

Freedom To Speak Up Policy

For completion by Author			
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Executive Lead	Director of Risk and Corporate Governance		

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DOCUMENT STATEMENT

Speak up, we will listen

Speaking up about any concern that you may have at work is really important. In fact, it's vital. By speaking up and raising a concern enables us to continually improve our services for all patients and the working environment for our staff.

You may feel worried about speaking up, and we understand this. But please don't be put off. In accordance with our duty of candour, our senior leaders and Board of Directors are committed to an open and honest culture. We will look into what you say, and you will always have the access to the support you need.

The Trust's Chief Executive emphasises this in her personal pledge to:

- 1) Actively encourage all staff to speak up about any concerns
- 2) Fully, openly and transparently review any concern raised and provide feedback wherever possible
- 3) Keep you safe and ensure you suffer no detriment from speaking up.

Our vision for raising concerns is set out in Appendix A and aligns with the National policy.

1. Who can raise a concern?

Anyone who works (or has worked) in the NHS, or for an independent organisation that provides NHS services can raise concerns. We know some groups in the workforce feel that they are seldom heard.

- ▶ You could be an agency worker, bank worker, temporary staff, locum, student, volunteer or governor.
- ▶ 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

2. What concerns can you raise?

We want to hear about **ANY** concerns you have, whichever part of the organisation you work in. Freedom to Speak Up is about raising a concern about **ANYTHING** that gets in the way of us doing a good job.

- ▶ When things go wrong, we need to make sure that lessons are learnt, and things improved upon.
- ▶ Even when things appear good, but could be better, we should be open to suggestion.
- ▶ If you are a healthcare professional you may have a professional duty to report a concern. If in doubt, please raise it.
- ▶ Don't wait for proof. We would like you to raise the matter while it is still a concern.
- ▶ It doesn't matter if you turn out to be mistaken, as long as you are genuinely troubled.

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 (for example, HR or patient safety/quality). As an organisation, we will listen and work with you to identify the most appropriate way of responding to the issue you raise.

3. Feeling safe to raise a concern

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.

If you raise a genuine concern under this policy, you will not be at risk of losing your job or suffering any form of reprisal as a result. We will not tolerate the harassment or victimisation of anyone raising a concern. Nor will we tolerate any attempt to bully you into not raising any such concern. Any such behaviour is a breach of our values as an organisation and, if upheld following investigation, could result in disciplinary action.

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

4. Who can you raise a concern to?

Remember that 'Freedom to Speak Up' is just one of many ways in which you can raise concerns. In many circumstances the easiest way to get your concern resolved will be to raise it formally or informally with your line manager (or lead clinician or tutor). But

where you don't think it is appropriate to do this, you can use any of the options set out below.

Our FTSU Guardians or Champions would be the first point of contact for raising a concern through this policy. Our champions have been trained to listen to your concerns and help to sign-post you to the right support, you can contact whichever champion you wish – they will respect your confidentiality if you ask them to and may refer matters / seek further advice from the Freedom to Speak Up Guardian. They will do this in a way that protects your confidentiality if you ask them to, unless the matter requires disclosure by law, as described above.

The routes for raising a concern via FTSU are:

- ▶ FTSU Guardians – Ceri Thomas or Helen Martin
- ▶ Ceri.thomas@lhch.nhs.uk) or (HelenMartin.risk@lhch.nhs.uk
- ▶ Ceri Thomas 07894996479/ 0151 600 1056) or Helen Martin 07548211075/ 0151 600 1051
- ▶ Via FTSU Champions (full list provided on staff intranet)
<http://nww.staffintranet.lhch.nhs.uk/corporate/freedom-to-speak-up/>
- ▶ Complete a speaking up form on In-phase
- ▶ Executive lead responsible for FTSU – Ben Vinter, Director of Risk and Corporate Governance
- ▶ Non Executive Director for FTSU – Margaret Carney,
Margaret.carney@lhch.nhs.uk
- ▶ Call the confidential Raising Concerns Hotline – Extension 1658

Other internal channels to raise concerns include:

- ▶ Through your line managers or Divisional teams
- ▶ The Daily Safety Huddle (Monday – Friday 9.30am on Teams)
- ▶ Patient safety representatives (ria.carter@lhch.nhs.uk or james.greenwood@lhch.nhs.uk)
- ▶ Invoke the **HALT** process (**H**ave you noticed this? **A**sk – did you hear my concern? **L**et them know there is a safety issue **T**ell them to stop until it is agreed that it is safe to continue).
- ▶ Submit an incident form
- ▶ Human Resources team
- ▶ Local counter fraud team – MIAA, Tel: 0151 285 4500)
- ▶ Health and Well Being leads

External routes include:

- ▶ Via Trade Unions – e.g. Royal College of Nursing (RCN) British Medical Association (BMA), Unison, Unite the Union, GMB, Society of Radiographers (SOR) Chartered Society Physiotherapists (CSP)
- ▶ Via External Agencies (CQC, NHSE, Health Education England, National Guardians Office).

If you do make an external disclosure, you must ensure that you do not breach patient confidentiality.

Staff should feel safe to raise a concern and be protected from detriment.

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

5. Speaking up openly, confidentially or anonymously

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.

6. What will we do?

We are committed to the principles of the Freedom to Speak Up review and its vision for raising concerns and will respond in line with them. This means that, you will be treated with respect at all times and thanked for raising the concern.

We are committed to listening to our staff, learning lessons and improving patient care. On receipt, the concern will be recorded, and you will receive an acknowledgement as

soon as possible, normally within two working days. You will be given the opportunity to meet, to discuss and agree next steps and how follow up / feedback will be provided.

A record will be kept, to record the date the concern was received, whether you have requested confidentiality / anonymity, a summary of the concern/s and dates when we have given you updates or feedback. Where enquiries need to be made or an investigation is to be commissioned you will be kept informed of likely timescales, progress, and conclusion.

The sections below provide an overview of the approach and Appendix B sets out what will happen when you speak up. Appendix C provides a flow chart of the speak up process.

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 written feedback will be provided that identifies any actions to prevent problems recurring.

Where you have been unable to resolve the matter quickly (usually within a few days) with your line manager, we will determine the need to carry out a proportionate investigation – using someone suitably independent (usually from a different part of the organisation) and properly trained – and we will reach a conclusion within a reasonable timescale (which we will notify you of). Wherever possible we will carry out a single investigation (so, for example, where a concern is raised about a patient safety incident, we will usually undertake a single investigation that looks at your concern and the wider circumstance of the incident; in such circumstances the Incident Reporting Policy will be followed). The investigation will be objective and evidence-based and will produce a report that focuses on identifying and rectifying any issues and learning lessons to prevent problems recurring.

We may decide that your concern would be better looked at under another process; for example, our process for dealing with bullying and harassment. If so, we will discuss that with you.

Any employment issues identified during the investigation, (that affect only you and not

others) will be considered separately.

Communicating with you

We will treat you with respect at all times and will thank you for raising your concerns. We will discuss your concerns with you to ensure we understand exactly what you are worried about. We will tell you how long we expect the investigation to take and keep you up to date with its progress. Wherever possible, we will share the full investigation report with you (while respecting the confidentiality of others). We will signpost you to other routes and support should this be appropriate.

How we learn from your concern

We want speaking up to improve the services we provide to patients and the environment our staff work in. Where improvements are identified we will track these to ensure necessary changes are made and are working effectively. Lessons will be shared with teams across the organisation, or more widely, as appropriate ensuring confidentiality is maintained.

Board oversight and review

The Board of Directors will be given high level information about all concerns raised by our staff through this policy and what we are doing to address any problems. This will be reported on a quarterly basis. The Board of Directors fully supports staff raising concerns and wants you to feel free to speak up.

We will review the effectiveness of this policy and local process at least annually and will provide an annual report to the Board of Directors. We will publish the outcome of this review in terms of any changes made to this policy or the local FTSU arrangements.

7. 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 Protect or a legal representative.

8. National Guardians office

The National Guardian's Office (NGO) and the role of the Freedom to Speak Up Guardian were set up following recommendations made in Sir Robert Francis QC's report "[The Freedom to Speak Up](#)" (2015), with the aim of changing the speak-up culture in the NHS.

Led by Dr Jayne Chidgey-Clark, the National Guardian of Freedom to Speak Up, the NGO encourages all workers to speak-up about anything that might impact on safe patient care or staff welfare. The NGO trains and supports FTSU Guardians nationally and identifies learning to support improvements in the healthcare sector as a whole.

9. Training

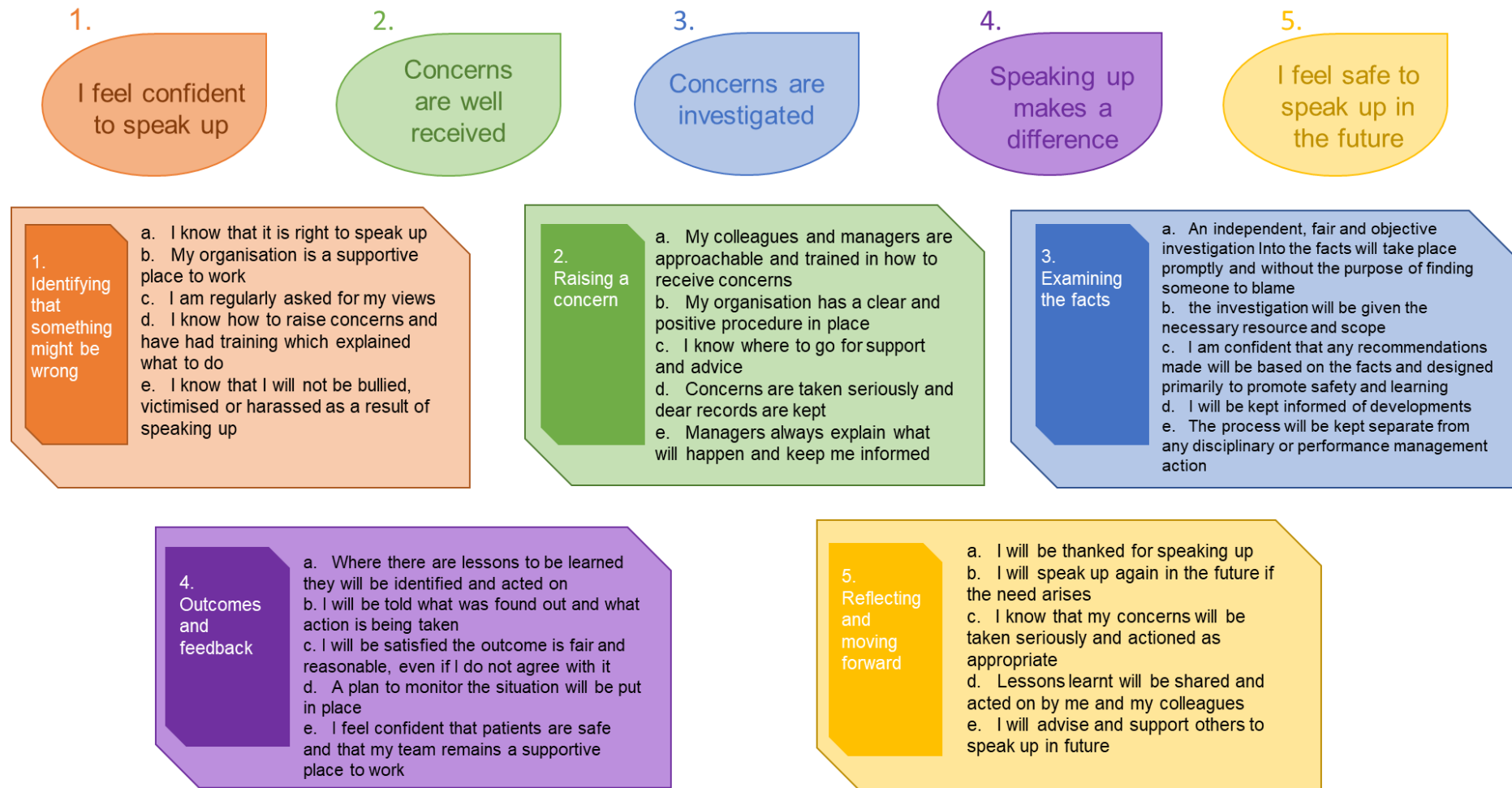
We encourage all our workers to complete online training which is available on ESR:

- ▶ 'speaking up' – for all staff
- ▶ 'listening up' – for managers
- ▶ 'following up' – for senior leaders

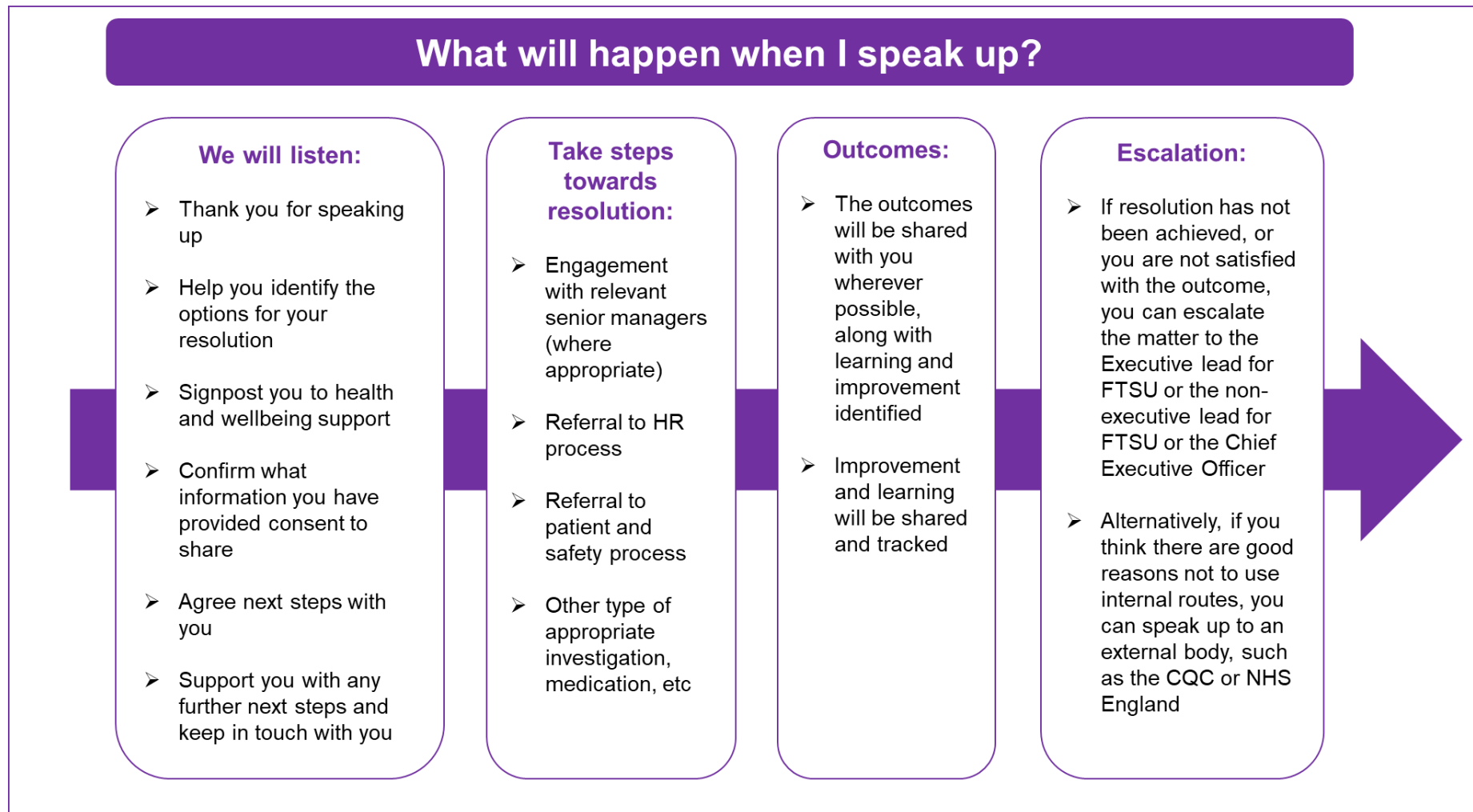
The modules are concise and provide a good basis for understanding all aspects of FTSU.

10. Endorsed By:		
Name of Lead Clinician / Manager or Committee Chair	Position of Endorser or Name of Endorsing Committee	Date
Karan Wheatcroft	Director of Risk and Improvement	April 2024

Appendix A - Vision for raising concerns



Appendix B - What will happen when I speak up?



Appendix C - FTSU Flowchart

Raising your concern flow chart

