



## Freedom to Speak Up Policy

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Lead Board Director:	Sabrina Armstrong
Policy Lead (and author if different):	Rachel McCluskey, Freedom to Speak Up Guardian/ John Scott Head of People & OD
Name of responsible committee/group:	Workforce & Diversity Group
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## Staff Summary

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

You may feel worried about raising a concern, but please don't be put off. In accordance with the duty of candour, the CCG's senior leaders and entire board are committed to an open and honest culture. Concerns you raise will be looked into and staff who raise concerns will always have access to the support they need. The CCG is committed to an open and transparent culture where staff are actively encouraged and feel safe to raise concerns.

This policy is based on the national NHS best practice policy and is designed to encourage you to report and raise concerns early on.

This policy sets out:

- The CCG's commitment to you to deal with your concern seriously, fairly and properly.
- What is expected of you in relation to raising a concern.
- The process of raising a concern, who you should contact, how issues will be addressed and how individuals who raise concerns will be supported.
- Where you can go for advice and guidance.

# How to Raise a Concern

This process is aimed at making it easier for you to raise a concern. We hope that most concerns can be dealt with quickly and effectively with your local managers and teams. To cover all situations, we have developed a range of options for you.

## Step 1

If you have a concern, we hope you will feel able to raise it with your line manager, supervisor, or lead clinician as soon as possible. You can do this verbally or in writing.

## Step 2

If you feel unable to raise the matter with your manager or you have done this and feel it has not resolved the concern, please raise the matter with our Freedom to Speak up Guardian.

## What to do next

If steps 1 and 2 have been followed and you still have concerns that you feel have not been adequately addressed, you can contact:

- The Chief Executive at [tim.ryley@nhs.net](mailto:tim.ryley@nhs.net)
- The Non-Executive Director with responsibility for whistleblowing, Sam Senior at [Samantha.senior@nhs.net](mailto:Samantha.senior@nhs.net)
- Any member of the Board.

If you need any contact details, you can email the HR team at [leeds.ccg@hrgeneral@nhs.net](mailto:leeds.ccg@hrgeneral@nhs.net)

## Independent Advice and Support

If you are unsure or worried about whether to use this policy or you want confidential and independent advice and support at any stage, there are a number of contacts available to you:

- Your Trade union representative
- Protect (the independent whistleblowing charity) on 020 3117 2520 or by email at [whistle@protect-advice.org.uk](mailto:whistle@protect-advice.org.uk)
- Your professional regulatory body
- NHS and Social Care Whistleblowing Helpline on 08000724725.

## 1 PURPOSE

The Freedom to Speak Up Policy sets out the methods by which staff can raise concerns, details how their concerns will be dealt with and outlines the internal and external support available to them.

## 2 BACKGROUND/CONTEXT

This policy is based on the "standard integrated policy", a national policy, which was one of the recommendations of the review by Sir Robert Francis into whistleblowing into the NHS, aimed at improving the experience of whistleblowing in the NHS. It includes all elements of the national policy, as well as local arrangements.

## 3 DEFINITIONS

**Raising concerns / speaking up / Whistleblowing:** Telling someone about risk, malpractice or wrongdoing you think is damaging the service the CCG provides.

**CCG Freedom To Speak Up Guardian:** Individual who has been appointed by the Board to listen to staff who raise concerns and ensures appropriate action is taken, who has responsibility for supporting the embedding of an open and transparent culture across the organisation and who provides assurance to the Board regarding the CCG's raising concerns arrangements. (As of 1 September 2020, it is Sam Senior)

**Local Freedom to Speak Up Lead:** Individual who has volunteered for the role, who listens to staff who raise concerns and ensures appropriate action is taken, has responsibility for supporting the embedding of an open and transparent culture within the CCG. (As of 1 September 2020, it is Rachel McCluskey [rachel.mccluskey1@nhs.net](mailto:rachel.mccluskey1@nhs.net))

## 4 ROLES AND RESPONSIBILITIES

The **Board** has overall responsibility for CCG Policy. The Board will receive an annual report in respect of this policy, including usage, feedback from staff and learning as a result of concerns raised.

The designated **Non-Executive Director**, will have oversight of the Policy. They will provide assurance regarding arrangements through the annual report to the Board. They will also be available as an independent route to review cases where concerns have been raised with a line manager or Freedom to Speak Up Lead or Guardian and appropriate action has not been taken.

The **Chief Executive** is the Accountable Officer for the implementation of this policy and for ensuring that the CCG deals with concerns effectively.

The **Director of Organisational Effectiveness** is responsible for overseeing the implementation and monitoring of this policy, including ensuring the policy is reviewed and amended as necessary. They are also responsible for maintaining a record of reported concerns, including the actions taken in response, and to report this to the Executive Team on an annual basis. They also support the Freedom to Speak Up Guardian and Lead(s).

**The Freedom To Speak Up Guardian** listens to staff who raise concerns and ensure appropriate action is taken, have responsibility for supporting the embedding of an open and transparent culture across the organisation and who provides assurance to the Board regarding the CCG's raising concerns arrangements and development of an open and transparent culture. They are responsible for recording on the CCG template all concerns that are raised with them. They also support the Freedom to Speak Up Lead(s).

**Local Freedom to Speak Up Lead(s)** listen to staff who raise concerns and ensure appropriate action is taken, and have responsibility for supporting the embedding of an open and transparent culture within the organisation. They are responsible for recording on the CCG template all concerns that are raised with them

All **managers and supervisors** are responsible for managing reported concerns in accordance with this policy. They are also responsible for responding to concerns and ensuring that any issues are managed promptly, thoroughly and fairly.

**Staff** have a duty to report concerns and are responsible for ensuring that any concerns raised are raised in line with this policy.

## **5 POLICY EFFECT**

### **What concerns can I raise?**

A vision for how concerns should be raised within the NHS is at Appendix 1.

You can raise a concern about **risk, malpractice or wrongdoing** you think is harming the service the CCG provides. 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 (across a team or organisation 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. You are encouraged 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 – that type of concern is better suited to one of our HR policies, for example grievance or dignity at work.

### **Feel safe to raise your concern**

If you raise a genuine concern under this policy, be reassured that you will not be at risk of losing your job or suffering any form of reprisal as a result. Harassment or

victimisation of anyone raising a concern will not be tolerated. Nor will any attempt to bully you into not raising any such concern be tolerated. Any such behaviour from another employee is a breach of our values and, if upheld following investigation, could result in disciplinary action against that employee.

## **Confidentiality**

The CCG encourages all staff to raise concerns openly, but also appreciates 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, when you request it, your identity will be kept confidential, 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 it to be investigated thoroughly and for you to be given 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 and volunteers.

Patients and the public should raise concerns through the PALS process

- **E mail:** [NEEDS\\_CONTACT@nhs.net](mailto:NEEDS_CONTACT@nhs.net)

## **Who should I raise my concern with?**

In many circumstances the best way to get your concern resolved will be to raise it formally or informally with your line manager. Where you don't think it is appropriate to do this, or 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:

- The Freedom to Speak Up Lead, Rachel McCluskey, or
- The Freedom to Speak Up Guardian, Sam Senior.

The Local Freedom To Speak Up Guardian is an important, Board appointed role identified in the Freedom to Speak Up review to act as an independent and impartial source of advice to staff at any stage of raising a concern, with access to anyone in the organisation, including the Chief Executive, or if necessary, outside the organisation.

The Freedom to Speak Up Lead is a volunteer who work with individuals who have a concern to raise. They listen to the concern and support the individual to raise their concern in the most effective way. They will, if appropriate investigate concerns which have been raised, or they will appoint an appropriate individual to investigate for them taking into consideration the sensitivities and the need to maintain confidentiality.

If you have raised a concern with your line manager, a CCG Freedom to Speak Up Guardian or Freedom to Speak Up Lead and the concern has not been adequately addressed, you can then contact:

- Any member or the Board.

All these people have been trained in receiving concerns and will give you information about what further support you will get.

Suspicious of fraud, bribery and corruption can be reported to your CCG Counter Fraud Specialists:

- By Post: Counter Fraud, York Teaching Hospital, Park House, Wigginton Road, YO31 8ZZ
- By Phone
- By Email: [marie.hall15@nhs.net](mailto:marie.hall15@nhs.net)

If it is felt, for any reason, that a suspicion of fraud cannot be reported internally, concerns / suspicions can be reported to the NHS Counter Fraud Authority via one of the following methods:

- NHS Fraud & Corruption Reporting Line on 0800 028 40 60
- NHS Fraud & Corruption Reporting Website <https://cfa.nhs.uk/reportfraud>

Please consult with the Anti-Fraud, Bribery and Corruption Policy, for further information, which is available on the intranet or by following this link [Anti-Fraud Bribery and Corruption Policy](#)

If for any reason you do not feel comfortable raising your concern internally, you can raise concerns with an external body:

- Your Trade Union Representative
- Your professional regulatory body
- Protect (the independent whistleblowing charity) on 020 3117 2520 or by email at [whistle@protect-advice.org.uk](mailto:whistle@protect-advice.org.uk)
- NHS and social care whistleblowing helpline on 08000 724 725

## **Advice and support**

You can seek advice and support from your line manager or from the Local Freedom to Speak Up Lead or Guardian. However, you can also contact Protect, the Whistleblowing Helpline for the NHS and social care, your professional body or trade union representative.

## **How should I raise my concern?**

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.

## **What will the CCG do?**

The CCG is 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 Appendix 1. We are committed to listening to staff, learning lessons and improving patient care. If you raise the concern with a CCG Freedom to Speak Up Lead or Guardian, 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 you have been given updates or feedback.

## **Investigation**

All staff are encouraged in the first instance to raise their concern with their line manager as they are best placed to investigate and take appropriate action. When you raise a concern with a CCG Freedom to Speak Up Lead or Guardian, they will firstly determine with you if your concern is most appropriately actioned under an alternative policy e.g. Grievance, Dignity at Work or Counter Fraud. Where that is the case your concern will be passed to an appropriate individual and managed under that policy.

Where your concern falls within the definition of raising concerns, proportionate investigation will be carried out where appropriate using someone suitably independent (usually from a different part of the organisation) and properly trained – and a conclusion will be reached within a reasonable timescale (which you will be notified of). The investigation will be objective and evidence-based, and will provide a response that focuses on identifying and rectifying any issues, and learning lessons to prevent problems recurring.

If your concern suggests a Serious Incident has occurred, an investigation will be carried out in accordance with the Serious Incident Framework.

Any employment issues (that affect only you and not others) identified during the investigation will be considered separately under the appropriate HR policy.

## **Communicating with you**

You will be treated with respect at all times and will be thanked for raising your concerns. You will have the opportunity to discuss your concerns to ensure they are fully understood. You will be told how long the investigation is expected to take and you will be kept up to date with its progress. Wherever possible, the investigation response will be shared with you (while respecting the confidentiality of others).

## **How will the CCG learn from your concern?**

The focus of the investigation will be on improving the service the CCG provides. Where it identifies improvements that can be made, they will be tracked to ensure necessary changes are made, and are working effectively. Lessons will be shared with teams across the organisation, or more widely, as appropriate. Where appropriate a brief summary of concerns raised will be shared on the CCG Extranet or Intranet, to share learning. These will be written in a way as to be completely anonymous.

## **Board oversight and review**

The Board will be given high level information about all concerns raised by our staff through the annual raising concerns report to the Board. In addition an annual review of effectiveness will be undertaken to provide assurance that processes are working. The results of this review will form part of the annual raising concerns report to the Board. The Board supports staff raising concerns and wants you to feel free to speak up.

## **Raising your concern with an outside body**

Alternatively, you can raise your concern outside the organisation with:

### **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

### **Care Quality Commission** for quality and safety concerns

### **NHS England** for concerns about:

- primary medical services (general practice)
- primary dental services
- primary ophthalmic services
- local pharmaceutical services

### **Health Education England** for education and training in the NHS

### **NHS Protect** for concerns about fraud and corruption.

## **6 EQUALITY ANALYSIS**

This Policy has been assessed for its impact upon equality. Leeds CCG is committed to ensuring that the way that we provide services and the way we recruit and treat staff reflects individual needs, promotes equality and does not discriminate unfairly against any particular individual or group.

## **7 CONSULTATION AND REVIEW PROCESS**

This Policy has been reviewed in line with CCG best practice in partnership with Staff Side. It has then been reviewed by the Workforce & Diversity Group and the Executive Management Team and formally endorsed by the Remuneration and Nominations Committee.

## **8 STANDARDS/KEY PERFORMANCE INDICATORS**

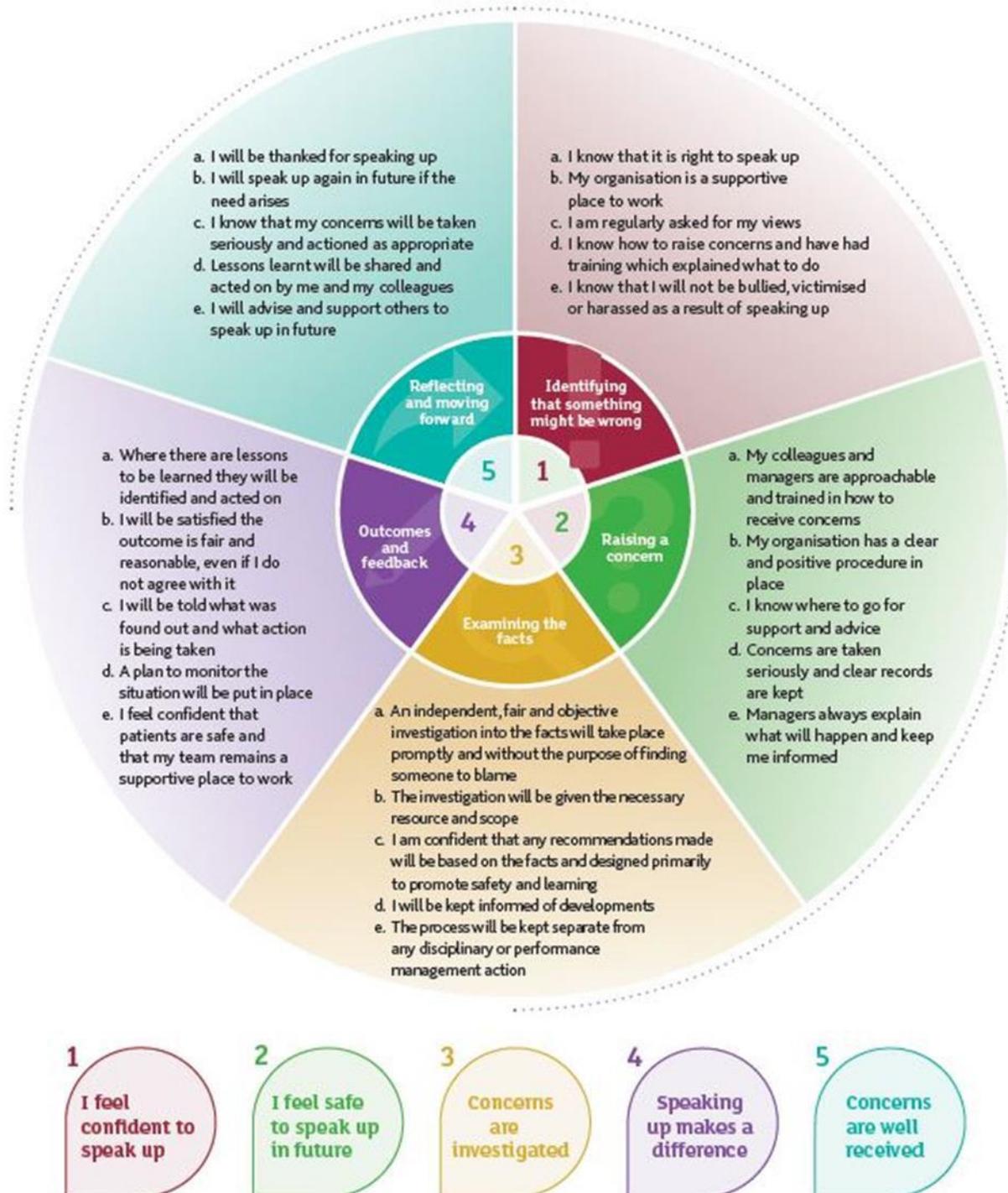
See Section 9 below for monitoring arrangements.

## 9. MONITORING COMPLIANCE AND EFFECTIVENESS

This section, using the template below, must include details of how compliance and effectiveness of implementation of the policy will be monitored. This will include monitoring for any adverse impact on different groups. This should include the role of the Policy Lead and overseeing governance group in reviewing assurance.

<b>Policy element to be monitored</b>	<b>Standards/ Performance indicators</b>	<b>Process for monitoring</b>	<b>Individual or group responsible for monitoring</b>	<b>Frequency or monitoring</b>	<b>Responsible individual or group for development of action plan</b>	<b>Responsible group for review of assurance reports and oversight of action plan</b>
Concerns are managed as defined in the policy	All concerns are appropriately managed	Annual review of effectiveness	Local Freedom to Speak up Guardians	Annually	Local Freedom to Speak up Guardians	The Board
Concerns are managed as defined in the policy	All concerns are appropriately managed	Quarterly performance meetings	Local Freedom to Speak up Guardians and Director of Organisational Effectiveness  (delegated to the Head of People and OD)	Quarterly	Director of Organisational Effectiveness  (delegated to the Head of People and OD)	Local Freedom to Speak up Guardians

## Appendix 1 - A vision for raising concerns in the NHS



## Equality Impact Assessment

<b>Title of policy</b>	Freedom to Speak Up Policy	
<b>Names and roles of people completing the assessment</b>	Ian Corbishley HR Manager	
<b>Date assessment completed</b>	12/09/20	

1. Outline	
<b>Give a brief summary of the policy</b>	This policy makes provision for workers to raise concerns they may have relating to NHS service issues safely, at the earliest opportunity and in the right way. There is a clear procedure to assist workers on how to voice concerns so they can be addressed quickly and efficiently.
<b>What outcomes do you want to achieve</b>	Staff to understand the procedure to raise concerns and feel comfortable in doing this. Concerns to be addressed promptly.

2. Analysis of impact			
<p>This is the core of the assessment, using the information above detail the actual or likely impact on protected groups, with consideration of the general duty to;</p> <p>eliminate unlawful discrimination; advance equality of opportunity; foster good relations</p>			
	<p><b>Are there any likely impacts?</b></p> <p><b>Are any groups going to be affected differently?</b></p> <p><b>Please describe.</b></p>	<p><b>Are these negative or positive?</b></p>	<p><b>What action will be taken to address any negative impacts or enhance positive ones?</b></p>
<b>Age</b>	No		
<b>Carers</b>	No		
<b>Disability</b>	No		

<b>Sex</b>	No		
<b>Race</b>	No		
<b>Religion or belief</b>	No		
<b>Sexual orientation</b>	No		
<b>Gender reassignment</b>	No		
<b>Pregnancy and maternity</b>	No		
<b>Marriage and civil partnership</b>	No		
<b>Other relevant group</b>	No		
<p><b>If any negative/positive impacts were identified are they valid, legal and/or justifiable?</b></p> <p><b>Please detail.</b></p>		<p>No anticipated positive or negative impact on any equality group. The policy is applicable to all employees and adheres to the NHS Litigation Authority Standards, statutory requirements and best practice. The policy makes all reasonable provision to ensure equality of access to all employees. There are no statements, conditions or requirements that disadvantage any particular group of people with a protected characteristic.</p>	

<b>4. Monitoring, Review and Publication</b>			
<b>How will you review/monitor the impact and effectiveness of your actions</b>		Concerns can be monitored against the protected groups to check if there are any trends and take action as appropriate.	
<b>Lead Officer</b>	Ian Corbishley	<b>Review date:</b>	12/09/20

<b>5.Sign off</b>			
<b>Lead Officer</b>	Ian Corbishley		
<b>Director</b>	Sabrina Armstrong	<b>Date approved:</b>	14/01/2021