

# Policy Document

Reference: G26 (HR30)

## Speaking Up

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<b>Executive Lead:</b>	<b>Director of Governance</b>

**Version Control Schedule**

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1	March 2002	
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6	April 2016	Realigned with National Speaking Up Policy and recommendations from national guardian case reviews
7	July 2019	Updated in accordance with recommendations from National Guardian Office and re-branded Speaking Up policy
8	August 2020	Updated FTSU Guardian contact details
9	December 2020	Updated to include UHNM Speaking Up Charter and that Policy will be reviewed on an annual basis
10	April 2021	Updated LCFS contact details
11	July 2021	Updated FTSU Guardian contact details
12	February 2022	Updated to include reporter input in the development of Terms of Reference and updated key contact details
13	January 2024	Updated to include the National Guardians Office specific wording and contact information updated to reflect new FTSU Guardian, exec lead and Associate Guardians

**Statement on Trust Policies**

The latest version of 'Statement on Trust Policies' applies to this policy and can be accessed [here](#)

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## Review Form / Equality Impact Assessment (EIA)

The Trust aims to design and implement services, policies and measures that meet the diverse needs of our service, population and workforce, ensuring that none are placed at a disadvantage over others. The Equality Impact Analysis Form is designed to help consider the needs and assess the impact of each policy. To this end, EIAs will be undertaken for all policies.

<b>Policy Reference, Title and Version Number</b>	G26 (HR30) Speaking Up V13		
<b>Summary of changes made on this review</b>	Updated to include the National Guardians Office specific wording and contact information updated to reflect new FTSU Guardian, exec lead and Associate Guardians		
<b>Please list which service users, staff or other groups have been consulted with, in relation to this</b>	FTSU Guardian Director of Governance		
<b>Were any amendments made as a result? If yes, please specify</b>			
<b>Does this policy involve the administration or control of medicines? If yes, have the Safe Meds Group been consulted with?</b>	N/A		
<b>Which Executive Director has been consulted on?</b>	Director of Governance		
<b>Does this policy have the potential to affect any of the groups listed below differently - please complete the below.</b> Prompts for consideration are provided, but are not an exhaustive list			
<b>Group</b>	<b>Is there a potential to impact on the group? (Yes/No/Unsure)</b>	<b>Please explain and give examples</b>	<b>Actions taken to mitigate negative impact</b>
<b>Age</b> (e.g. are specific age groups excluded? Would the same process affect age groups in different ways?)			
<b>Gender</b> (e.g. is gender neutral language used in the way the policy or information leaflet is written?)			
<b>Race</b> (e.g. any specific needs identified for certain groups such as dress, diet, individual care needs? Are interpretation and translation services required and do staff know how to book these?)	yes	Evidence tells us that people from groups protected under the Equality Act, particularly those from black, Asian and minority ethnic backgrounds and overseas recruited colleagues can face barriers to speaking up	FTSU Guardian attends staff network meetings to reach protected groups to raise awareness of routes to speaking up, and support available
<b>Religion &amp; Belief</b> (e.g. Jehovah Witness stance on blood transfusions; dietary needs that may conflict with medication offered)			
<b>Sexual orientation</b>	(as race)		

Group	Is there a potential to impact on the group? (Yes/No/Unsure)	Please explain and give examples	Actions taken to mitigate negative impact
(e.g. is inclusive language used? Are there different access/prevalence rates?)			
<b>Pregnancy &amp; Maternity</b> (e.g. are procedures suitable for pregnant and/or breastfeeding women?)			
<b>Marital status/civil partnership</b> (e.g. would there be any difference because the individual is/is not married/in a civil partnership?)			
<b>Gender Reassignment</b> (e.g. are there particular tests related to gender? Is confidentiality of the patient or staff member maintained?)			
<b>Human Rights</b> (e.g. Does it uphold the principles of Fairness, Respect, Equality, Dignity and Autonomy?)			
<b>Carers</b> (e.g. is sufficient notice built in so can take time off work to attend appointment?)			
<b>Socio/economic</b> (e.g. would there be any requirement or expectation that may not be able to be met by those on low or limited income, such as costs incurred?)			
<b>Disability</b> (e.g. are information/questionnaires/consent forms available in different formats upon request? Are waiting areas suitable?) Includes hearing and/or visual impairments, physical disability, neurodevelopmental impairments e.g. autism, mental health conditions, and long term conditions e.g. cancer.	As race		
<b>Are there any adjustments that need to be made to ensure that people with disabilities have the same access to and outcomes from the service or employment activities as those without disabilities?</b> (e.g. allow extra time for appointments, allow advocates to be present in the room, having access to visual aids, removing requirement to wait in unsuitable environments, etc.)	<b>Yes/No</b>		
<b>Will this policy require a full impact assessment and action plan?</b> (a full impact assessment will be required if you are unsure of the potential to affect a group differently, or if you believe there is a potential for it to affect a group differently and do not know how to mitigate against this - please contact the Corporate Governance Department for further information)	<b>Yes/No</b>		

## 1. INTRODUCTION

This policy is based upon the national 'Freedom to Speak Up Policy for the NHS'. All NHS organisations providing NHS healthcare services are required to adopt the national policy as a minimum standard to help normalise speaking up for the benefit of patients and workers.

We welcome speaking up and we will listen. By speaking up at work you will be playing a vital role in helping us to keep improving ourselves for all patients and the working environment for our staff.

We want to hear about any concerns our staff have, whichever part of the organisation they work in. We know some groups in our workforce can feel they are not heard or can be reluctant to speak up. They could be an agency worker, bank worker, locum or student. We also know that staff with disabilities or those from a Black, Asian or minority ethnic background or from the LGBTQ+ community can face barriers to speaking up. **This policy is for all our staff, and we want to hear all of their concerns.**

Staff can find out more about what Freedom to Speak Up (FTSU) is in these [videos](#).

## 2. SCOPE

This policy is for all our staff. Its aim is to ensure that all concerns raised are captured and considered appropriately. The NHS People Promise commits to ensuring that we each have a voice that counts, that we all feel safe and confident to speak up and take the time to really listen and empathise.

## 3. DEFINITIONS

The policy may contain terminology that is not clear and easy to understand. Where this is the case, you should include a list of the terms used and a definition of their meaning under this heading.

### Protected Disclosure

A protected disclosure is defined in the Public Disclosure Act 1998. This legislation allows certain categories of workers to lodge a claim for compensation with an employment tribunal if they suffer as a result of speaking up. The legislation is complex and to qualify for protection under it, very specific criteria must be met in relation to who is speaking up, about what and to whom. To help you consider whether you might meet these criteria, please seek independent advice from [protect-advice.org.uk](https://protect-advice.org.uk) or a legal representative.

## 4. SPEAKING UP

### What can I speak up about?

Staff can speak up about anything that gets in the way of patient care or affects their working life. This could be something which doesn't feel right to them, for example, a way of working or a process that isn't being followed, feeling discriminated against, feeling that the behaviours of others is affecting their wellbeing or that of their colleagues or patients. Speaking Up is about all of these things. Speaking Up therefore captures a range of issues, some of which may be appropriate for other existing processes (for example HR or patient safety / quality).

HR01 Disciplinary Policy  
HR02 Resolution Policy  
HR08 Recruitment and Retention Policy  
HR12 Equality, Diversity and Inclusion Policy  
HR29 Capability Policy  
HR50 Performance and Development Review Policy  
HR51 Flexible Working Policy  
HR52 Annual Leave and Public Holiday Policy  
HR61 Special Leave Policy

As an organisation we will listen and work with our staff to identify the most appropriate way of responding to the issues raised.

## We want you to feel safe to speak up

Speaking Up is a gift to us as it helps us to identify opportunities for improvement that we might not otherwise know about. We will not tolerate anyone being prevented from speaking up or being mistreated because they have spoken up.

This policy is designed to be used in conjunction with our Being Kind Compact and resolution approach. We are working to create a culture where we are all open to giving and receiving feedback (using the BUILD model), with a focus on learning and improving. Our resolution approach aims to enable the early and informal resolution of issues through dialogue. Our Being Kind Framework is a suite of resources, for all staff to help us create a kind, respectful culture and address issues of behaviours that are not respectful. Whether you are an individual experiencing inappropriate behaviour, a witness, you have had an allegation of disrespectful behaviour made against you or are the manager, these resources contain practical tools to help create compassionate workplaces and guides to help you decide the best route forward and start to take action.

We recognise that it is not always easy for concerns, particularly concerns relating to sexual misconduct in the workplace to be raised – especially when a perpetrator is in a position of authority or has influence on your career; but it is important that colleagues access confidential support and report incidents and feel confident that the concerns will be taken seriously. This policy is another route for our staff to use if they want to raise concerns about sexual misconduct.

Further information regarding sexual safety at work can be found [here](#)

## Who can speak up?

Anyone who works in NHS healthcare can speak up. This encompasses any healthcare professionals, non-clinical workers, receptionists, directors, managers, contractors, volunteers, students, trainees, junior doctors, locum, bank and agency workers and former workers.

## Who can I Speak Up to?

### Speaking Up Internally

Most Speaking Up happens through informal conversations with supervisors and line managers where challenges are raised and resolved quickly. We strive for a culture where that is normal, everyday practice and encourage staff to explore this option – it may well be the easiest and simplest way of resolving matters. Information on conversations with your line manager can be found in our Being Kind Compact [here](#). However, there are other options in terms of who to speak to, depending on what feels most appropriate to you:

- Senior manager within your division or corporately, or a director with responsibility for the subject matter you are speaking up about
- The Quality, Safety or Compliance Team (where concerns relate to patient safety or wider quality) on 01782 676479
- Our Freedom to Speak Up Guardian, Rob Irving via 01782676484 or 07833 405528 or by emailing [FTSUGuardian@uhnm.nhs.uk](mailto:FTSUGuardian@uhnm.nhs.uk)
- An Associate Freedom to Speak Up Guardian by emailing [FTSUGuardian@uhnm.nhs.uk](mailto:FTSUGuardian@uhnm.nhs.uk)

The Freedom to Speak Up Guardian (or Associate) will ensure that people who speak up are thanked for doing so, that the issues they raise are responded to and that the person speaking up receives feedback on the actions taken. You can find more about the guardian role [here](#)

- Our People Directorate via [myemployeerelations@uhnm.nhs.uk](mailto:myemployeerelations@uhnm.nhs.uk) or 01782 675582

- Our senior lead responsible for Freedom to Speak Up, Claire Cotton, Associate Director of Corporate Governance via [claire.cotton@uhnm.nhs.uk](mailto:claire.cotton@uhnm.nhs.uk) or 01782 676626
- Our Non-Executive Director responsible for Freedom to Speak Up, Andrew Hassell via [andrew.hassell@uhnm.nhs.uk](mailto:andrew.hassell@uhnm.nhs.uk)

This role provides more independent support for the guardian, providing a fresh pair of eyes to ensure that investigations are conducted with rigor, and help escalate issues where needed.

## Speaking Up Externally

If you do not want to speak to someone within your organisation, you can speak up externally to:

- Care Quality Commission (CQC) for quality and safety concerns about the services it regulates. You can find out more about how the CQC handles concerns [here](#).
- NHS England for concerns about GP Surgeries, Dental Practices, Optometrists, Pharmacies, how NHS Trusts and Foundation Trusts are being run, NHS Procurement and patient choice and the national tariff.

NHS England may decide to investigate your concerns themselves, ask your employer or another appropriate organisation to investigate (usually with their oversight) and/or use the information you provide to inform their oversight of the relevant organisation. The precise action they will take will depend on the nature of your concern and how it relates to their various roles.

Please note that neither the Care Quality Commission nor NHS England can get involved in individual employment matters, such as a concern from an individual about feeling bullied.

- NHS Counter Fraud Authority for concerns about fraud and corruption, using their online reporting form or calling their Freephone line 0800 028 4060

Our Local Counter Fraud Officer is also available for concerns about fraud and corruption and can be contacted via Local Counter Fraud Specialist

Emily Wood, 01132855026 or [Emily.wood10@nhs.net](mailto:Emily.wood10@nhs.net)

Erin Sims; 07800 617456 or [erin.sims@nhs.net](mailto:erin.sims@nhs.net)

Sophie Coster; 07436 268747 [sophie.coster@rsmuk.com](mailto:sophie.coster@rsmuk.com)

Further details can be found on the Counter Fraud intranet page

- If you would like to speak up about the conduct of a member of staff you can do this by contacting the relevant professional body such as the General Medical Council, Nursing & Midwifery Council, Health and Care Professions Council, General Dental Council, General Optical Council or General Pharmaceutical Council.
- Information about making a 'protected disclosure' is defined above under 'Definitions'

## How should I speak up?

You can speak up to any of the people or organisations listed above, in person, by phone or in writing (including email) or by the online report form available [here](#), which also has an anonymous option.

## Confidentiality

The most important aspect of your speaking up is the information you can provide, not your identity. You have a choice about how you speak up:

- **Openly:** you are happy that the person you speak up to knows your identity and that they can share this with anyone else involved in responding
- **Confidentially:** you are happy to reveal your identity to the person you choose to speak to on the condition that they will not share this without your consent
- **Anonymously:** you do not want to reveal your identity to anyone. This can make it difficult for others to ask you for further information about the matter and may make it more complicated to



act to resolve the issue. It also means that you might not be able to access any extra support you need and receive any feedback on the outcome

In all circumstances, please be ready to explain as fully as you can the information and circumstances that prompted you to speak up.

## Advice and Support

You can find out about the local support available to you via our intranet page [link here](#) Your Local Staff Networks [here](#) can be a valuable source of support.

You can access a range of health and wellbeing support via NHS England:

- Support available for our NHS people.

NHS England has a Speak Up Support Scheme ([Information here](#)) that you can apply to for support.

You can also contact the following organisations:

- Speak Up Direct provides free, independent, confidential advice on the speaking up process.
- The charity Protect provides confidential and legal advice on speaking up.
- The Trades Union Congress provides information on how to join a trade union.
- The Law Society may be able to point you to other sources of advice and support.
- The Advisory, Conciliation and Arbitration Service gives advice and assistance, including on early conciliation regarding employment disputes.

## What will we do?

The matter you are speaking up about may be best considered under a specific existing policy / process, for example our process for dealing with bullying and harassment is now under The Resolution Policy. If so, we will discuss that with you. If you speak up about something that does not fall into a HR or patient safety incident process, this policy ensures that the matter is still addressed.

What you can expect to happen after speaking up is shown in appendix 1.

## Resolution and Investigation

In accordance with our HR02 Resolution Policy, we support our managers / supervisors to listen to the issue you raise and take action to resolve it wherever possible. In most cases, it is important that this opportunity is fully explored, which may be with facilitated conversations and / or mediation.

Where an investigation is needed this will be objective, and conducted by someone who is suitably independent (this might be somebody outside of the organisation or from a different part of the organisation and trained in investigations. It will reach a conclusion within a reasonable timescale (which we will notify you of and a report will be produced that identifies any issues to prevent problems reoccurring.

Any employment issues that have implications for you / your capability or conduct 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 speaking up. We will discuss the issues with you to ensure we fully understand exactly what you are worried about. If we decide to investigate, we will tell you how long we expect the investigation will take and agree with you how to 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 and recognising that some matters may be strictly confidential; as such it may be that we cannot even share the outcome with you).

## How we learn from your speaking up

We want speaking up to improve the services we provide for patients and the environment our staff work in. Where it identifies improvements that can be made, we will ensure necessary changes are made and are working effectively. Lessons will be shared with teams across the organisation, or more widely as appropriate.

## Disadvantageous / Demeaning Treatment (Detriment)

We recognise that one of the biggest barriers to speaking up is fear of reprisals, where staff believe they will experience some form of disadvantageous and / or demeaning treatment if they speak up. The impact for individuals can be devastating and long lasting, impacting on health and wellbeing and often sickness absence and resignation. Staff cannot work at their best when their environment feels physiologically unsafe and this impacts on communication, effective teamwork and safe patient care. We do not tolerate detriment as a result of speaking up and it is important that we hear as soon as possible if somebody believes they or others are in this position so that we can work to resolve the situation. In view of this:

- Staff will be thanked for speaking up and treated with dignity and respect when they have done so
- All colleagues create a psychologically safe environment where speaking up is business as usual
- We will not tolerate mistreatment or poor behaviour towards colleagues who speak up
- We appreciate that speaking up can affect people in different ways and we will do all we can to support everyone involved fairly and with compassion
- Our focus will be on learning and improvement
- We will assess risk of detriment and we encourage colleagues to report any concerns about disadvantageous and / or demeaning treatment
- We will refer all concerns about disadvantageous and / or demeaning treatment to the Senior Lead for Speaking Up and Non Executive Director for Speaking Up
- The flow chart in Appendix 1 will be followed for all concerns of detrimental treatment
- We will keep colleagues updated throughout the process

Examples of such treatment might include:

- Experiencing poor behaviours not in line with our Trust Values, e.g. being ostracised, gas lighting, gossiping, incivility
- Given unfavourable shifts, repeated denial of overtime / bank shifts, being denied shifts in certain areas without good reason, changes to shift at short notice without apparent reason
- Repeatedly denied annual leave, failure on a regular basis to approve in reasonable time or leave cancelled without good reason
- Micromanaging, excessive scrutiny
- Sudden and unexplained changes to work responsibilities or not being given adequate support
- Being moved from a team or inexplicable management of change
- Being denied access to development opportunities, training or study leave without good reason
- Being overlooked for promotion

Reports of disadvantageous / demeaning treatment will be recorded by the Freedom to Speak Up Guardian and will be shared, confidentially, via the Quarterly Speaking Up Report.

## 5. ROLES AND RESPONSIBILITIES

**All staff have a responsibility for ensuring that they receive training on Speaking Up, appropriate to their role. This is set out later in this policy under 'Education and Training'.**

## 5.1 Responsibilities of the Board

The Trust Board is responsible for ensuring the effective implementation of this policy and for setting the tone and culture of speaking up within the organisation. It has a responsibility to demonstrate to staff that when concerns are raised, they focus on finding solutions and taking action, learning and improving and no apportioning blame. This sends an important signal to staff that the Board welcomes and values concerns being raised and that they will not tolerate the victimisation of any worker that has spoken up about a concern at work.

## 5.2 Responsibility of the Chief Executive

The Chief Executive has ultimate responsibility for ensuring that Speaking Up arrangements are in place and that they meet the needs of staff.

It is the responsibility of the Chief Executive to respond in accordance with this policy when concerns are raised directly with them. The Chief Executive will also respond to recommendations presented by the designated Non-Executive Director.

If a concern is raised regarding the Chief Executive or another Executive Director, this will be passed to either the Chair of The Board, Mr David Wakefield or the Non-Executive Director responsible for Freedom to Speak Up, Mr Andrew Hassell, who will investigate the concern raised. Following the investigation, outcomes will be shared with the Lead Freedom To Speak Up Guardian who will provide feedback to the original reporter of the concern.

## 5.3 Responsibility of the Non-Executive Director (NED) for Speaking Up

The Non-Executive Lead is responsible for:

- Ensuring they are aware of the latest guidance from the National Guardian's Office, NHS England or the Care Quality Commission
- Holding the Chief Executive, Senior Lead and the Board to account for implementing the Speaking Up Policy and Strategy. Where necessary they should robustly challenge the Board to reflect on whether it could do more to create a culture responsive to feedback and focussed on learning and continual improvement.
- Role modelling high standards of conduct around Speaking Up
- Acting as an alternative source of advice and support for the Freedom to Speak Up Guardian, including where cases of detriment have been
- Supporting the Freedom to Speak Up Guardian in the escalation of any matters of reported detriment

Where concerns are raised about a Board member:

- Overseeing those concerns, including determining whether:
  - Where appropriate, any investigation is undertaken with confidentiality and objectivity
  - Sufficient attempts have been made to resolve a speaking up concern involving a board member and  
If so, whether an investigation is proportionate and what the Terms of Reference should be

Depending on the circumstances, it may be appropriate for the Non-Executive Director to oversee the investigation and take on responsibility for updating the staff member. Wherever the Non-Executive Director does take the lead, they should inform the Freedom to Speak Up Guardian, confidentially, of the case, keep them informed of progress and seek their advice around process and record keeping.

The Non-Executive Director should inform NHS England and the Care Quality Commission that they are overseeing an investigation into a board member and consideration would need to be given about how

they might commission an external investigation, if necessary, without compromising confidentiality of the staff member or revealing allegations before it is appropriate to do so.

#### **5.4 Responsibility of the Chief People Officer**

It is the responsibility of the Chief People Officer to ensure that where concerns raised through speaking up are appropriate to be managed in accordance with a HR Policy or Procedure, for example disciplinary matters, that they are done so effectively and appropriately. This includes, where appropriate, that any learning is shared and implemented as a result.

The Chief People Officer is also responsible for ensuring that the Freedom to Speak Up Guardian has appropriate access, support and advice of staff within the People Directorate, where appropriate to do so.

The Chief People Officer will use high level information regarding concerns raised to inform reporting and action to improve and embed a speaking up culture within the organisation.

#### **5.5 Responsibility of the Chief Nurse and Medical Director**

It is the responsibility of the Chief Nurse and Medical Director to ensure that where concerns raised regarding quality and safety through speaking up and are appropriate to be managed in accordance with a quality / safety Policy or Procedure, for example a patient safety incident or safeguarding matter, that they are done so effectively and appropriately. This includes taking immediate action when potential patient safety issues are highlighted to them and ensuring that learning is shared and implemented as a result.

The Chief Nurse and Medical Director are also responsible for ensuring that the Freedom to Speak Up Guardian has appropriate access, support and advice on patient safety and safeguarding matters.

#### **5.6 Responsibility of the Senior Lead for Speaking Up (Director of Governance)**

The Director of Governance (Senior Lead) is responsible for:

- Ensuring that they are aware of the latest guidance from the National Guardian's Office, NHS England or the Care Quality Commission
- Overseeing the creating of the Speaking Up Vision and Strategy
- Ensuring that the Freedom to Speak Up Guardian role has been implemented, using a fair recruitment process in accordance with the example job description and other available guidance
- 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 or unplanned absence
- Ensuring that a sample of speaking up cases have been quality assured through appropriate mechanisms
- Conducting a review of the strategy, policy and process
- Ensuring that allegations of detriment are promptly and fairly investigated and acted on
- Providing the board with a variety of assurance about the strategy, policy and process

#### **5.7 Responsibility of the Freedom to Speak Up Guardian (including Associate Freedom to Speak Up Guardians)**

The Freedom to Speak Up Guardian supports workers to speak up when they feel that they are unable to do so by other routes. They ensure that people who speak up are thanked, that the issues they raise are responded to and make sure that the person receives feedback on the actions taken (where appropriate and whilst maintaining confidentiality).

They act as an independent and impartial source of advice to staff at any stage of raising a concern, (including detrimental treatment as a result of raising that concern) with access to anyone in the organisation including, where appropriate, the Chief Executive or if necessary, outside the organisation.

They will support the organisation to become a more open, transparent place to work creating a culture that is based on listening and learning not blaming.

Freedom to Speak Up Guardians do not get involved in investigations or complaints, but help to facilitate the processes where needed, ensuring that Trust Policies are followed correctly.

## **5.8 Responsibility of Freedom to Speak Up Champions**

FTSU Champions:

- Do not handle speaking up cases, but:
- Offer confidential and impartial peer support
- Listen to you and explore options available
- Thank, support and signpost colleagues to the Freedom to Speak Up Guardian, where appropriate
- Help you navigate through our speaking up processes
- Empathise with the difficult position you may be in
- Signpost you to wellbeing support available
- Champion a culture where all colleagues feel able to speak up at work
- Provide numbers and thematic issues (without identifiable information) to be shared with the Freedom to Speak Up Guardian for wider learning

## **5.9 Responsibility of Line Managers and Leaders**

It is the responsibility of all Line Managers and Leaders to:

- Act at all times as a role model of our Trust Values
- Promote and apply a just and learning culture of openness, transparency and learning where workers feel confident about raising issues that concern them or suggestions for improvement
- Ensure that workers are aware of this policy, are familiar with it and the options available to them to raise issues
- Support and reassure those raising concerns, ensuring no mistreatment or victimisation occurs
- Take concerns seriously, listen and discuss options with the worker
- Handle concerns raised in accordance with the principles of this and any other relevant Trust policies and procedures
- Acknowledge issues raised and deal with it promptly and confidentially, giving the individual(s) your full support during the whole process
- Ensure all workers are aware of the support available from the Trust Freedom to Speak Up Guardians and Employee Support Advisors
- Advise workers that they can contact their Trade Union representative (if they have one) and that they can be present at any meetings if they wish
- Take prompt action to resolve the concern, or where appropriate undertake a proportionate fact finding investigation or escalate the issue to another appropriate person if necessary
- Keep the individual(s) regularly informed of the status of the process and progress of any investigation and of the outcome, ensuring that meaningful feedback is provided)
- Check regularly on the wellbeing of the individual(s) raising concerns, and also anyone who is the subject of a concern and signpost or refer to staff support services
- Take action to rebuild relationships or team working where needed

Further guidance for leaders and managers is available from NHS England and can be found [here](#).

## **5.10 Responsibility of All Staff**

It is the responsibility of all staff to:

- Be aware of this policy and the routes available to raise issues and concerns

- Act in accordance with the NHS Constitution to raise genuine concerns about risk, malpractice or wrongdoing at work which may affect patients, the public, other staff or the organisation itself at the earliest reasonable opportunity

### **5.11 Role of Staff Side**

We recognise that representatives of trade unions/professional associations have a valuable role in helping members consider the appropriate action to take under the provisions of this policy. It is recognised that initially a staff member may wish to raise the matter with their trade union/professional association prior to or rather than, with the Freedom to Speak Up Guardian, a Freedom to Speak Up Champion or an appropriate manager / leader.

It is therefore acceptable, and in some cases necessary, that a trade union/professional association may raise the matter on behalf of a member of staff.

Staff who raise issues personally are encouraged to be accompanied by a representative of a trade union/professional association if they wish.

### **5.12 Counter Fraud Specialists**

The Counter Fraud lead is responsible for conducting investigations into suspicions of fraud and bribery in a manner that abides by appropriate legislation, including the Bribery Act 2020 and protects confidentiality of sources (where appropriate).

## **6. EDUCATION/TRAINING AND PLAN OF IMPLEMENTATION**

We ask all of our staff to complete the online training (available via ESR) as follows:

- All staff are required to complete 'Speaking Up' and 'Listen Up' – this is delivered as part of Induction and via Statutory and Mandatory Training as part of the Equality, Diversity and Inclusion package, to be repeated 3 yearly
- Senior Leaders, i.e. Trust Board and Divisional Board members are also required to complete 'Follow Up' training
- The Freedom to Speak Up Guardian and Associate Guardians are required to under
- take enhanced training provided by the National Guardians Office

## **7. MONITORING AND REVIEW ARRANGEMENTS**

### **7.1 Monitoring Arrangements**

Implementation of this policy will be reviewed via the 6 monthly Speaking Up Report to the Executive Workforce Assurance Group and the Transformation and People Committee. This will include (but not limited to):

- National and local developments
- Numbers and trend analysis of concerns raised
- Feedback from staff regarding their experience of speaking up
- Cases of detriment reported
- Timescales for responding to concerns raised
- Benchmarking
- Training and development

### **7.2 Review**

This policy will be reviewed every three years, unless changes in national legislation override this or the need for an earlier review is identified.

## **8. REFERENCES**

- NHS Freedom to Speak Policy for the NHS
- Guidance for boards on Freedom to Speak Up in NHS trusts and NHS foundation trusts
- Responding to Experiences of Disadvantageous or Demeaning Treatment as a Result of Speaking Up: Best Practice Guide – Midlands Regional Network

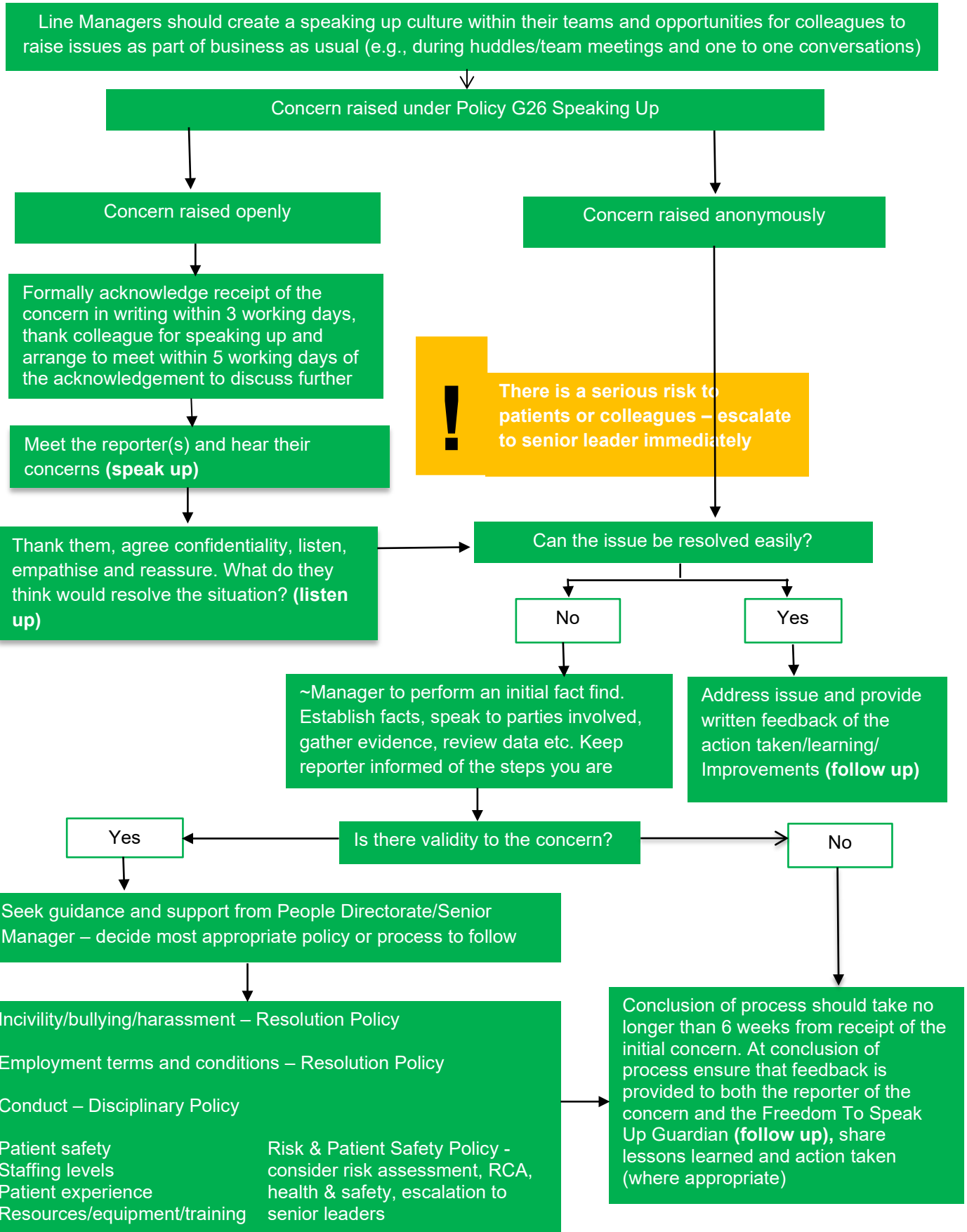
## **9. APPENDICES**

- 1) Process for Speaking Up for Line Managers
- 2) Process if someone experiences disadvantageous or demeaning treatment as a result of speaking up



## Appendix 1 – Speaking Up Process for Line Managers

Advice and support is available from the UHNM Freedom To Speak Up Guardian Team and/or The People Directorate





## Appendix 2: Disadvantageous or Demeaning Treatment as a Result of Speaking Up

### What will happen if I speak up about disadvantageous or demeaning treatment

Issue reported to FTSU Guardian

- Clarify matters of confidentiality, what will be shared with whom

Within 72 hours or immediately if significant risks identified

Inform the non-executive lead for speaking up

- Consider if any immediate action is required to protect the worker from disadvantageous or demeaning treatment
- Consider any potential patient safety issues and immediate action required
- Co-ordinate discussion involving FTSU Guardian and appropriate colleagues, for example operational colleagues, People (HR), Patient Safety, Safeguarding, Staff Side



Inform the non-executive lead for speaking up

- Refer to Speak Up Policy Appendix 1 for the process that will be followed on receipt of a concern related to detriment experienced following speaking up.

**Speak Up**

**Listen Up**

**Follow Up**

## Appendix 3: Freedom to Speak Up Managers Guide

# Freedom to Speak Up Managers Guide

## University Hospital of North Midlands



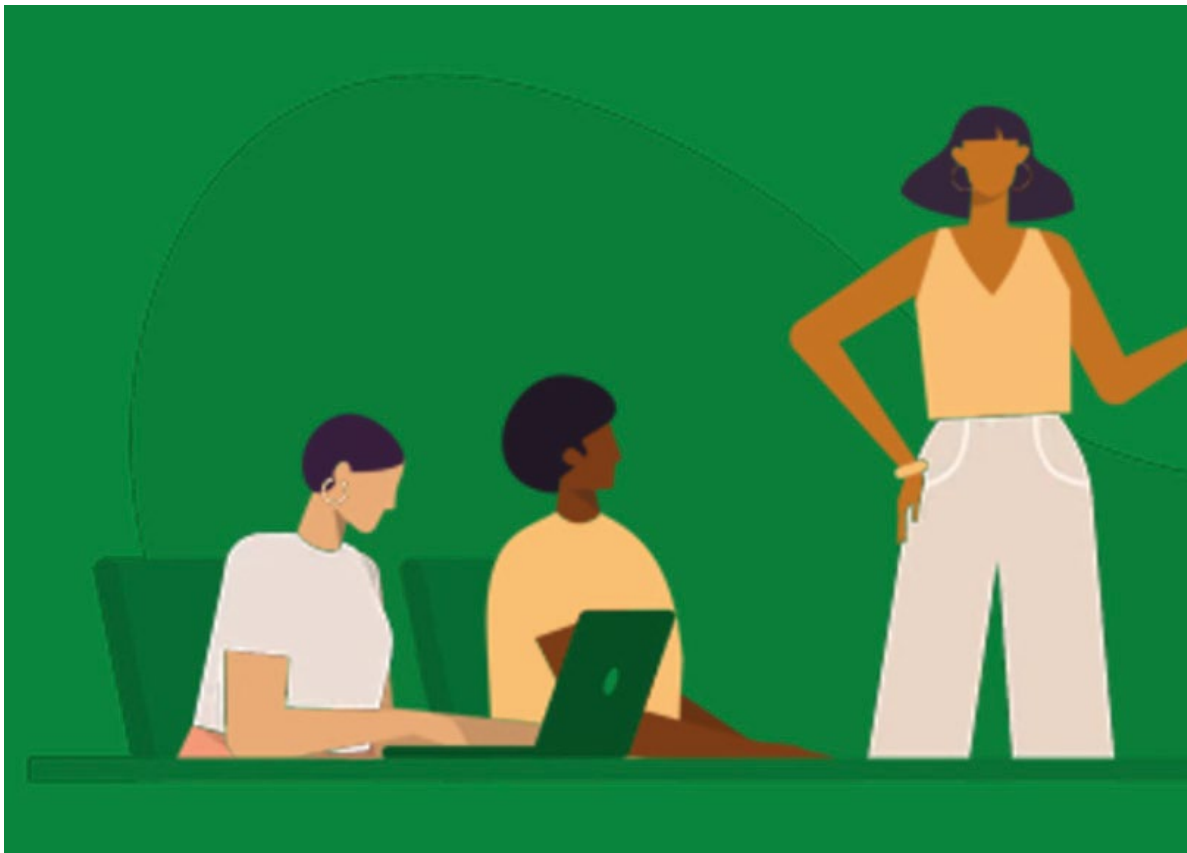
### Contents

1. The Aim of Freedom to Speak Up
2. Speaking Up Outcome for Staff
3. Barriers to Speaking Up
4. Overcoming Barriers
5. Your Freedom to Speak Up Guardians
6. Confidential and Anonymous Concerns
7. Working Together
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## The Aim of Freedom to Speak Up

To foster a positive, open speaking up culture in our organisation, so that every worker feels safe to speak up at the time, to the person who is most likely to be able to address the issue and/or offer support – often a line manager.

This will lead to learning and improvement, which will result in a better working environment for staff and more positive patient experiences.



### Speaking up has the best outcome when the manager/leader:

- Promotes an open and honest culture.
- Provides a safe space to talk, respecting confidentiality if requested.
- Listens.
- Appreciates how difficult it might have been for the worker to speak up.
- Thanks the worker for sharing something which might provide an opportunity to learn and improve.
- Offers support which might be necessary as a result of speaking up.
- Agrees next steps and a realistic timescale to come back to the person speaking up (even if this is to say that there's nothing to tell yet, but the issue hasn't been forgotten).

- Has a considered, calm and supportive approach to an issue. It's important to bear in mind that there is always more than one perspective, that most people don't intentionally get something wrong, and that a person who might be 'spoken up about' should also be supported and has a right to confidentiality too. They might also wish to have an opportunity to respond to what has been raised about them – this could be through a conversation with their manager. Sometimes, being given written information of issues raised about you can have a negative impact – it's always better to talk issues through face to face if possible.
- Seeks support from other sources if unsure of what to do next (e.g. line manager, HR, FTSU guardian) We can't possibly all know what to do immediately in every situation, and that's ok!!
- Takes agreed action.
- Feeds back what they're able to once the issue has been addressed. Even if the outcome is not what the person hoped for –this should still be fed back, along with the reasons why.
- Shares learning where able, and identifies opportunities for wider improvement.
- Accepts that despite good intentions, sometimes a worker might be mistaken about something they've spoken up about, but the manager/leader can still offer reassurance accordingly.

## **Barriers to Speaking Up – real or perceived**

- A perception that a manager is too busy to listen
- A perception that a concern might not be 'important enough' to raise
- "I hardly ever see my manager" – reduced visibility
- Previous experience of speaking up which has had a negative impact (not necessarily for that person, but within that team – bad news travels fast!)
- Fear that confidentiality will be broken
- A perception of friendships which will affect a manager's impartiality
- Fear of getting a colleague into trouble
- Fear that there will be a disproportionate 'blame' reaction to a concern, and there will be an 'unfair response'
- Workers with protected characteristics are less likely to speak up and more likely to suffer detriment if they do
- Lack of feedback from when something has been raised before "I never heard anything, so I assume they didn't act on it"
- A feeling that there's no point in raising something as nothing will change anyway
- If a concern has been raised confidentially – a manager then tries to find out who has spoken up
- Cultures within a team:
  - "we're the workers and we don't speak to the management – it's them and us"
  - "it's how we've always done things here"
  - "it's just the way they/we are – just accept it"

## Overcoming Barriers

- Openly welcome speaking up in whichever way workers feel safest to do this – it all helps to identify issues and offer support to learn and improve. Avoid trying to find out the identity of someone who has expressed a wish for confidentiality.
- Speaking up is ‘a gift’ which we should thank workers for doing – it can be really hard to be the one to speak up and ongoing support from a manager can often be beneficial.
- It’s not reasonable to expect managers to avoid being friendly with people they work with, but it’s important for managers to be mindful of perceptions and to make it clear that any issues raised will always be addressed without bias.
- Some managers feel able to operate an ‘open door policy’ but are undoubtedly busy people with pressures coming from all directions! It might be worth considering ways to demonstrate clear, regular availabilities at certain times e.g. listening sessions, staff meetings. Perhaps offer alternative methods of communication for when you’re not around e.g. a worry/suggestion box.
- Always provide feedback. Even if, after a manager has looked into something, the feedback might not be what the person was hoping for – they at least know that the issue they raised has been addressed and why the outcome is as it is.
- Offer an environment for a worker to speak up confidentially if they need to and assure them this confidentiality will be maintained.
- Where able, openly celebrate learning and improvement which has occurred as a result of someone speaking up. e.g. share at huddles, team briefings, make a ‘speaking up display of improvements’
- Lead by example – promote an open culture where when something isn’t quite right, everyone involved is supported in learning and improving. There is positive support rather than being shamed or made to feel bad.
- Remember there is always more than one side to a story and this should always be considered. Someone who might be ‘spoken up about’ also has just as much right to confidentiality as the person speaking up.

## **Your Freedom to Speak Up Guardians....**

*Will not investigate issues themselves, or direct what action should be taken. They will ensure a person feels their voice has been heard, their issue is passed on and addressed by the appropriate manager, and ensures feedback is received by the person speaking up.*

- The Guardian may have been asked to share information on behalf of a member of staff.
- She may have been asked not to share who has spoken up.
- Confidentiality and impartiality are key parts of their role.
- The Guardian doesn't decide how to proceed with an issue – she identifies options available to the person speaking up and supports them to move forwards in the way they choose. There is often an informal way to resolve an issue and this is always explored.
- She might make a request on behalf of someone speaking up, but she doesn't tell a manager what to do – she asks that they address the issue in the same way they would have if it had come to them directly, including asking for further support if that's what the manager needs.
- The Guardian is also there to offer further support to managers – she might be able to offer examples of how similar issues were successfully resolved in other areas...or she might not have the answers either but might know who to ask!
- The Guardian won't approach a person who is directly involved in a concern. She knows that as manager, you are best placed to address the issue as you know the parties involved and are best able to support them. An issue related to a colleague or manager will often be escalated to the next line manager up for this reason.

## Confidential and Anonymous Concerns

- Ideally, we want to foster an environment where everyone feels safe to speak up openly, but we're not quite there yet. A request for confidentiality should be respected if possible, and no one should take measures to try and establish who the member of staff is. This can damage what we're trying to achieve.
- Depending on what the issue is, there are often ways to address things indirectly while still maintaining confidentiality e.g. by taking a general, sensitive approach.
- Sometimes there is clear evidence relating to a concern, which can be looked at without knowing who has drawn attention to it.
- There may be limitations in what can be done to address, for example – an issue between two individuals if the person speaking up doesn't want the other person to be aware they've done so.
- It's important that these factors are discussed between the member of staff and the person they've spoken up to (e.g. manager, FTSU Guardian, HR).
- In situations where an issue has been raised confidentially through the FTSU Guardian, feedback can still be provided through the same route, even if this might be limited because a person who has been 'spoken up about' also has the right to confidentiality.
- When an anonymous concern is raised, it's assumed that the intention is because something doesn't feel right for someone, rather than for malicious reasons. It should be explored in the same, sensitive way as usual, but unfortunately – no feedback can be given as the person is not known.
- Anonymous concerns can be difficult to approach as no one can ask for further information from the person raising it. There may be other ways to establish more detail, but it's important that this is done carefully as an anonymous route might have been taken due to fear.



## **Working Together**

The FTSU Guardian can:

- Share learning from other cases with a manager – what has worked well in resolving issues before.
- Seek further guidance from other sources on behalf of a manager.
- Escalate issues to a more senior level if required.
- Offer support to managers and work with them in supporting members of their team.
- Demonstrate a 'together approach' with managers by being openly invited to 'speaking up' drop in sessions in an area, or by running joint sessions with managers.
- Support a manager to present/discuss 'Improving Our Speaking Up Culture' presentation with their teams which again, demonstrates an open and collaborative approach.

How Can We Support YOU or YOUR TEAM?

Email us: [FTSUGuardian@UHNM.nhs.uk](mailto:FTSUGuardian@UHNM.nhs.uk)

Call us: 07833 405528



Come to a drop in session: you will find a list of these on our FTSU page on the staff intranet

**Your Guardians are:**

Lead Guardian : Rob Irving

Associate Guardians : Su Lapper

Apurna Jegannathen

Mark Poulson

Nicola Pattison

## Appendix 4: Speaking Up Top Tips for Managers

Managers play a vital role in setting the right cultural tone for speaking up and handling speaking-up matters effectively. Here are some top tips:

- Create a workplace culture that encourages colleagues to speak up and makes it just a normal part of their job.
- Be visible and engage with your team so they know who you are and create opportunities for people to speak up to you - including team meetings, supervisions and informal chats. Remind them speaking up doesn't have to be a formal process.
- Listening to your colleagues about their concerns helps them feel valued, included and supported, it is also essential to patient quality and safety; reduces risk, our staff experience and makes improvements for all.
- Always say **thank you** when someone speaks up. The information they are giving is a gift! They may be nervous so a simple thank you will show that you welcome and value what they have to say - even if what they're saying is uncomfortable for you.
- Listen well whenever anyone speaks up, show you are interested and remember your body language should be open and engaged with the conversation, use open questions.
- Shift the focus from who has spoken up to what is being said. Ask what can be learnt and acknowledge, if necessary, what has gone wrong. Move away from a blame culture and adopt a just and learning culture.
- Empower the person speaking up to share their views about how they think the matter could be resolved what support they need to do that.
- Be clear about the next step actions you are taking (this might be getting further advice) – use the Speaking Up Policy to guide you - and make sure you do it. Keep the person who has spoken up informed on progress.
- Protect the identity of anyone who speaks up to you in confidence. Be clear about any limitations on this, where there's a legal requirement or the facts mean their identity will be known or guessed.
- Assure workers when their confidentiality could be compromised that they won't suffer as a result. Take action if someone tries to discourage someone else from speaking up or treats them unfairly because they have.
- Give feedback and celebrate speaking up. One of the reasons workers don't speak up is because they don't believe anything will change. When someone speaks up, make sure they know what happens as a result, accepting that confidentiality may limit what you can share.
- Demonstrate the difference speaking up has made with your wider team. It's a way of you have listened, acted upon and appreciated colleagues speaking up to you.
- Be mindful that some staff may not want to speak up to their line manager and this is not necessarily a reflection on you. Make sure your team knows who they can speak up to and share contact details.
- Know who to signpost to. Find the avenues of support you can signpost staff to when seeking psychological or wellbeing support or to raise a concern. Work in partnership with your FTSU Guardian, they are there to support you to effectively address concerns too.
- Be a positive role model, if you have concerns of your own, speak up.

