

HR16 Freedom to Speak Up Policy

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Appendices

Α	Speaking to the FTSU Guardians

Speak Up Toolkit

Document 1	Speaking Up Useful Contacts
Document 2	Speaking Up at Work Form
Document 3	Speaking Up Advice and Support
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1.0 Policy Statement: Speak Up- we will listen

1.1 Comment from the Chief Executive Officer

At The Royal Wolverhampton NHS Trust (RWT), it is our aim to develop a culture where speaking up becomes normal practice if patient safety, the safety of colleagues or any form of malpractice is a concern. We constantly aim to learn from incidents and errors and to create an environment where we all thrive so, in order to improve how we work, it is vital that individuals feel able to get involved and empowered to speak up.

The intention of this Policy is to empower staff to raise concerns as early as possible, to promote a positive environment where staff that have concerns are able to raise these without fear of discrimination or reprisal, and to set out what staff must do if they have concerns about the operation of the Trust.

1.2 This Policy

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 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 and understand the hopes and fears that lie behind the words". This policy outlines the RWT standard to help normalise the raising of concerns for the benefit of all patients. Our local processes have been integrated into the policy and provide the details about how we will look into speaking up matters.

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, volunteer 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. You may no longer work for RWT but would like to speak up now.

This Policy is for all workers at RWT and we want to hear all our workers' concerns.

We ask all our workers to complete the mandatory training on speaking up, which is hosted on My Academy. 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) is in these <u>videos</u>.

In adhering to this Policy, all applicable aspects of the <u>Conflicts of Interest Policy</u> (<u>OP109</u>) must be considered and addressed. In the case of any inconsistency, the Conflict of Interest Policy is to be considered the primary and overriding Policy.



2.0 Definitions

The table below outlines definitions for terms referred to within the policy.

Dispute	For the purpose of this policy Dispute is the overarching definition used to describe workplace issues such as grievances, conflict, unfair treatment, bullying and harassment. This is likely to be a personal complaint about an individual's own employment situation. Please see policy <a example.com="" hr="" href="https://example.com/hr/> Dispute Resolution in the Workplace Policy">https://example.com/hr/> Dispute Resolution in the Workplace Policy for definitions of the above.
Speaking Up/ Raising Concerns	Speaking up is the term used to refer to all matters that staff may wish to speak up about. These can be positive experiences, ideas or suggestions for improvement, or it may relate to a concern for an employee's or patient's care or welfare.
Whistleblowing	A concern raised through a protected public interest disclosure (a whistleblow) tends to be about malpractice or serious wrongdoing such as dangerous or criminal activity which affects others, i.e., patients or service users, members of the public or their employer. This refers to when a worker has witnessed wrongdoing.

3.0 Accountabilities

The table below outlines key responsibilities held by different individuals and teams within the Trust.

The Group	Is the nominated Board sponsor for the Freedom to Speak Up
Chief Executive	Policy, ensuring all concerns raised are dealt with fairly,
	thoroughly and in accordance with the policy
The Non-	Is responsible for Freedom to Speak Up at Trust Board level
Executive	and supports the Freedom to Speak Up Guardian and Speak
Director	Up Champions
The Group	Has delegated responsibility for overseeing the implementation
Chief People	of this policy and will provide expert advice and support on
Officer	concerns raised by the Lead Freedom to Speak Up Guardian,
	who reports to the Group Chief People Officer
Director of HR	Has responsibility to provide advice and support on concerns
and OD	raised via the HR Advisory Team
Freedom to	Are the Trust's independent leads on supporting a culture of
Speak Up	openness and transparency, and monitor and review the policy
(FTSU)	and its application, providing regular reports to the Trust Board
Guardians	and ensuring shared learning
Speak Up	Support awareness raising activities in their local department
Champions	and across the Trust. Speak Up Champions, when approached
	by staff, will encourage speaking up and signpost cases to the
	Freedom to Speak Up Guardians



Managers	All Executive Directors / Clinical Directors / Divisional Managers / Divisional Nurses and Directorate Managers are responsible for the communication of this policy to their staff.
	Line Managers should be familiar with the supporting documents of the Speaking Up Toolkit, which contains guides for staff to speak up, for managers to respond to speaking up matters, for staff to address detriment following a speaking up process, useful internal and external contacts for speaking up, advice and support information and suggested letter templates to guide the speaking up process.
Individuals	Are encouraged to speak up about anything that helps us improve patient care and the working environment for our staff.
	Have a responsibility to raise and report specific concerns that they reasonably believe to be in the public interest at the earliest opportunity, providing details of dates and times and offer any suggestions that may help to resolve the concern. Have a responsibility to raise concerns where there is a reasonable belief that a criminal offence and/or malpractice has occurred and not raise concerns with any malicious intent, complying with the requirements of other Trust policies and procedures. Should work within their professional codes of practice and ensure that the highest standards of care are achieved. Should use the supporting documents within the Speaking Up Toolkit to guide how matters are escalated and to
Trade Union/	who. Advise the employee of the options open to them and the
Professional	relevant Trust policy to follow, encourage members to Speak
Body	Up and raise concerns at the earliest opportunity, support any
Representatives	employee who wishes to bring an issue of public interest to the attention of the Trust. In the event of the employee wishing to maintain anonymity, to act as an advocate in the first instance, if appropriate, and when receiving information that has legal implications for the Trust, to report the outcome in a timely manner to a senior line manager of the Trust.

4.0 Relationships with other Trust Policies and Procedure

- The Trust's <u>GP02 Anti-Fraud and Antibribery Policy</u> addresses concerns relating to fraud, corruption or bribery.
- The Trust's <u>OP08 Complaints Management Policy</u> is in place to allow individuals external
 to the Trust to raise their concerns.
- The Trust's <u>HS11 Management of Medical Devices Policy</u>, <u>Protocol 7 Adverse Incidents</u>
 <u>Reporting Procedure</u>, is for recording details of any incidents occurring in relation to the
 Trust, including medical devices and non-medical devices.
- The Trust's <u>OP10 Risk Management and Patient Safety Reporting Policy</u> is in place to support reporting of any incident, risk, claim or complaint affecting patients, clients, staff,



volunteers, contractors or visitors

- The Trust's <u>HR05 Equality of Opportunity Policy</u> promotes equality and aims to remove unlawful discrimination so that everyone can fulfil their full potential in an environment of fairness, dignity and respect where decisions are based on merit.
- The Trust's <u>HR06 Dispute Resolution in the Workplace Policy</u> is in place for staff to report incidences of harassment and bullying against themselves or another work colleague. The Trust's <u>HR06 Dispute Resolution Procedure</u> provides line managers and employees a procedure to support the policy.

5.0 Policy Detail

5.1 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. Staff are encouraged to speak up about:

- Poor attitudes and behaviours of other staff
- · Experiences of bullying and harassment
- Staff safety and experience
- · Patient quality, safety and experience
- Staff capability and performance
- Experiences of disadvantageous or demeaning treatment as a result of Speaking Up

Speaking up captures a range of issues, some of which may be appropriate for other existing processes included in section 4.0. Regardless of where a matter is escalated to, as an organisation we will listen and work with you to identify the most appropriate way of responding to what you speak up about.

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.

5.2 Who can speak up?

This policy is aimed at improving the experience of staff working at RWT or former staff who wish to raise concerns. Anyone who works in NHS Healthcare, including pharmacy, optometry and dentistry can speak up, including any healthcare professionals, non-clinical workers, receptionists, directors, managers, contractors, volunteers, students, trainees, junior doctors, locums, bank staff and agency workers.

5.3. Who can I speak up to?

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 we would encourage you to explore this option in the first instance, as it may well be the easiest and simplest way of resolving matters.

If you have spoken up to your line manager or supervisor and the matter is not resolved, you should consider escalating this to the next level of management within your area of



work. If this remains unresolved, or if there are barriers preventing you from speaking up in this way, there are other options available for speaking up. Document 1, in the Speaking Up Toolkit, lists a range of internal and external contacts for speaking up, so you can choose a contact that feels most appropriate for the matter you are speaking up about. Internal contacts outside of your immediate management structure include the FTSU Guardian Team, HR, the Patient Safety Team, the Clinical Governance Team and Local Counter Fraud Team. External contacts include the Care Quality Commission, NHS England and other prescribed persons or bodies.

5.4. How should I speak up?

You can speak up to any of the people or organisations listed in <u>Document 1</u> of the Speaking Up Toolkit, by phone or in writing (including email). The most important aspect of your speaking up is the information you 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 complicates 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. However,
 anonymous feedback can still be used to identify themes, which can be shared as wider
 learning

For open and confidential speaking up matters, please be ready to explain as fully as you can, the information and circumstances that prompted you to speak up. We would encourage you to look at Document 2 in the Speaking Up Toolkit, which provides a guide for how you can structure the content of what you speak up about. If you would prefer to speak up anonymously, the FTSU Guardian Team offer an anonymous referral route to record your concerns. A link to the anonymous referral form can be found in Document 1 of the Speaking Up Toolkit.

5.5. Advice and Support

For some staff, the choice to speak up can be a difficult one to make. Staff may face specific barriers to speaking up or they may prefer to seek independent advice and support first. You can find a range of advice and support contacts in Document 3 of the Speaking Up Toolkit. This contains information about internal and external sources of support for speaking up. Speaking up can also impact on staff mental health and wellbeing. Specific internal and external wellbeing support is also included in this document.

5.6 What will we do?

5.6.1 Speaking to the FTSU Guardians

If a staff member has been unable to resolve a speaking up matter through escalating it to their manager or next level of management, they may request independent and impartial advice through the FTSU Guardian Team. The FTSU Guardians are not responsible for investigating speaking up matters, however, they can advise on various



options of support and routes for escalation. We have outlined what you can expect if you contact your FTSU Guardians in Appendix A.

5.6.2 Resolution and Investigation

Where you have spoken up to a manager/ supervisor, they will listen to the issue you raise and act 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. It may also be the case that a manager or supervisor will want to escalate the matter you have raised to provide opportunities for improvement and learning.

Where an investigation is needed, this will be objective, evidence-led and conducted by someone who is suitably independent (this might be someone outside of the Trust or from a different part of the Trust). You can be reassured the matter will be dealt with appropriately and you will be notified when the issue is resolved. You will also be notified which policy is being followed to resolve your matter, for example, the Dispute Resolution Policy or the Antifraud and Antibribery Policy.

Any employment issues that have implications for you/ your capability or conduct identified during the investigation will be considered separately. This includes misuse of this policy, for example, speaking up in a way that could be deemed malicious or to cause detriment to another worker(s) or the organisation.

5.6.3 Communicating with you

You will be treated with respect at all times and you will be thanked you for speaking up. The issues you raised will be discussed with you to ensure there is a clear understanding of what you need and how you would like to take things forward. If an investigation is needed, you should be told how long this may take and there should be an agreement on how you will be kept informed of any progress. You will be notified when an issue has been resolved, and given reassurance that the appropriate actions have been taken.

5.6.4 How we learn from speaking up matters

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 within teams, departments and across the organisation, or more widely if appropriate.

We will seek feedback from workers about their experiences 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. Our Senior Leaders and Divisional Managers will receive an overview of speaking up themes raised by our staff to the FTSU Guardians, ensuring discussion of areas for improvement is a priority and lessons learned are disseminated.

5.6.5 Protecting staff from experiencing disadvantageous or demeaning treatment after speaking up

One of the biggest barriers to speaking up is a fear of reprisals. If staff feel they have experienced disadvantageous or demeaning treatment as a result of speaking up, this can impact on their wellbeing, their attendance at work and this sometimes leads to resignation. We strive to create an environment where staff feel psychologically safe to speak up and where we communicate and work as an effective team, as this helps us deliver the best



possible standard of care. Everyone has a responsibility to promote speaking up by living our organisational values, treating each other with civility and respect, and creating a just culture where listening and learning happens every day.

<u>Document 4</u>, within the Speaking Up Toolkit, contains guiding principles to help protect staff from experiencing disadvantageous of demeaning treatment as a result of speaking up. Reports of disadvantageous/demeaning treatment are recorded by the Freedom to Speak Up Guardians. Their contact information can be found in <u>Documents 1</u> and <u>3</u> of the Speaking Up Toolkit.

5.6.6 Manager's response to staff speaking up

All Managers and Leaders, whether they are Executive Directors, Clinical Directors, Divisional Managers, Divisional Nurses, Directorate Managers or Line Managers are responsible for the communication of this policy to their staff. As a manager you are obliged to create a safe environment for staff to speak up and raise their concerns to you and it is important to recognise when a staff member is trying to speak up. Staff will not always use direct, clear and concise ways of communicating a concern to you. Staff may try and speak up with you informally, formally or anonymously, and your initial response should be to encourage speaking up, listening to the matter raised and thanking the individual or individuals for their feedback.

Managers and leaders are responsible for taking any concerns seriously and where there is an element of patient or worker safety disclosed, or there is a public concern, they should take immediate action and escalate appropriately. When a speaking up matter is raised as a formal concern, managers and leaders will ensure there is a prompt, swift, proportionate and fair response, which may include launching an investigation to establish the facts of the matter. Managers and leaders should familiarise themselves with the following documents in the Speaking Up Toolkit:

- Document 4: Speaking Up Detriment Guidelines
- Document 5: Responding to Speaking Up: A Managers Guide
- Document 6: Speaking Up Manager Acknowledgement Letter
- Document 7: Speaking Up Manager Follow-up Letter

The acknowledgement and follow-up letters should be used by managers when staff speak up formally. As a guide, managers should aim to send an acknowledgement letter to staff within 7 working days of them speaking up and should use the follow-up letter to update staff on any progress made. Ideally, this should be on a monthly basis unless agreed otherwise. Managers should also consider whether escalation to HR and the FTSU Guardian Team is required to ensure the speaking up matter is confidentially recorded.



6.0 Financial Risk Assessment

1	Does the implementation of this policy require any additional Capital resources	No
2	Does the implementation revenue resources of this policy require additional	No
3	Doe the implementation of this policy require additional manpower	No
4	Does the implementation of this policy release any manpower costs through a change in practice	No
5	Are there additional staff training costs associated with implementing this policy which cannot be delivered through current training programmes or allocated training times for staff	No
	Other comments	

7.0 Equality Impact Assessment

An equality analysis has been carried out and it indicates that there is no impact in relation to Personal Protected Characteristics as defined by the Equality Act 2010.

8.0 Maintenance

The Group Chief People Officer has overall responsibility for the update and maintenance of this policy. This policy will be reviewed and updated in light of any further legislative changes and following any complex whistle blowing investigation in the Trust.

9.0 Communication and Training

The Freedom to Speak Up Guardian will develop training for Managers- How to Create a Safe Environment for Speaking Up and training for Employees- on how to Speak Up. Page 12 of 31 HR16 Raising Concerns at Work – HR16 v8 March 2020 the Freedom to Speak Up Policy is available on the Trust Intranet site.

10.0 Audit Process

Criterion	Lead	Monitoring method	Frequency	Committee
Standards of best practice and appropriate use of policy	Group Chief People Officer	Routine audit of application and use of policy, including review of actions taken by managers	Annually	People and Organisational Development Committee
Themes reported	Lead FTSU Guardian	Collation of themes and trends recorded	Bi-annual report	Trust Board



				14113	Hus
Policy and	Trust	Routine audit of	3 yearly	People and	
Process Audit	appointed	Policy and		Organisational	1
	Auditors	Process		Development	İ
				Committee	1

11.0 References - Legal, professional or national guidelines must underpin policies and be referenced here. Where appropriate cross references must be made to other policies.



Part A - Document Control

Policy number and Policy version: HR16 Version: 9.0	Policy Title Freedom to Speak Up Policy	Status: Final		Author: Amy Sykes, Lead Freedom to Speak Up Guardian Chief Officer Sponsor: Alan Duffell, Group Chief People Officer
Version /	Version	Date	Author	Reason
Amendment History	1	Sept 2002	Director of HR	New policy
	2	Sept 2003	Director of HR	Policy revision
	3	Sept 2007	Director of HR	Policy revision
	4	Sept 2008	Director of HR	Policy revision
	5	Nov 2011	Director of HR	Policy revision
	6	July 2015	Head of Workforce	Policy revision
	7	Jan 2017	Director of HR and OD	Policy update – add role of Guardian
	7.1	March 2018	Freedom to Speak Up Guardian	To update the procedure, App 1a, App 6 and inclusion of online Datix
	7.2	April 2019	Freedom to Speak Up Guardian	Insert RWT FTSU Vision & Steps to Speak Up Flow Chart
	7.3	November 2019	Freedom to Speak Up Guardian	Reviewed by Director of Workforce — extended to April 2020 pending full review
	8.0	March 2020	Head of Workforce & OD	Policy Revision
	9.0 pients: This policy applies	January 2023	Lead Freedom to Speak Up Guardian	Policy updated to align with National Speaking Up Policy

Intended Recipients: This policy applies to all employees and workers of the Trust including temporary and locum / bank workers, trainees, students, agency staff, self-employed NHS professionals, any contractors working for the Trust and volunteers.



Consultation Group / Role Titles and Da 2023	te: Joint Negotiating Committee March
Name and date of Trust level group	Workforce Assurance Group
where reviewed	Trust Policy Group – March 2023
Name and date of final approval committee	Trust Management Committee – April 2023
Date of Policy issue	May 2023
Review Date and Frequency (standard review frequency is 3 yearly unless otherwise indicated – see section 3.8.1 of Attachment 1)	March 2026, 3 yearly

Training and Dissemination:

Launched via Senior managers briefing, Divisional Governance and Management forums, communicated through the chairs of approving committees, via the Intranet and guidance provided by the HR Advisory team.

In addition to this, designated officers within the procedure who may receive concerns raised by workers will receive specific training.

To be read in conjunction with:

HR06 Dispute Resolution in the Workplace Policy

OP60 Being Open Policy

Adverse Incidents Reporting Policy

HR03 Disciplinary Policy

GP02 Anti-Fraud and Antibribery Policy

OP08 Complaint Management Policy

HR05 Equality of Opportunity Policy

Initial Equality Impact Assessment (all policies): Completed: Yes Full Equality Impact assessment (as required): Completed: NA

If you require this document in an alternative format e.g., larger print please contact Policy Administrator 8904

Monitoring arrangements and	People and Organisational
Committee	Development Committee

Document summary/key issues covered.

- Types of concerns covered by this policy
- Where to go for concerns not covered by this policy
- How your concern can be raised
- How concerns are handled and resolved
- Protection for staff raising a concern
- How to escalate your concern
- Process for raising concerns externally
- Guidance, support and advice for staff and managers

Key words for intranet searching purposes Raising concerns, speakir whistleblowing	ıg up,
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Appendix A: Speaking to the FTSU Guardians





What will happen when I speak up?

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We will:

Thank you for speaking up

Help you identify the options for resolution

Think about what you need and how you might want to take things forward

Signpost you to health and wellbeing support

Confirm what information you consent to share

Confirm next steps and stay in touch with you



Engagement with relevant managers or senior leaders

Referral to HR process

Referral to patient safety process

Other type of appropriate investigation, mediation, etc

Outcomes:

Where possible, the outcomes will be shared with you, along with learning and improvement identified

Where possible, lessons learned will be shared with teams, departments and Trust wide

Escalation:

If you experience detriment as a result of speaking up, if resolution has not been achieved, or you are not satisfied with the outcome, you can discuss ways to escalate your concerns with the FTSU Guardians

Matters can be escalated to the senior lead for FTSU or the non-executive for FTSU

Alternatively, staff can speak up to an external body, such as CQC or NHS England











Who can I speak up to?

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, as it may well be the easiest and simplest way of resolving matters. However, in some instances it may not be suitable to go to your manager or you may want to speak to someone externally. You have other options in terms of who you can speak up to, depending on what feels most appropriate to you. We have listed a range of internal and external contacts for speaking up in this document.

Speaking up internally

- Senior manager or director with responsibility for the subject matter you are speaking up about
- Freedom to Speak Up Guardian Team. Your FTSU Guardians, Amy Sykes and Nargas Raza, can support you to speak up if you feel unable to do so by other routes. FTSU Guardians 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 use the following links to find out more about the Guardian Team and how to refer for impartial and independent advice:
 - Dedicated Intranet pages
 - o Identified Speaking Up Referral Form
 - o Anonymous Speaking Up Referral Form
 - Email: rwh-tr.freedomtospeak@nhs.net
 - o Call: 01902 307999 Ext: 86566 (please leave a voicemail if you are unable to reach a Guardian to ensure we can respond when available)
- HR Team: rwh-tr.hr-advisory@nhs.net
- Alan Duffell, Group Chief People Officer: a.duffell1@nhs.net
- Martin Levermore, non-executive director responsible for FTSU: martin.levermore@nhs.net
- Patient safety Team Lead, Dee Johnson: dee.johnson@nhs.net
- Clinical Governance Team:
 - o Maria Arthur, Group Deputy Director of Assurance: maria.arthur@nhs.net
 - Cody Long, Group Deputy Director of Assurance: cody.long1@nhs.net
 - Michelle Metcalfe, Group Deputy Director of Assurance: michelle.metcalfe7@nhs.net
- Local Counter Fraud Team (where concerns relate to Fraud)
 - Erin Sims, Local Counter Fraud Specialist, RSM UK: <u>erin.sims@rsmuk.com</u>
 or <u>erin.sims@nhs.net</u>
 - Samantha Bostock, Local Counter Fraud Specialist, RSM UK: samantha.bostock@rsmuk.com or samanthabostock@nhs.net
 - Sophie Coster, Local Counter Fraud Specialist, RSM UK: <u>Sophie.coster@rsmuk.com</u> or <u>Sophie.coster1@nhs.net</u>
 - Kevin Stringer, Group Financial Officer, RWT: <u>kevin.stringer@nhs.net</u>, 01902 695954



- Adam Race, Interim Director of Human Resources and Organisational Development and Counter Fraud Champion: <u>adam.race@nhs.net</u>, 01902 695430
- If you are a student, you can speak up to:
 - o Nurse Education Pre-registration Team
 - Clinical Tutor for Junior Doctors

Speaking up externally

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

- <u>Care Quality Commission (CQC)</u> 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:
 - o GP surgeries
 - o Dental practices
 - Optometrists
 - o Pharmacies
 - How NHS Trusts and Foundation Trusts are being run (this includes Ambulance Trusts and Community and Mental Health Trusts)
 - NHS procurement and patient choices
 - 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, neither the CQC or NHS England can get involved in individual employment matters, such as a concern from an individual about feeling bullied.

- Prescribed person or body: for example the Nursing and Midwifery Council, General Medical Council, General Dental Council, General Optical Council, General Pharmaceutical Council or the Health and Care Professions Council. If you decide to speak to a prescribed person or body, rather than the Trust, you must make sure that you have chosen the correct person or body for your issue. A list of prescribed persons/ bodies you can make a disclosure to can be found on the UK Government website.
- NHS Counter Fraud Authority for concerns about fraud and corruption:
 - o Online Reporting Form
 - Freephone Line powered by Crime Stoppers: 0800 028 4060
- Make a protected disclosure: a protected disclosure is defined in the Public Interest Disclosure Act 1998. The 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 speaking up about what and to whom. To explore whether you meet these criteria, please find sources of advice and support in the Speaking Up Toolkit, <u>Document 2</u>.





Speak Up Toolkit Document 2: Speaking Up at Work Form

Please complete this brief speaking up at work form to tell us more about the matter you would like to speak up about. This should be used in conjunction with <u>Document 1</u> of the Speaking Up Toolkit, which details useful contacts who you can escalate your concern to.

I would like to raise my concern in the following way:			
□ 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			
Anonymous referrals can be made via the Freedom to Speak Up Guardians using the following <u>brief form</u> .			
Date:	Name:		
Job Title:	Department/ Ward/ Division:		
Contact Number:	Email address:		
Please use the following list to tell us a little more about what you are concerned about? (please tick)			
☐ Inappropriate attitudes and behaviours of staff	☐ Concerns about patient quality and safety☐ Concerns about patient experience		
□ Bullying and Harassment directed at me	☐ Concerns about performance capability		
□ Bullying and Harassment directed at others	(professional clinical practice or competence)		
□ Staff Safety in relation to equipment and maintenance concerns (e.g. insufficient PPE)	☐ Concerns about disadvantageous or demeaning treatment as a result of speaking up (referred to as detriment)		
☐ Staff Safety in relation to staffing levels	□ Bring treated unfairly at work		
□ Staff Safety in relation to something else	☐ Suspected fraudulent behaviour		
(e.g. lone working)	☐ Conduct (including malpractice, unethical conduct)		
□ Feedback on policies, procedures and processes	□ Other (please stated)		
☐ Criminal Offence/ legal Obligation			





Please describe, from your perspective, what has happened. (Explain as fully as you can the information or circumstances that gave rise to your concern. It is helpful to include factual information on when and where things have happened if possible)		
Please describe how this has left you thinking and feeling. (It is helpful to understand		
the impact of the current circumstances)		
Who is involved and has anyone else been affected? (please provide information		
about who your concern involves and anyone else who is involved or who has been affected by what has happened)		
What do you need and are there any solutions that would help to move things		
forward? (please include any actions you have taken so far to try and resolve this matter. If you have spoken up about this previously, please provide further detail such as the date this was raised on and to who)		
Speaking Up Feedback (if you have previously spoken up about this matter and you are dissatisfied with the way it was addressed, we are keen to learn from your experience and		
think about how this process can be improved. Please provide your feedback below. You can also tell us about any barriers you have faced when speaking up here)		





Speak Up Toolkit Document 3: Speaking Up Advice and Support

For some staff, the choice to speak up can be a difficult one to make. Staff may face specific barriers to speaking up or they may prefer to seek independent advice and support first. This document contains information about internal and external sources of support for speaking up and for supporting staff wellbeing.

Internal Sources of Support

Freedom to Speak Up Guardian Support

The Freedom to Speak Up Guardian can support staff in the following ways:

- Support if they are concerned about Patient Quality and/or Safety and the Patient Experience
- Support if they are concerned about inappropriate attitudes and behaviours of other staff
- Support if they are concerned about worker safety, experience or wellbeing
- Support if they are concerned about bullying and harassment from other staff
- Support if they want to raise concerns about specific policies, processes or procedures
- Time to talk if they want to provide feedback to the Trust to support continuous improvement and learning
- Support if they wish to discuss being treated unfairly or negatively as the result of raising a concern

This is not an exhaustive list, so if you would like to speak up about something that falls into one of these categories (or similar), you can refer to the Guardian Team and they will respond within 3 working days. An anonymous referral option is also available, if you would prefer.

Identified Speaking Up Referral Form or Anonymous Speaking Up Referral Form









You can find out more about the Freedom to Speak Up Guardian role and how to get in touch here. If you would prefer to enquire via email, you can contact the Guardians by emailing: nwh-tr.freedomtospeak@nhs.net. Call: 01902 307999 Ext: 86566 (please leave a voicemail if you are unable to reach a Guardian to ensure we can respond when available).





HR Advice

If you would like further information on raising a formal concern to HR, you may find the following policies helpful.

- <u>HR06 Dispute Resolution in the Workplace Policy</u>: is for staff to report incidences of harassment and bullying against themselves or another work
- <u>HR16 Freedom to Speak Up Policy:</u> is for staff who would like to consider speaking up about anything that gets in the way of patient care or affects their working life.

Staff side support

You can find more information about staff side support here. The Trust's main contact is Mark Ondrak, Unison Branch Secretary and staff side lead, located in Building 12. Mark can provide advice, guidance and signposting where needed.

Phone: 01902 695104 or 07933754623

Email: mark.ondrak@nhs.net

Wellbeing Support

The Trust has a variety of support available to promote staff wellbeing. Please find key links to support below:

- Trust Wellbeing support
- Email: rwh-tr.healthandwellbeing@nhs.net
- If what is happening is having an impact on your ability to work, you may want to ask your manager for a referral to Occupational Health, or you can self-refer
- Employee Assistance Programme
- Your local staff networks can be a valuable source of support: <u>Employee Voice</u> <u>Groups (xrwh.nhs.uk)</u>
- Chaplaincy Support: the Multi-faith Chaplaincy Team are a source of support for staff, regardless of whether you have a faith or none. The Chaplaincy Team focus on treating everyone as an individual and, they provide confidential, inclusive and nonjudgemental support.
 - 24 hour, 7 days a week emergency on-call service covering staff at Cannock Chase Hospital and West Park Hospital.
 - Contact via the Switchboard and ask to speak to the on call Chaplain.
 Alternatively you may wish to contact the Team on 01902 695098 or extension 85098.
 - You may also email the Team directly via rwh-tr.chaplaincy@nhs.net

External Sources of Support

Advice on Speaking Up

 <u>Protect</u> provides a confidential and legal advice on speaking up and can advise on how to make a protected disclosure. Advice Line: 020 3117 2520, open Mon, Tue, Thurs, 09:30-13:00, 14:00-17:00; Wed, Fri, 09:30-13:00; <u>info@protect-advice.org.uk</u>.





- <u>Speak Up Direct</u>: free, independent, confidential advice on the speaking up process. Call 08000724725, Mon-Fri: 08:00-18:00. <u>Online referral form.</u>
- 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
- <u>The Advisory, Conciliation and Arbitration Service</u> gives advice and assistance, including on early conciliation regarding employment disputes

Wellbeing Support

- The Hub: Black Country Healthcare NHS Foundation Trust. A service for staff in health and social care. Email: bchft.hub@nhs.net, Phone: 0121 8031444. Black Country Hub advice on what to do in a crisis
- <u>Rethink Mental Illness: Get Help Now</u>, for information on what to do if you think you or someone else is in crisis and you need urgent support
- You can access a range of health and wellbeing support via NHS England:
 - Looking after you: confidential coaching and support for the primary care workforce
 - o Support available for our NHS people
 - NHS England Support Scheme





Speak Up Toolkit Document 4: Speaking Up Detriment Guidelines

Protecting staff from experiencing disadvantageous or demeaning treatment

One of the biggest barriers to speaking up is a fear of reprisals. Over 600 healthcare colleagues who spoke up in 2020/21, believed they experienced some form of disadvantageous and/or demeaning treatment as a result.

The impact for individuals can be devastating and long-lasting and often these experiences lead to sickness absence and resignation. We cannot work at our best when our environment feels psychologically unsafe and this impacts on communication, effective teamwork, and safe patient care. It is important that we hear as soon as possible if someone believes they, or others, are in that position so we can work to resolve the situation.

We call on the support of all healthcare workers to make it as safe as possible for us all to speak up by living our organisational values, treating each other with civility and respect, and creating a just culture where listening and learning happens every day.

Guiding Principles

Please find a set of guiding principles that all staff should experience and all leaders should work to when a speaking up matter arises, whether this be a staff member is raising a concern or speaking up about an idea or suggestion for improvement.

- Staff should be thanked and treated with dignity and respect when speaking up
- Staff can expect all colleagues to create a <u>psychologically safe</u> environment where speaking up is business as usual
- Staff should not have to tolerate mistreatment or poor behaviour towards them if they speak up
- We acknowledge and appreciate that speaking up can affect people in different ways. Staff should be supported, treated fairly and with compassion
- When staff speak up, our focus should be on learning and improving
- Staff should be encouraged to report any concerns about disadvantageous and/or demeaning treatment they experience as a result of speaking up
- Staff who speak up should remain informed and updated throughout the process
- <u>All</u> concerns about disadvantageous and/or demeaning treatment should be reported to the Freedom to Speak Up Guardian Team who will fully explore these concerns and take the necessary steps to inform Senior Leaders

What we mean by disadvantageous /demeaning treatment

This guide refers to the treatment a staff member experiences as a result of the act of speaking up, rather than the specifics of the matter raised. If a staff member is treated unfairly or negatively as a result of speaking up, we refer to this as experiencing detriment. Staff who speak up may experience a deliberate act or a failure to act /omission by the person they speak up to or by others, or actions may be subtle, covert, intentional or unintentional. Regardless of the circumstances, the impact these behaviours can have are significant, especially if staff speaking up believe they are being treated poorly or differently.

Such treatment may include: (these are examples and not limited to)

• Experiencing poor behaviours that are not aligned to our <u>organisational values</u> e.g., being ostracised, gaslighting, gossiping, incivility





- Being given unfavourable shifts; repeated denial of overtime/bank shifts; being denied shifts in a certain area/department without good reason; changes to shifts at short notice with no apparent reason
- Being repeatedly denied annual leave; failure on a regular basis to approve in reasonable time; or leave cancelled without good reason
- Experiencing micro-managing; 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

Responsibilities

We appreciate that speaking up can at times, feel challenging, particularly when you are involved in the issues that are being raised. However, we rely on each other to do the right thing and we all share a responsibility to speak up when we see something that doesn't feel right. By working together, we can prevent colleagues experiencing poor treatment when they speak up.

As individuals we share a responsibility to:

- Create a psychologically safe environment where speaking up is business as usual
- Treat our colleagues well when they speak up
- Speak up and be an ally when we witness disadvantageous and/or demeaning treatment
- Listen up and learn from speaking up

As an organisation we have a responsibility to:

- Protect workers who speak up from disadvantageous / demeaning treatment
- Ensure the working environment is a safe one
- Respond to concerns of disadvantageous / demeaning treatment by examining the facts, reviewing outcomes, providing feedback, and reflecting and learning

Recording

- Reports of disadvantageous/demeaning treatment will be recorded by the Freedom to Speak Up Guardian Team. Please ensure all cases you are made aware of are communicated to the Guardians:
 - o <u>rwh-tr.freedomtospeak@nhs.net</u>
 - o Identified Speaking Up Referral Form or Anonymous Speaking Up Referral Form
- Information will be kept strictly confidential and only shared on a need-to-know basis. Please find more information within our confidentiality statement.
- Freedom to Speak Up Guardians are required to report speak up activity on a
 quarterly basis to the National Guardian's Office. The number of people sharing
 concerns relating to perceived disadvantageous/demeaning treatment as a result of
 speaking up is included in this data





Speak Up Toolkit Document 5: Responding to Speaking Up: A Manager's Guide

Benefits of Line Managers promoting a positive speaking up environment

We all have a responsibility to help create an inclusive and supportive speaking up environment and Line Managers play an essential part in leading on this locally.

Our Speak Up process encourages staff to talk directly to their Line Managers if they have any concern relating to patient safety or experience, worker safety and experience, workplace culture or if they simply want to discuss an idea for improvement. If staff feel safe to speak up to their Line Managers this will likely lead to learning and improvement, a better working environment and improved patient care.

Positive Speaking Up Experiences

To foster a supportive and inclusive speaking up culture, managers need to create an environment where staff have positive speaking up experiences. Take a look at our checklist and see if you are putting this into practice.

• Promote an open and honest culture

- Make time for staff to approach you, provide a safe space for staff to talk and respect confidentiality if requested.
- Encourage staff to feedback and promote accessible ways of doing this (open door policy/ staff feedback meetings/ anonymous suggestion surveys)

Listen

- Maintain a calm and considered approach
- If staff speak up, ask them what has happened for them to want to approach you
- o How has this affected how they are thinking and feeling?
- o Has anyone else been affected?
- Actively listen. Summarise back what you think the staff member has raised to ensure you understand
- Acknowledge that this is the staff member's unique perspective, even if you or other staff have a different view. The staff member should still be given space to share their views
- Appreciate the staff members bravery in speaking up and understand the barriers they may have faced when doing so.

• Thank the member of staff for speaking up

 Staff sharing their ideas or concerns to support continuous improvement and learning is an opportunity for growth and change. Staff should be thanked for taking this step

• Consider the staff member's needs and next steps

- What do they need in relation to their concerns? To be heard, for you to take action? A resolution? For you to validate their concerns?
- Ask the staff member if they need support
- What would the staff member like to happen to move things forward?
- Agree next steps and a realistic timescale to come back to them (even if this
 is to say that there's no update, but the issue is still being addressed).
- Are there any immediate concerns that need to be escalated and if so, the staff member should ideally consent to this being shared or at the very least be made aware





- If anyone else has been affected, do they have support needs? Do they need to be made aware of the concerns if they are directed towards them? Do they need an opportunity to respond? If you are taking this action have you made the staff member raising the concerns aware?
- Providing you have consent to do so, seek support from other colleagues if you are unsure about a speaking up concern and how to progress it. For example, HR, Senior Management, Freedom to Speak Up Guardians

• Takes agreed action

 Take the agreed actions set out and where possible stick to the agreed timelines for action

Feedback and Share Learning

- Provide as much feedback as you are able to show the concerns raised have been addressed
- o If the outcome is not what the staff member hoped for, provide an explanation and further detail to support their understanding
- o When relevant, identify opportunities for wider improvement.
- Accept that despite good intentions, sometimes a staff member might be mistaken about something they've spoken up about. You can still offer reassurance accordingly.

Commonly faced barriers when speaking up

To fully appreciate how staff feel when they speak up, it is helpful to understand some of the common barriers that staff talk about.

- My manager is too busy to listen
- This concern isn't important enough to raise
- I hardly ever see my manager
- I spoke up before and it didn't go as planned
- I spoke up before and everyone in the team was aware. What if my manager does not keep this confidential?
- My manager is friends with the person I am speaking up about so they won't be impartial
- I don't want to get my colleague in trouble
- I will likely be blamed or my manager will not be fair in their response
- I have a protected characteristic and feel like this will be used against me if I speak up
- What is the point? I spoke up before and did not hear anything back so why would it be different this time?
- Nothing will change
- It's 'them and us' with workers and managers. It does not feel safe to speak up
- I should stay quiet and keep my head down
- I'll be the only one feeling like this and to raise the concern
- I'm worried this will have a negative impact on my mental health and/ or wellbeing

Overcoming barriers

It's hard to anticipate every real or perceived barrier to speaking up, but there are ways to overcome some of the more well-known ones. We have already covered how to create positive speaking up experiences, but here are a few further ideas that might help:

Regularly remind staff why speaking up matters and how they can do this. When
doing so, emphasise confidentiality and an awareness that speaking up can be
difficult but continuous improvement is a priority





- 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.
 - What is your preferred management style? Not sure? Take a look at some resources to help you assess your style and how approachable you are:
 - 8 of the Best Leadership Assessment Tools to Try in 2022 LEADx
 - How Approachable Are You? Communication Skills From MindTools.com
 - Where possible, 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.

What you can expect from the FTSU Guardian Team

If a staff member speaks to our Team we do not investigate concerns, neither do we direct what action should be taken in response. The Guardian Team will ensure staff have a voice and this is heard. Guardians will focus on what the staff member needs and the best ways to take things forward. A Guardian will ensure feedback is given to the person speaking up.

Typical actions following an appointment with a staff member include contacting the appropriate manager or potentially escalating a concern to Divisional Management or other Senior Leaders within the Trust.

If a concern involves other members of staff the Guardian would not be involved in directly contacting them. We understand that Managers are in the best position to do this. Guardians are not in a position to fulfil a Line Manager, HR or Union Rep function.

Sometimes staff speaking up wish to remain anonymous. An important part of the Guardian role is that we remain impartial and we respect the needs and wishes of staff in relation to confidentiality. Where possible, and providing the staff member consents, we share anonymous themes of concerns with managers. This protects the anonymity of the staff member, allows for the concern to be addressed and provides an opportunity for learning. Guardians will manage the expectations of staff who raise concerns anonymously, as there may be limited feedback that can be provided and not all anonymous concerns are possible to investigate.

Working Together

If you recognise that staff may be struggling to speak up openly we can help by:

- Arranging a departmental Drop-in session
- · Offering online drop-in sessions
- Visiting your department to introduce ourselves
- Deliver FTSU introductory training
- Introduce ourselves at team meetings/ away days
- Offer support to managers to discuss how they can promote a supportive and inclusive speak up environment
- Share best practice from other departments
- Escalate issues to a more senior level if required
- We can help you recruit a Speak Up Champion within your team





Is there another way we can support you or your team?



To get in touch with your Freedom to Speak Up Guardians, please e-mail: rwh-tr.freedomtospeak@nhs.net



<u>Speak Up Toolkit Document 6: Speaking Up Management acknowledgement letter</u>

[DATE]

Private and Confidential For Addressee Only

[NAME] [ADDRESS]

Dear [NAME],

Re: Speaking Up matter

Thank you for speaking up to me and for sharing your concerns. It is always valuable to have staff talk openly about anything that impacts on patient safety/ experience and the experience of our staff.

I agreed I would acknowledge you speaking up to me in writing and to briefly summarise what we agreed would happen next.

Speaking Up	[DATE CONCERN RAISED]
Date:	
Brief	[INSERT THEMES OF INITIAL SPEAKING UP MATTER]
Summary of	
Speaking Up	
matter:	
Agreed	[INSERT DETAIL OF WHAT WAS AGREED AS A NEXT STEP]
Actions:	e.g. the matter will be escalated to Senior Leaders/ Manager/
	HR, the matter will be discussed and consideration will be given
	about whether an investigation is required, the matter will be
	discussed within the department and changes recommended.

Further information about your speaking up matter

As described above, a number of next steps have been agreed as a result of you speaking up, and we would like to thank you again for providing this valuable feedback. We hope to resolve this matter as promptly as possible, and whilst I cannot provide an exact timeframe for the actions to be completed, I will aim to update you on the progress made in [INSERT TIMEFRAME].

Support for you

[DEL AS APPROPRIATE/ APPLICABLE IF INTERNAL EMPLOYEE ONLY]:

I acknowledge that this has been a distressing time for you and therefore I would like to remind you that the Trust continues to have a variety of support mechanisms available to you, including support from your line manager, the Occupational Health



and Wellbeing team and the Freedom to Speak Up Guardian Team. Advice and support contact information can be found in Document 3 of the Speaking Up Toolkit.

Should you have any queries in relation to what we discussed or the contents of this letter please do not hesitate to contact me on [INSERT CONTACT NUMBER]

Yours sincerely,

[NAME & JOB TITLE]

C/c: Personal file



Speak Up Toolkit Document 7: Speaking Up Manager follow-up letter

[DATE]

Private and Confidential For Addressee Only

[NAME] [ADDRESS]

Dear [NAME],

Re: Follow up feedback on Speaking Up

Thank you for speaking up to me and for sharing your concerns. It is always valuable to have staff talk openly about anything that impacts on patient safety/ experience and the experience of our staff.

I would like to update you regarding the actions that have been taken since we spoke. I've summarised these below.

Speaking Up	[DATE CONCERN RAISED]
Date:	
Brief	[INSERT THEMES OF INITIAL SPEAKING UP MATTER]
Summary of	
Speaking Up	
matter:	
Action to	[INSERT DETAIL OF WHAT HAS HAPPENED SINCE] e.g. the
date	themes were escalated to X and as a result the following
summary:	changes were made, or an investigation has taken place in line
	with the Trust's Freedom to Speak Up Policy and a series of
	investigation interviews and statement requests have taken
	place
Current	[INSERT CURRENT POSITION] e.g. following the series of
position:	actions listed above we are reassured that this matter has been
	addressed appropriately/ following the series of actions taken
	senior leaders will continue to discuss how we make
	improvements in this area/ the investigation remains on-going
	whilst further investigation interviews take place, notes are
	being prepared and a report is being drafted for submission on
	an on-going basis.

Further information about the investigation [DEL AS APPROPRIATE]:



I also acknowledge the investigation meeting that took place with you recently and the notes from this will be sent to you shortly.

I would like to reassure you that the aim is to complete a thorough investigation in as timely a manner as possible. In the event that the investigation has not concluded in 4 weeks' time I will again write to you in order to provide you with an update.

You will be informed once the investigation has concluded and appropriate action has been taken. Please be aware that for reasons of confidentiality, the Trust may be unable to share details of the investigation outcome and specific actions taken.

Further information about your speaking up matter [DEL AS APPROPRIATE]:

As described above, a number of actions have been taken as a result of you speaking up, and we would like to thank you again for providing this valuable feedback. We hope the matter has been dealt with in a satisfactory way and that you are reassured your concerns have been addressed appropriately.

Support for you [DEL AS APPROPRIATE/ APPLICABLE IF INTERNAL EMPLOYEE ONLY]:

I acknowledge that this has been a distressing time for you and therefore I would like to remind you that the Trust continues to have a variety of support mechanisms available to you, including support from your line manager, the Occupational Health and Wellbeing team and the Freedom to Speak Up Guardian Team. Advice and support contact information can be found in Document 3 of the Speaking Up Toolkit.

Should you have any queries in relation to the **[DEL AS APPROPRIATE]** investigation/ matter discussed or the contents of this letter please do not hesitate to contact me on **[INSERT CONTACT NUMBER]**

Yours sincerely,

[NAME & JOB TITLE]

C/c: Personal file