will be carried out in accordance with the Serious Incident Framework.
- 10.4 Any employment issues (that affect only you and not others) identified during the investigation will be considered separately.

11 Communicating with you

- 11.1 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).

12 How will we learn from your concern?

- 12.1 The focus of the investigation will be on improving the service we provide for patients. Where it 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 CCG, or more widely, as appropriate.

13 Monitoring and Review

- 13.1 This policy and procedure will be reviewed periodically by Human Resources in conjunction with operational managers and Trade Union representatives. Where review is necessary due to legislative change, this will happen immediately.
- 13.2 Implementation and operation of this policy will be monitored on an annual basis by the MLCSU Leadership Team.

14 Equality

- 14.1 In applying this policy, the CCG will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and provide for good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, sex, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation, in addition to offending background, trade union membership, or any other personal characteristic.

15 Data Protection

- 15.1 In applying this policy, the Organisation will have due regard for the Data Protection Act 2018 and the requirement to process personal data fairly and lawfully and in accordance with the data protection principles. Data Subject Rights and freedoms will be respected and measures will be in place to enable employees to exercise those rights. Appropriate technical and organisational measures will be designed and implemented to ensure an appropriate level of security is applied to the processing of personal information. Employees will have access to a Data Protection Officer for advice in relation to the processing of their personal information and data protection issues.

16 Raising your concern with an outside body

- 16.1 Alternatively, you can raise your concern outside the organisation with:
- **NHS Improvement** for concerns about:
 - I. how NHS trusts and foundation trusts are being run
 - II. other providers with an NHS provider licence
 - III. NHS procurement, choice and competition
 - IV. the national tariff
 - **Care Quality Commission** for quality and safety concerns
 - **NHS England** for concerns about:
 - I. primary medical services (general practice)
 - II. primary dental services
 - III. primary ophthalmic services
 - IV. local pharmaceutical services
 - **Health Education England** for education and training in the NHS
 - **NHS Protect** for concerns about fraud and corruption.

17 Making a 'protected disclosure'

- 17.1 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 7 & 8, who you can make a protected disclosure to.
- 17.2 To help you consider whether you might meet these criteria, please seek independent advice from:

Speakup.direct - confidential advice service

Speakup direct (which replaced the national whistleblowing helpline at the end of 2017) provides free, independent and confidential advice to all staff and contracted workers within health and social care. While the helpline cannot investigate concerns, it can provide invaluable advice on whether your concern is indeed whistleblowing and talk you through the process to ensure it is followed correctly. The helpline is also able to advise on how you can escalate the concern with a prescribed body if needed.

Telephone: 08000 724 725.

Web: www.speakup.direct/contact-us/

Public Concern at Work.

PCaW is a charity that provides free, confidential legal advice to people who are concerned about wrongdoing at work and not sure whether, or how, to raise their concern.

Telephone: 020 7404 6609

Web: www.pcaw.org.uk

Email: whistle@pcaw.org.uk

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 an individual detailed at clause 6.2 of this policy.

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 the CCG GP Chair.

Step four

You can raise concerns formally with external bodies.

Voicing Your Concerns Investigation Summary Template

Voicing Your Concerns Record Form

Stage 1 – To be completed by the Manager receiving the concern

1. Date concern raised/disclosed.....

2. Person receiving the concern

Name..... Job Title.....

Email..... Contact Number.....

3. How Received: by letter/email date of letter/email.....
 by telephone date..... time.....
 by visit date..... time.....
 anonymous date..... time.....

4. Does the person(s) raising the concern agree to reveal their identity? Yes/No
(If yes, individual to sign here).....

5. Individual's Personal Details (to be recorded only with the person(s)'s consent)

Name..... Job Title.....

Dept/Team..... Organisation.....

Contact Number..... Email Address.....

6. Nature and type of concern (the wording of which should be agreed by both the individual raising the concern and the manager receiving the concern

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The CCG is committed to achieving the highest possible standards of service for the benefit of patients, employees, service users and visitors. Where standards are not as expected, we want to learn and welcome the opportunity to address issues as early as possible and make improvements swiftly.

The CCG is committed to ensuring that, in accordance with the Public Interest Disclosure Act 1998, individuals raising concerns will be protected from detrimental or unfavourable treatment and victimisation.

7. Outcome of initial discussion (to include details of triage and if required referral to alternative more appropriate policy or senior member of staff)

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8. Details of any relevant litigation relevant to this concern (e.g. breach of Data Protection Act)

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Step 2 – To be completed by the Investigating Officer

9. Investigating Officer Details

Name..... Job Title..... Contact Number.....
Email..... Date of referral.....

10. Details of agreed actions: Date taken:

At this stage a copy of this record should be emailed to the People and Organisation Development Team

11. Acknowledgement letter sent to the individual who raised the concern: date.....
(including expected timescale for completion by the Investigating Officer)

Findings

12. What has been identified as the principal causes of the concern?

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13. Is the concern justified? Yes/No

14. Suggestions for Improvements/Changes to Policy or Procedure, including the VFreedom to Speak Up Policy and Procedure.

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15. Do you think improvements are justified? Yes/No

If yes, how in your opinion may procedures/systems/policies be reasonably amended?

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16. Are there changes that outside agencies/suppliers could make? Yes/No

If yes, what changes do you recommend/suggest?

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17. Results of Investigation to individual raising concern informed by letter

Date.....

Outcome reported to the People and OD Team Date.....

Outcome reported to the Freedom to Speak Up Guardian Date..... by People and OD Team

18. Copy of this form to Monitoring Officer Date.....

19. Additional Information

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Equality Impact Assessment

