



Policy:

HR 015: Speaking Up – Freedom To Speak Up: Raising Concerns (Whistleblowing) Policy

Executive Director Lead	Director of Corporate Governance
Policy Owner	Freedom to Speak Up Guardian Director of Corporate Governance
Policy Author	Freedom to Speak Up Guardian

Document Type	Policy
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Ratified By	People Committee
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Summary of policy

This policy aims to encourage staff to “speak up” and outlines how to do this, what to expect if you “speak up”, who to speak up to, what you can speak up about, advice and support available, and what we will do and how it can be escalated.

This format was agreed by the Policy Governance Group to make the policy as user friendly as possible to help increase the likelihood of anyone who is thinking of speaking up, doing so.

Target audience	Anyone who works (or has worked) for Sheffield Health and Social Care Foundation Trust, or for an independent organisation that provides services for SHSC FT. This includes agency workers, temporary workers, students, volunteers and governors
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Keywords	speak up, speaking up, whistleblowing, concerns, raising concerns, safety, risk
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Storage & Version Control

Version 6

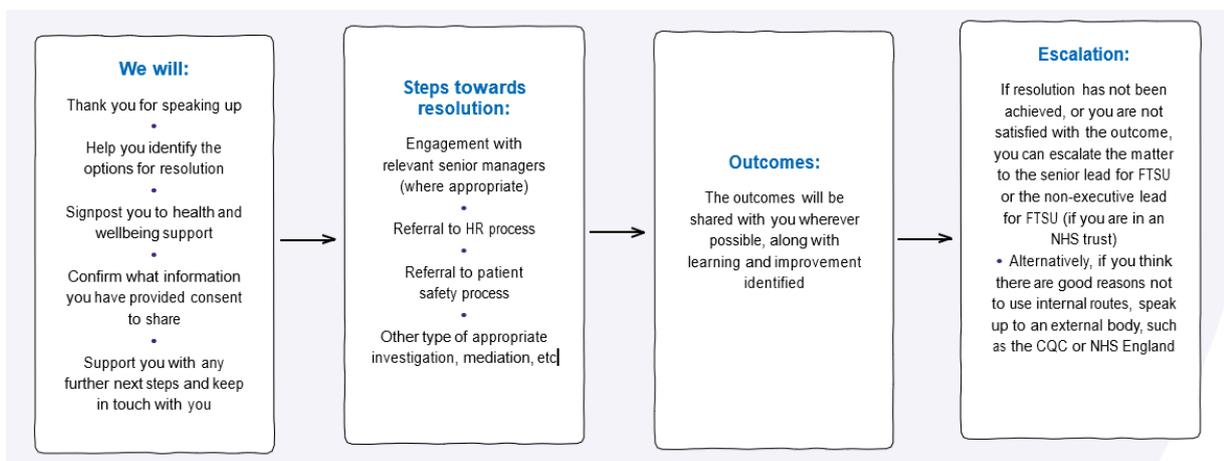
Version Control and Amendment Log

Version No.	Type of Change	Date	Description of change(s)
1-3	New Policy	August 2013 and pre August 2013	New policy
4	Review of Policy	Issued 15th November 2016	Contact details. Speaking Up Guardian details added Other references to external bodies added.
5	Review of Policy	Issued October 2018	Thorough review of policy. Consultation with Director of Operations. Staff Side consultation. Extracts from NHSI legislation have been added.
5.1	Feedback Form has been amended	Feb 2021	
6	Extensive Change in the policy	May 2022	Amended Policy Following the National Guidelines from NHS England with consultation with staff side.

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Flow Chart- What will happen when I speak up



Speak up – we will listen

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 our services for all patients and the working environment for our staff.

This policy is for all our workers. 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 understand the hopes and fears that lie behind the words”.

We want to hear about any concerns you have, whichever part of the organisation you work in. We know some groups in our workforce feel they are seldom heard or are reluctant to speak up. You could be an agency worker, bank worker, locum or student. We also know that workers with disabilities, or from a minority ethnic background or the LGBTQ+ community do not always feel able to speak up.

This policy is for all workers and we want to hear all our workers’ concerns.

We ask all our workers to complete the [online training](#) on speaking up which are available on ESR. The online module on listening up is specifically for managers to complete and the module on following up is for senior leaders to complete.

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

This policy

All NHS organisations and others providing NHS health care services in primary and secondary care in England are required to adopt this national policy as a minimum standard to help normalise speaking up for the benefit of patients and workers. Its aim is to ensure all matters raised are captured and considered appropriately.

What can I speak up about?

You can speak up about anything that gets in the way of patient care or affects your working life. That could be something which doesn’t feel right to you: for example, a way of working or a process that isn’t being followed; you feel you are being discriminated against; or you feel the behaviours of others is affecting your wellbeing, or that of your 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 or example:

- Incident reporting system

- Senior Managers
- HR – Switch board 0114 2263301 or HRAdvisors@shsc.nhs.uk
- [Unacceptable Behaviours Policy](#)
- Safety Team- Switch board 0114 271 6310
- [Safeguarding Adults Policy](#)
- [Safeguarding Children's Policy](#)
- Safeguarding Team - Switch board 0114 271 6310
- [Zero Tolerance of Harassment \(Third Party\) Policy \(HR 034 V4.1 2019\)](#)
- Quality Improvement - Switch board 0114 271 6310
- Organisational Development- Switch board 0114 271 6310
- [Staff Side- 0114 271 6154](#)

That's fine. As an organisation, we will listen and work with you to identify the most appropriate way of responding to the issue you raise.

We want you to feel safe to speak up

Your speaking up to us is a gift because it helps us identify opportunities for improvement that we might not otherwise know about.

We will not tolerate anyone being prevented or deterred from speaking up or being mistreated because they have spoken up.

Who can speak up?

Anyone who works in NHS healthcare, including pharmacy, optometry and dentistry. 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 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 you to explore this option – it may well be the easiest and simplest way of resolving matters.

However, you have other options in terms of who you can speak up to, depending on what feels most appropriate to you and depending on the size of the organisation you work in (some of the options set out below will only be available in larger organisations).

- Senior manager, partner or director with responsibility for the subject matter you are speaking up about.
- The patient safety team, formally the risk team (where concerns relate to patient safety or wider quality)
Vin Llewyn- Vin.Lewin@shsc.nhs.uk
- Local counter fraud team (where concerns relate to fraud)
Robert Purseglove – Local Counter Fraud Specialist
E-mail - Robert.Purseglove@nhs.net
- Our Freedom to Speak Up Guardian- Wendy Fowler
Wendy.fowler@shsc.nhs.uk who can support you to speak up if you feel unable to do so by other routes. The guardian 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 out more about the guardian role [here](#). If you are dissatisfied with the FTSU guardian and wish to make a complaint please contact Deborah.Lawrenson@shsc.nhs.uk who is the FTSU Executive lead for speaking up.
- Our HR team HRAdvisors@shsc.nhs.uk
- Our senior lead responsible for Freedom to Speak Up, Deborah Lawrenson, Director of Corporate Governance.
- this role provides senior support for our speaking-up guardian and are responsible for reviewing the effectiveness of our FTSU arrangements.
- Our non-executive director responsible for Freedom to Speak Up
(Heather Smith Heather.Smith@shsc.nhs.uk – this role is specific to organisations with boards and can provide more independent support for the guardian; provide 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 up 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
(this includes ambulance trusts and community and mental health trusts)

- NHS procurement and patient choice
- the national tariff.

NHS England may decide to investigate your concern 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 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**.

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 and Midwifery Council, Health & Care Professions Council, General Dental Council, General Optical Council or General Pharmaceutical Council.

Appendix A contains information about making a 'protected disclosure'

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).

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 up 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 at:

[Jarvis](#)- [either link to organisation intranet or reference other locations where this information can be found]. Your local [staff networks](#) 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.](#)
- [Looking after you: confidential coaching and support for the primary care workforce.](#)

NHS England has a [Speak Up Support Scheme](#) 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.
- Information on [Jarvis](#) 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. If so, we will discuss that with you. If you speak up about something that does not fall into an 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 A.

Resolution and investigation

We support our managers/supervisors to listen to the issue you raise and take action to resolve it wherever possible. In most cases, it's 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 someone outside your 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 recurring.

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 understand exactly what you are worried about. If we decide to investigate, we will tell you how long we expect the investigation to 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.

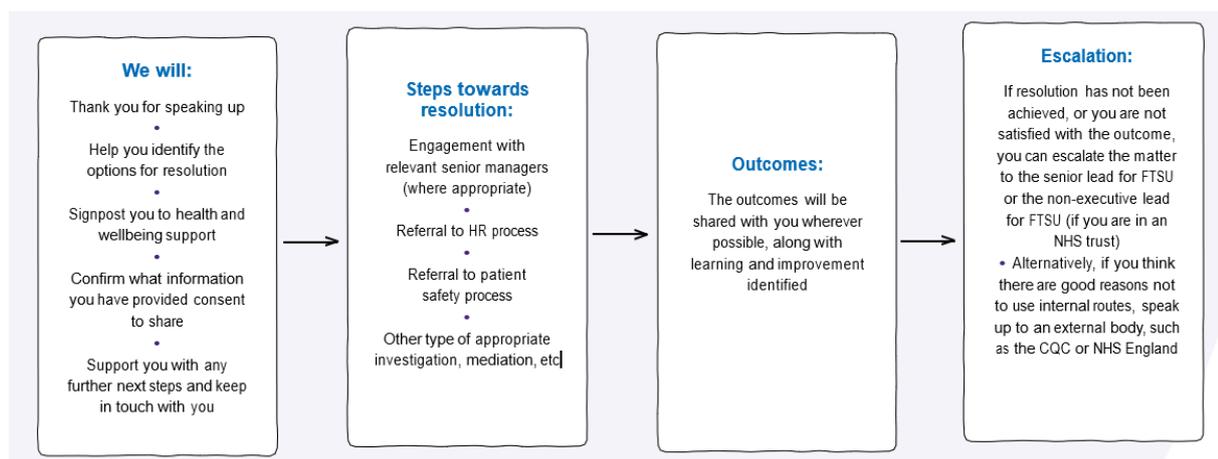
Review

We will seek feedback from workers about their experience of speaking up. We will review the effectiveness of this policy and our local process annually, with the outcome published and changes made as appropriate.

Senior leaders' oversight

Our most senior leaders will receive a report at least annually providing a thematic overview of speaking up by our staff to our FTSU guardian(s).

Appendix A:



Appendix B:

Making a protected disclosure

Making a 'protected disclosure'

A protected disclosure is defined in the Public Interest Disclosure Act 1998. This legislation allows certain categories of worker 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 the Protect or a legal representative.

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13 Development, Consultation and Approval

- This policy was published by NHS England with an expectation that NHS Trusts adopt it with minimal changes.
- Staff Side reviewed and agreed it from their side.
- Changes to how to join a union were made as a recommendation of staff side and links were changed to direct readers to Jarvis- How to join a trade union

14 Audit, Monitoring and Review

Monitoring Compliance Template						
Minimum Requirement	Process for Monitoring	Responsible Individual/group/committee	Frequency of Monitoring	Review of Results process (e.g. who does this?)	Responsible Individual/group/committee for action plan development	Responsible Individual/group/committee for action plan monitoring and implementation
A) None required specific monitoring	If new changes are announced nationally the FTSU Guardian will review this	The FTSU Guardian	3 Years unless new guidance is issued earlier	N/A	N/A	FTSU Guardian

*The policy review date: Policy Review date **July 2026***

15 Implementation Plan

- There are no training and development requirements identified
- There are no new job roles and responsibilities identified
- No extra resources are required
- The FTSU Guardian will review the policy should there be any national updates or significant changes to the needs to the Trust.

Action / Task	Responsible Person	Deadline	Progress update
<i>Upload new policy onto intranet and remove old version</i>	Corporate Governance	01/06/2023	
<i>Advertise the new policy in connect</i>	Corporate Governance	01/06/2023	

16 Dissemination, Storage and Archiving (Control)

Version	Date added to intranet	Date added to internet	Date of inclusion in Connect	Any other promotion/ dissemination (include dates)
1-3	August 2013 and pre August 2013		August 2013	N/A
4	November 2016		November 2016	N/A
5	October 2018		October 2018	

17 Training and Other Resource Implications

There are no training requirements identified for the policy's implementation. However, FTSU is promoted in induction for new starters, "speaking up" training is mandatory for all staff and training for FTSU will be provided in the SHSC leadership training.

18 Links to Other Policies, Standards (Associated Documents)

[Unacceptable Behaviours Policy](#)

[Zero Tolerance of Harassment \(Third Party\) Policy \(HR 034 V4.1 2019\)](#)

[Safeguarding Adults Policy](#)

[Safeguarding Children's Policy](#)

19 Contact Details

<i>Title</i>	<i>Name</i>	<i>Phone</i>	<i>Email</i>
FTSU Guardian	Wendy Fowler	0114 271 6310	Wendy.fowler@shsc.nhs.uk
Director of Corporate Governance	Deborah Lawrenson	0114 271 6310	Deborah.lawrenson@shs.nhs.uk

Appendix A

Equality Impact Assessment Process and Record for Written Policies

Stage 1 – Relevance - Is the policy potentially relevant to equality i.e. will this policy potentially impact on staff, patients or the public? This should be considered as part of the Case of Need for new policies.

NO – No further action is required – please sign and date the following statement.
I confirm that this policy does not impact on staff, patients or the public.

I confirm that this policy does not impact on staff, patients or the public.

Wendy Fowler 02/05/2023 Phil Jonas

YES, Go to Stage 2

Stage 2 Policy Screening and Drafting Policy - Public authorities are legally required to have ‘due regard’ to eliminating discrimination, advancing equal opportunity and fostering good relations in relation to people who share certain ‘protected characteristics’ and those that do not. The following table should be used to consider this and inform changes to the policy (indicate yes/no/ don’t know and note reasons). Please see the SHSC Guidance and Flow Chart.

Stage 3 – Policy Revision - Make amendments to the policy or identify any remedial action required and record any action planned in the policy implementation plan section

SCREENING RECORD	Does any aspect of this policy or potentially discriminate against this group?	Can equality of opportunity for this group be improved through this policy or changes to this policy?	Can this policy be amended so that it works to enhance relations between people in this group and people not in this group?
Age	NO	N/A	N/A
Disability	NO	N/A	N/A
Gender Reassignment	NO	N/A	N/A
Pregnancy and Maternity	NO	N/A	N/A
Race	NO	N/A	N/A

Religion or Belief	NO	N/A	N/A
Sex	NO	N/A	N/A
Sexual Orientation	NO	N/A	N/A
Marriage or Civil Partnership	NO	N/A	N/A

Impact Assessment Completed by: Wendy Fowler & Phil Jonas
Name /Date 02/05/2023

Appendix B

Review/New Policy Checklist

This checklist to be used as part of the development or review of a policy and presented to the Policy Governance Group (PGG) with the revised policy.

		Tick to confirm
Engagement		
1.	Is the Executive Lead sighted on the development/review of the policy?	Yes
2.	Is the local Policy Champion member sighted on the development/review of the policy?	Unable to locate anyone
Development and Consultation		
3.	If the policy is a new policy, has the development of the policy been approved through the Case for Need approval process?	N/A
4.	Is there evidence of consultation with all relevant services, partners and other relevant bodies?	Yes
5.	Has the policy been discussed and agreed by the local governance groups?	Yes
6.	Have any relevant recommendations from Internal Audit or other relevant bodies been taken into account in preparing the policy?	No
Template Compliance		
7.	Has the version control/storage section been updated?	Yes
8.	Is the policy title clear and unambiguous?	Yes
9.	Is the policy in Arial font 12?	Yes
10.	Have page numbers been inserted?	Yes
11.	Has the policy been quality checked for spelling errors, links, accuracy?	Yes
Policy Content		
12.	Is the purpose of the policy clear?	yes
13.	Does the policy comply with requirements of the CQC or other relevant bodies? (where appropriate)	Yes
14.	Does the policy reflect changes as a result of lessons identified from incidents, complaints, near misses, etc.?	Yes
15.	Where appropriate, does the policy contain a list of definitions of terms used?	No
16.	Does the policy include any references to other associated policies and key documents?	Yes
17.	Has the EIA Form been completed (Appendix 1)?	Yes
Dissemination, Implementation, Review and Audit Compliance		
18.	Does the dissemination plan identify how the policy will be implemented?	Yes
19.	Does the dissemination plan include the necessary training/support to ensure compliance?	N/A
20.	Is there a plan to i. review ii. audit compliance with the document?	Yes
21.	Is the review date identified, and is it appropriate and justifiable?	Yes

