

Freedom to Speak Up Policy 7.0 (Raising Concerns Policy)			
Document Type:	Policy		
Document Number:	82		
Document Owner: (Name, job title & email)	Mercy Kusotera Trust Secretary (Freedom to Speak Up Guardian) Anita Pisani, Deputy Chief Executive		
Document Service:	Corporate		
Medicines:	N/A		
Scope:	Trust wide		
Governance:	<p>Individuals are protected by law against the harmful conduct of others and should not be subjected to harassment or bullying during the course of employment. This policy is written in accordance with ACAS guidelines and supports Care Quality Commission Fundamentals of Care standards.</p> <p>All Trust policies and procedures relating to counter fraud, safeguarding, dignity and risk.</p> <p>National Guardian's Office/NHS Improvement's guidance for boards on Freedom to Speak Up in NHS Trusts and NHS Foundation Trusts</p>		
Approved by:	Trust Board		
Date approved:	January 2023	Expiry date:	January 2026
Financial Implications:	Where a document has any financial implications on the Trust, the Local Counter Fraud Specialist (LCFS) has the authority to investigate and challenge this document in regard to current fraud and bribery legislation and to ensure appropriate counter fraud measures are in place. LCFS contact details are available on the Trust's Intranet.		
Equality Impact Assessment (Policies only):	The author has carried out an Equality Impact Assessment (EIA) and, there are no negative impacts. The form is attached to this document.		
Trust Values	This policy has been developed to ensure it aligns with our Trust values of honesty, empathy, ambition, and respect.		
Diversity & Inclusion Statement	Cambridgeshire Community Services NHS Trust will ensure that this policy is applied in a fair and reasonable manner that does not discriminate on such grounds as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex & sexual orientation.		
Keywords:	Raising concerns, Whistleblowing, Whistle blowing, Whistleblow, matters, concern, whistle, blow, freedom, speak, speak-up, speaking, review.		
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VERSION CONTROL SUMMARY

Version:	Page or section:	Description of change:	Date approved:
1.0	various	First issue	2007
2.0	various	Reviewed and updated	
3.0	various	Reviewed and updated	January 2016
4.0	various	1. To adopt 'standard integrated policy', in line with recommendations of the review by Sir Robert Francis into whistleblowing in the NHS. To reflect the Higher Education England enhanced protection on whistleblowing for doctors in training.	March 2017
6.0	various	Policy updated to reflect Guidance for boards on Freedom to Speak Up in NHS Trusts and NHS Foundation Trusts (May 2018) and to incorporate the Self Review Tool.	July 2018
6.1	various	Updated to include Freedom to Speak Up Champions	January 2019
6.2	Pages 9 and 14	Minor amend to the process for recording cases. Addition of Whistleblowing/Speaking Up Investigation Procedure: Appendix C	January 2020
6.3	various	Minor amend to Appendix C: changed it to Whistleblowing/Speaking Up Review Process	May 2020
6.4	Title page	Added Trust Values and Diversity & Inclusion Statement to front page.	March 2022
6.5	Title Page	Review extended to Oct 2022 - awaiting National Guardian's Office who are reviewing the national policy	May 2022
6.6	Title page	Review date extended from Oct 2022 to Dec 2022 due to review by Nov Board	September 2022
7.0	All	To adopt the new national FTSU policy	November 2022

Freedom to Speak Up



Mercy Kusotera
FTSU Guardian



Anita Pisani
FTSU Executive
Lead



Catherine Dugmore
FTSU Non-Executive
Lead



#SpeakUpforSafety

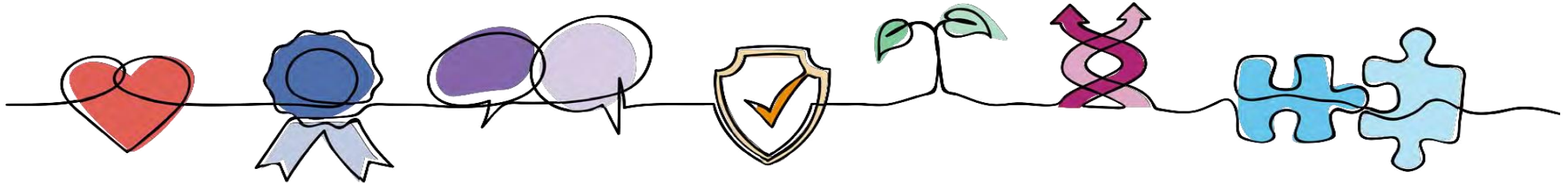
#SpeakUpforCivility

#SpeakUpforInclusion

#FTSUforEveryone

Freedom to Speak Up Policy: Cambridgeshire Community Services

NHS Trust



Contents

Speak up – we will listen	3	How should I speak up?	6
This policy	3	Advice and support	6
What can I speak up about?	3	What will we do?	7
We want you to feel safe to speak up	4	Appendix A: What will happen when I speak up	8
Who can speak up?	4	Appendix B: Making a protected disclosure	9
Who can I speak up to?	4	Appendix C: Freedom to Speak Up Review Procedure	10

Equality and Health Inequalities Statement

Promoting equality, diversity and inclusion are at the heart of our values. Throughout the development of the policies and processes cited in this document, we have:

- Given due regard to the need to eliminate discrimination, harassment and victimisation, to advance equality of opportunity, and to foster good relations between people who share a relevant protected characteristic (as cited under the Equality Act 2010) and those who do not share it; and
- Given regard to the need to reduce inequalities between patients in access to, and outcomes from healthcare services and to ensure services are provided in an integrated way where this might reduce health inequalities.

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 listen to understand the hopes and fears that lie behind the words”.

We want to hear about any concerns you have, whichever part of the Trust 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 LGBTQIA+ 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 e-learning training on speaking up on our ESR. We will also be promoting the online module on listening up for our managers and the module on following up for our senior leaders.

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



This policy

All NHS organisations and others providing NHS healthcare 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 (for example, HR or patient safety/quality):

- Civility, Respect and Anti-Bullying & Harassment Policy
- Grievance Policy
- Tackling Violence & Aggression (from Members of the Public)
- Staff Investigation Procedure (in the Alleged Breaches on Employment Policies)
- Counter Fraud, Corruption and Bribery Policy
- Complaints, Concerns & Compliments (Patient Experience Policy)

As a Trust, 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

You 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 working within our Trust. 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:

- Senior manager, partner or director with responsibility for the subject matter you are speaking up about.
- The patient safety team or clinical governance team (where concerns relating to patient safety or wider quality): **Liz Webb**: ewebb1@nhs.net and **Claire D'Agostino**: claire.dagostino1@nhs.net
- Concerns relating to fraud: **Director of Finance and Resources**: markrobbins@nhs.net
- Our Freedom to Speak Up Guardian **Mercy Kusotera**: m.kusotera@nhs.net, and our Freedom to Speak Up Champions: <https://www.cambscommunityservices.nhs.uk/my-ccs/raising-concerns/meet-our-freedom-to-speak-up-champions> 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](#).
- Our HR team, contact: **Lara Challinor**: lara.challinor@nhs.net
- Our senior lead responsible for Freedom to Speak Up **Anita Pisani**: anita.pisani@nhs.net 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: **Catherine Dugmore**: c.dugmore@nhs.net – this role provides 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.

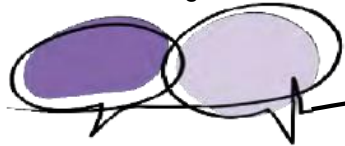
Speaking up externally

If you do not want to speak up to someone within the Trust, 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 the Trust 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 Agency](#) 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 C 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).

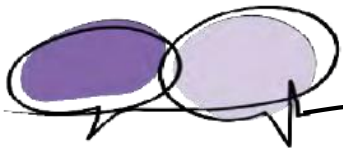
Confidentiality

The most important aspect of you 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:

- The Staff side Chair: heather.bennet3@nhs.net
- Cultural Diversity Network:
<https://nww.cambscommunityservices.nhs.uk/my-ccs/equality-and-inclusion/bame-network>
- Long Term Conditions and Disability Network:
[https://nww.cambscommunityservices.nhs.uk/my-ccs/equality-and-inclusion/long-term-condition-and-disability-\(ltc-d\)-network](https://nww.cambscommunityservices.nhs.uk/my-ccs/equality-and-inclusion/long-term-condition-and-disability-(ltc-d)-network)
- LGBTQIA+ Network:
<https://nww.cambscommunityservices.nhs.uk/my-ccs/equality-and-inclusion/lgbtqia-network>

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.
- 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. 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 B.

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 our Trust or from a different part of the Trust) 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

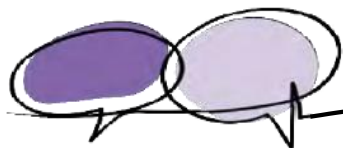
We want speaking up to improve the services we provide for patients and the environment our staff work in. Where it identifies improvements that can be made, we will ensure necessary changes are made, and are working effectively. Lessons will be shared with teams across the organisation, or more widely,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

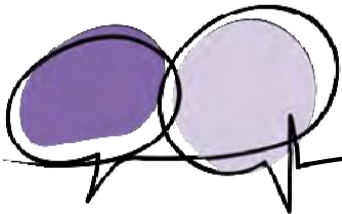
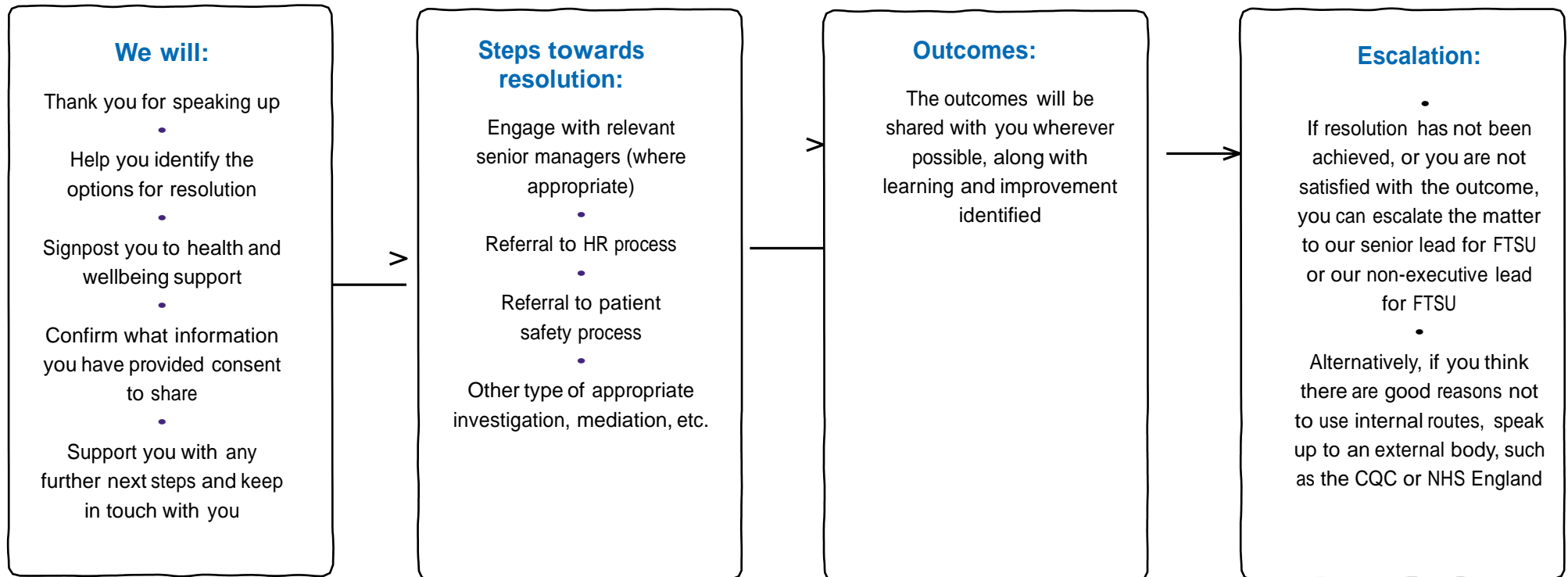
Senior leaders' oversight

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:

What will happen when I speak up?



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.



Appendix C: FREEDOM TO SPEAK UP REVIEW PROCEDURE

Freedom To Speak Up/Raising Concerns Review Procedure

Document Type:	Standard Operating Procedure		
Document Owner:	Trust Secretary and Freedom to Speak Up Guardian		
Document Service:	Corporate		
Scope:	Trustwide		
Standards & legislation & key related documents:	Freedom to Speak Up Policy		
Approved by:	Executive Committee		
Date approved:	January 2023	Expiry date:	January 2026
Financial Implications:	Where a document has any financial implications on the Trust, the Local Counter Fraud Specialist (LCFS) has the authority to investigate and challenge this document in regard to current fraud and bribery legislation and to ensure appropriate counter fraud measures are in place. LCFS contact details are available on the Trust's Intranet.		
Equality & Diversity Impact (Policies only):	The author has carried out an Equality Impact Assessment (EIA) and, there are no negative impacts. The form is attached to this document.		
Keywords:	Review, reviewer, whistleblowing		
This is a controlled document. Whilst it may be printed, the electronic version on the Trust's Intranet is the controlled copy. Any printed copies are not controlled.			

VERSION CONTROL SUMMARY			
VERSION	SECTION REFERENCE	DESCRIPTION OF CHANGE	DATE APPROVED
1	N/A	First issue	December 2019
1.1	various	Incorporating feedback from staff regarding the general tone of the procedure.	May 2020

TABLE OF CONTENTS

1.0	Introduction	13
2.0	Objectives/Aims	13
3.0	Duties, Roles & Responsibilities	13
4.0	Concerns & Areas for Review	14
5.0	Potential Fraud	14
6.0	Review Questions	15
Annex A	Invitation to a Review	17
Annex B	Review Report Template	18

1.0 INTRODUCTION

- 1.1 This review procedure for raising concerns supports the Freedom to Speak Up Policy and provides the method of investigating concerns raised by staff.

2.0 OBJECTIVES/AIMS

- 2.1 Raising concerns reviews aim to bring to light all relevant facts of a concern and will be full and thorough to ensure that every opportunity is given for all relevant information to be gathered. These facts will be presented in a manner which facilitates fair and reasonable decisions to be taken regarding any subsequent actions.

3.0 DUTIES, ROLES & RESPONSIBILITIES

3.1 Executive Lead

- 3.1.1 The Trust Executive lead for Whistleblowing/ Freedom to Speak Up/ Raising Concerns will:
- Be advised by the Freedom to Speak Up Guardian when a member of staff (or ex-member of staff) has raised a concern.
 - Maintain the confidentiality of the person raising the concern if they have requested this.
 - Appoint a Reviewer.
 - Determine the initial terms of reference of the review process and keep these under review on the advice of the Reviewer.
 - Review the Reviewer's report and make a decision on any actions to be taken.

3.2 Freedom to Speak Up Guardian

- 3.2.1 The Freedom to Speak Up Guardian will:
- **Advise the** Trust Executive lead for Whistleblowing/ Freedom to Speak Up/ Raising Concerns when a concern is raised.
 - Support staff who will be involved in the review process to ensure that they are supported appropriately during the review process.
 - Following the conclusion of the review, ensure that **ALL** staff who took part in the review process are contacted to thank them for their co-operation with the review.

3.3 Reviewer

- 3.3.1 The Reviewer will:
- Liaise with the Executive Lead for Whistleblowing/Freedom to Speak Up to clarify the terms of reference.
 - Review the matter by obtaining all relevant facts including interviewing people and produce a report for Executive Lead.

- Explain the review process and what will happen to any statements made to people they interview so that they are aware of what may happen next.
- Present the findings of the review if required to at any subsequent formal meeting.
- Respect the right of the person raising the concerns to remain anonymous if they have requested this and ensure that during the review they do not feel any speculation about who the whistleblower may be.

3.4 All Staff

- 3.4.1 All staff will be required to co-operate with the Reviewer in establishing the facts of any concerns raised.

4.0 CONCERNS AND TERMS FOR REVIEW

- 4.1 The Executive Lead will appoint a Reviewer and provide them with the initial terms of reference for the review.
- 4.2 The Reviewer will produce clear terms of reference based on the concerns raised for the review before the review process begins.
- 4.3 The review will be undertaken by the appointed Reviewer. Advice can be sought from the Executive lead as required.
- 4.4 The terms of reference should be as specific as possible, however where specific dates of concerns raised are not available or where it may not be clear who may be appropriate interviewees, this will NOT stop there being a review on the broad concerns raised. The terms of reference will normally be taken directly from the whistleblowing concern as raised by the individual.
- 4.5 The Reviewer must consider carefully all reasonable sources of evidence and relevant documents. Documentary evidence should be shown to interviewees when this would help to clarify the matter and where this would not breach any confidentiality or unduly influence the interviewees or hamper the review. Examples of relevant documents includes relevant policies, clinical guidance, codes of professional conduct, emails, letters, file notes, duty rotas, clinical notes, etc.
- 4.6 The Reviewer should have a clear plan of who to interview, although they may decide to interview more staff as the review progresses.

5.0 POTENTIAL FRAUD

- 5.1 If the concerns relate to a potential fraud, the Director of Finance and the Local Counter Fraud Specialist must be notified before any individual alleged as being involved is made aware of the concerns about them and before any whistleblowing review commences. In these cases, it is usual for the counter fraud team to undertake their review first.
- 5.2 It is acknowledged that some situations arise where multiple reviews are required to take place. The Trust will endeavour to keep any affected staff updated on progress in such situations.

6.0 REVIEW QUESTIONS

6.1 The Reviewer should set out a list of key questions in advance. They can either: Send these to all those they intend to meet with in advance of the meeting, requesting that the individual they are meeting with writes their response to each question and returns this to the Reviewer by a set date. During the subsequent review meeting the Reviewer will confirm the individual has recorded their responses to each question fully and may probe further.
Or

Ask these questions at the review meeting.

NB: The Reviewer will agree which of these approaches to take in each case and based on the availability of individuals invited to the review, and it may involve a mix of both. It is advised in highly complex cases that written responses are requested. When it is advisable to meet the person to whom the concerns are directed first, and in most cases to re-interview them again after seeing all other 'witnesses'.

- 6.2 For each individual each of the following needs to be explained in the question template pre-interview and at the start of the interview.
- The review process that will be undertaken.
 - The purpose of the review is to gather relevant facts.
 - The importance of confidentiality.
 - That their statement may be shared with others, including the person the concerns relate to and that they will be advised when it is to be shared.
- 6.3 Questions must be restricted to areas specifically related to the concerns that have been raised.
- 6.4 Notes will be taken during the review interviews; therefore, it is advisable where possible to have asked for written responses to questions prior to the review interview, to minimise the number of notes required. The Reviewer will arrange for a note taker if they feel unable to take notes themselves.
- 6.5 After the meetings, any notes, including any additional points to be added to the written responses already given will be typed up and sent to each individual within 10 working days (unless otherwise agreed), asking that they check, sign and return these. Where there is a material difference of opinion as to what was said at the meeting, the individual comments will be noted so that the FTSU Guardian and Executive Lead can see the individual's comments separately.
- 6.6 After the meeting/s the Reviewer will pull together a report which outlines their factual findings.
- 6.7 The report and supporting evidence will then be forwarded to the Executive Lead who will decide on next steps. The Reviewer will not be involved in the decision-making.

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Expiry date: TBC

- 6.8 The Freedom to Speak Up Guardian will ensure that the employee/s either involved in the review or who raised the concern are written to on completion of the review, letting them know the outcome of the review and the next steps to be followed.
- 6.9 The Freedom to Speak Up Guardian will then contact all individuals interviewed as part of the review to advise them either that the review is concluded and to thank them for their co-operation and/or, where applicable, to offer any ongoing support. If their statement is being shared as part of next stage actions or if the individual is required as a witness at any subsequent process, they will be advised of this.

Annex A: INVITATION TO A WHISTLEBLOWING REVIEW MEETING

Date

Employee Full Name
Address

Dear Employee Name

Raising Concerns Review Meeting

I am writing to confirm our raising matters of concern review meeting arranged for DATE and TIME the review will take place in LOCATION. Please ask for me on arrival.

The purpose of the meeting is to review the facts in relation to the following concern/s that have been raised under the Trust Whistleblowing Policy. The concerns raised are

I will be conducting the review and will be supported by and who will be taking the notes of our meeting. Should you wish to bring someone along to accompany you at this meeting then please feel free to do so.

I would like to take this opportunity to thank you for attending the review meeting. I recognise that such circumstances can sometimes be difficult, and I would like to offer you the opportunity to seek support from the following:

- The Trust Freedom to Speak Up Guardian: m.kusotera@nhs.net, Tel 07507195357.
- Insight Wellbeing at Work, Tel 0800 027 7844; for Bedfordshire, Cambridgeshire, Suffolk, Norfolk and Peterborough staff.
- The Counselling Foundation 01727 856693 or email stalbandsadmin@hbcf.co.uk; for Luton staff.

Would you please contact me upon receipt of the letter to confirm you will be attending, or to re-arrange the review meeting date if necessary.

May I take this opportunity to advise you that confidentiality is of the utmost importance for all concerns raised under the whistleblowing policy.

If you have any queries, then please do not hesitate to contact me.

Yours sincerely

[Reviewer name]

Annex B: RAISING CONCERNS REVIEW REPORT TEMPLATE

1. CONCERNS RAISED

[Outline concerns]

2. THE REVIEW PROCESS

Name of the reviewer

The review was conducted in accordance with the Trust's Whistleblowing Policy.

3. STAFF WHO ATTENDED THE REVIEW MEETING

Name, Job Title	Date

4. SUMMARY/FINDINGS

5. TIMELINE OF EVENTS

DATE	ACTION

6. CONCLUSIONS