



Freedom to Speak Up: Raising Concerns Policy

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Version	Date	Approved at Staff Partnership Forum
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	Safeguarding Children and Young People Policy Secondary Employment Policy
Dissemination requirements	All Trust employees by Intranet Public - To be published on the Trust's website
Part of Trust's publication scheme	Yes

The East of England Ambulance Service NHS Trust has made every effort to ensure this policy does not have the effect of unlawful discrimination on the grounds of the protected characteristics of: age, disability, gender reassignment, race, religion/belief, sex, sexual orientation, marriage/civil partnership and pregnancy/maternity. The Trust will not tolerate unlawful discrimination on the basis of, spent criminal convictions, Trade Union membership or non-membership. In addition, the Trust will have due regard to advancing equality of opportunity for and fostering good relations between; people from different groups and people with protected characteristics.

This policy applies to all employees (whether permanent, fixed term or temporary) working at all levels and grades for the Trust, including senior managers, directors, non-executive directors, and on secondment, honorary contracts and volunteers. All Trust policies can be provided in alternative formats if required.

East of England Ambulance Service Trust recognises its obligation of supporting the requirements of the Modern Slavery Act 2015 and any future legislations. A prime objective of the Trust is to eradicate modern slavery and human trafficking and recognises the significant part it must play in both combatting it and supporting victims. The Trust is also committed to ensuring that its supply chains and business activities are free from any ethical and labour standards abuse.

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1. Feel safe to raise your concern, speak up – we will listen

The East of England Ambulance Service NHS Trust (EEAST) understands and acknowledges that speaking up about any concern you have at work is hugely important. In fact, it is vital because it will help us to keep improving our services for all patients and the working environment for our employees.

You may feel anxious or worried about raising a concern and we understand this, please do not be put off. In accordance with our duty of candour, our senior leaders and entire board are committed to an open and honest culture which is based on listening, learning, and not blaming. Supporting staff to raise concerns supports our core values and goals, supporting you to provide better care to our patients and valuing our staff.

This policy aims to encourage all staff to feel confident to raise a concern. We will provide a confidential and safe place to raise your concerns and will support you through the process. We will listen to what you say, consider your options with you and support you to access any other support you may need. You will not be left alone, so please do not be put off. If you feel you need some support you can ask a colleague, friend, or trade union representative to assist and support you.

We encourage everyone to speak out and will ensure that all employees of all grades, with or without protected characteristics, working across any of our teams feel safe to speak out and are not disadvantaged or suffer detriment by doing so.

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 or detriment 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 harassment or bullying behaviour is a breach of our Trust values and will be managed in line with the Trust's Disciplinary policy.

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

To support this, we have an organisational educational programme for all levels of staff so they understand how they can raise concerns and one for our managers to know how they are expected to respond to concerns and support the member of staff appropriately.

2. This policy

A 'standard integrated policy' was one of several recommendations of the review by Sir Robert Francis into whistleblowing in the NHS. All NHS organisations in England have adopted a Freedom to Speak Up policy as a minimum standard to help to normalise the raising of concerns for the benefit of all patients and employees.

Our Freedom to Speak Up; Raising Concerns policy and process adheres to the principles outlined in the standard integrated policy and provides details about how we will look into a concern.

In developing this policy and process we have committed to supporting the vision for raising concerns in the NHS outlined by Sir Francis in his review (see Appendix A).

3. Equality, Diversity & Human Rights Statement

The Trust is committed to an environment that promotes equality and embraces diversity and inclusion in its performance as a service provider. It will adhere to legal and performance requirements and will mainstream Equality, Diversity and Human Rights principles through its

policies, procedures, and processes. This policy should be implemented with due regard to this commitment.

4. Definitions

Whistleblowing: - Raising any genuine concern you may have about a risk, malpractice or wrongdoing at work (such as a risk to patient safety, fraud or breaches of patient confidentiality), which may affect patients, the public, other staff or the organisation itself, at the earliest reasonable opportunity. (NHS Constitution for England)

Speaking up: - The National Guardians' office (www.nationalguardian.org.uk) states "Workers can speak up about anything that gets in the way of high-quality effective care, or that affects their working life. It is something that should happen as 'business as usual'. Speaking up may take many forms including a quick discussion with a line manager, a suggestion for improvement submitted as part of an employee suggestion scheme, raising an issue with a Freedom to Speak Up Guardian, or bringing a matter to the attention of a regulator.

The Trusts preferred term is "**Speaking Up**".

5. Monitoring

The implementation of this policy will be monitored via the: The Audit Committee and the Raising Concerns Forum will monitor the number of complaints received and the action taken following an investigation. The Workforce Planning and Information Team will have an overview of the workforce statistics collated.

The Freedom to Speak up Guardian (FTSU Guardian) will ensure that the policy is fit for purpose taking into account the Trusts needs whilst maintaining confidentiality around individual cases. This is a National Policy that has been adopted for EEAST.

6. Responsibilities

Chief Executive and Trust Board Chair

The Chief Executive is responsible for appointing the FTSU Guardian and is ultimately accountable for ensuring that FTSU arrangements meet the needs of the workers in their trust. The Chief Executive and Board Chair role-model high standards of conduct in line with FTSU and are responsible for ensuring the annual report contains information about FTSU and that the Trust is engaged with both the regional FTSU Guardian network and the National Guardian's Office.

Both the Chief Executive and Board Chair are key sources of advice and support for their FTSU Guardian and meet with them regularly.

The Chief Executive should approve all confidentiality clauses that appear in settlement agreements to ensure they are assured that their use is in accordance with the good practice set out by NHS Employers. If the Chief Executive is party to the settlement agreement, the Board Chair should obtain this assurance.

Executive lead for FTSU

The Executive lead is responsible for:

- Role-modelling high standards of conduct around FTSU
- Ensuring they are aware of the latest guidance from the National Guardian's Office.
- Overseeing the creation of the FTSU vision and strategy.
- Ensuring the FTSU Guardian role has been implemented, using a fair recruitment process in accordance with the example job description and other guidance published by the National Guardian.
- Ensuring the FTSU Guardian has suitable resources and there is cover for planned and unplanned absence.
- Ensuring their FTSU Guardian has access to any emotional and psychological support they may need.
- Conducting a biennial review of the strategy, policy, and process.
- Operationalising the learning from speaking up issues

- Ensuring instances where individuals may have suffered detriment for speaking up are promptly and fairly investigated and acted on
- Providing the Trust Board with a variety of assurances about the effectiveness of the Trust's strategy, policy and process.

Non-Executive lead for FTSU

The Non-Executive lead is responsible for:

- Role-modelling high standards of conduct around FTSU.
- Ensuring they are aware of the latest guidance from National Guardian's Office.
- Challenging the Chief Executive, Executive lead for FTSU and the Board to reflect on whether they could do more to create a healthy and effective speaking up culture.
- Acting as an alternative source of advice and support for the FTSU Guardian
- Overseeing speaking up matters regarding board members.

We appreciate it can be challenging to maintain confidentiality and objectivity when investigating issues raised about board members. Therefore, the role of the designated Non-Executive lead is critical. Therefore, in exceptional circumstances, we would expect the Non-Executive lead to take the lead in determining whether:

- Sufficient attempts have been made to resolve a speaking up concern involving a board member(s) and if so, whether an appropriate fair and impartial investigation can be conducted, is proportionate, and what the terms of reference should be for escalating matters to regulators, as appropriate.
- Depending on the circumstances, it may be appropriate for the Non-Executive lead to oversee the investigation and take on the responsibility of updating the worker. Wherever the Non-Executive lead does take the lead, they will inform the FTSU Guardian confidentially, of the case; keep them informed of progress and seek their advice around process and record-keeping.
- The Non-Executive lead will inform NHS Improvement and CQC that they are overseeing an investigation into a board member

(depending on the circumstances the name of the board member may be required.) NHS Improvement and CQC can then provide the Non-Executive with support and advice. The Trust will have a process in place to enable the Non-Executive lead to commission an external investigation without compromising the confidentiality of the individual worker or revealing allegations before it is appropriate to do so.

Human Resource and Organisational Development Directors

The Human Resource (HR) and/or Organisational Development (OD) Directors are responsible for ensuring that:

- Values and behaviours associated with FTSU, such as courage, impartiality, empathy, and learning, are embedded throughout the recruitment, appraisal and termination processes.
- All workers have the capability and the access to appropriate resources to enable them to role-model high standards of conduct around FTSU.
- Speaking up is understood and interpreted in the broadest sense: there is no artificial distinction made between 'whistleblowing' and other speaking up activities, or between 'formal' and 'informal' 'concerns'. Workers and managers understand that speaking up encompasses matters that might be referred to as 'raising concerns', 'complaining', 'raising a grievance' or 'whistleblowing'. It also includes making suggestions for improvement.
- The Trust understands the impact that worker experience, including bullying and harassment, engagement levels, and other 'cultural' issues, can have on patient safety, staff health and wellbeing, and on trust performance.
- The Trust has a robust process to review claims that workers have suffered detriment as result of speaking up, which could include asking the Non-Executive lead for FTSU to review the claims.
- The Trust evaluates all speaking up routes including speaking up to the FTSU Guardian and assesses why particular routes are used, addressing any barriers that prevent workers from using non-Guardian routes. Similarly, the FTSU Guardian monitors and

responds to any barriers that may prevent workers speaking up to them, as well as looking more broadly at barriers to speaking up in the organisation.

- Values and behaviours associated with FTSU such as courage, impartiality, empathy and learning, are role-modelled and assessed during recruitment and appraisals.
- The FTSU Guardian has the full support of HR staff and appropriate access to information to enable them to triangulate intelligence from speaking up issues with other cultural and worker experience indicators.
- The Trust has a leadership development programme that supports managers to have meaningful and compassionate conversations; give and receive feedback constructively; and support others to work productively and develop themselves.
- Managers and Executives are able to evidence how they reflect on the impact of their behaviour in 1-1s and appraisals. This self-reflection could be supported by a range of peer and staff feedback.
- Effective and, as appropriate, immediate action is taken when potential worker safety issues are highlighted by speaking up.

Medical Director

The Medical Director and Director of Nursing are responsible for:

- Role-modelling high standards of conduct around FTSU.
- The FTSU Guardian having appropriate support and advice on clinical, patient safety and safeguarding issues.
- Effective and, as appropriate, immediate action taken when potential patient safety issues are highlighted by speaking up.
- Learning in relation to patient safety being disseminated across the Trust.
- Learning operationalised within the teams and departments they oversee.

Line, Middle and Senior Managers

All Managers have a responsibility to:

- Ensure staff are aware of the Freedom to Speak Up: Raising Concern Policy.
- Deal with genuine concerns seriously, responsibly and with due regard to confidentiality for all parties involved and advise of the legal circumstances when this may not be guaranteed.
- Engage with the Trust's FTSU Guardian and/or other designated officer and/or HR to ensure they have all the advice and support needed to deal with issues quickly and effectively.
- Follow the procedure outlined in Appendix B and C in the Appendices at the end of this Policy and where appropriate investigate and make an objective assessment of the concern.
- Take prompt action to resolve the concern or refer it on to the appropriate person.
- Keep detailed records of all discussions with staff, concerns raised, and subsequent action taken to resolve issues.
- Inform senior managers or the Executive Board where necessary.
- Ensure criminal or safeguarding concerns are also raised with the relevant authority.
- Provide confidential feedback on the process and outcome to the member of staff raising the concern.
- Ensure that individuals who report genuine concerns do not suffer any disadvantage, recrimination, or victimisation.
- Monitor and review the situation.
- Contact HR immediately if an employee they manage, resigns because of bullying or harassment or as a result of making a protected disclosure. They should arrange a meeting to discuss with the employee their reasons for their resignation.

Employees:

- As part of NHS' employment terms and conditions, employees have a duty to raise concerns about malpractice, patient safety, financial impropriety or any serious risks at work that are in the public interest.
- All members of staff should report any concerns they may have about bribery in the Trust and/or the wider NHS. Any individual may be held liable for a primary bribery offence under the Bribery Act 2010 or for conspiracy to commit the offence with others associated with an organisation who commit acts or omissions forming part of a bribery offence.

Trade Union Representatives:

- Ensuring that they understand the Trust policy and procedures.
- Championing the Freedom to Speak Up principles in their Trade Union role

Freedom to Speak Up Ambassadors

FTSU Ambassadors will:

- Promote all aspects of raising and dealing with concerns.
- Be a point of contact for individuals who require advice, to inform them of the options available, whether informal or formal and to direct and signpost individuals to the support available.
- Act as a role model for creating an open, honest and transparent culture which values speaking up.

Freedom to Speak Up Advisor

The FTSU Advisor will:

- Promote all aspects of raising and dealing with concerns.
- Provide an independent and impartial source of advice regarding policy and process and can staff consider what steps they can take and support you through any agreed process.
- Treat concerns confidentially unless otherwise agreed.
- Ensure the person raising the concern receives timely support to progress their concern.

Freedom to Speak Up Guardian:

- Promote all aspects of raising and dealing with concerns.
- Provides an independent and impartial source of advice and can help you consider what steps you would like to take and support you through any agreed process.
- Provide assurance to the Board/Senior Management via regular reports, summarising concerns which have been raised, identifying trends, and making recommendations for improvement.

- Analyse feedback to ascertain the satisfaction of those who have used the FTSU process.
- Highlight any training needs for line and senior managers as appropriate.

7. Outcome Focused Aims and Objectives

This Trust celebrates those who speak up about their concerns in the workplace. The organisation encourages you to share information about errors in practice and failings in the provision of care or support to you and your colleagues in the workplace. The aim is to learn from your experiences and improve the experiences of patients, their families, and staff. The Trust wants to create an open, honest, and transparent culture to reassure staff that concerns raised under this policy will be listened to and acted on appropriately.

It is an internal mechanism for:

- Reporting, investigating, and remedying any wrongdoing in the workplace.
- Continuously improving services for our service users, staff and the organisation, especially in the areas of safety, protecting others, quality, and effectiveness.
- Being accountable for our practice, respecting each other and being enthusiastic about what we do and why we do it.

The Trust wants you to know that staff who raise concerns that they reasonably believe are in the public interest are protected from adverse treatment by The East of England Ambulance Service NHS Trust, or from suffering a detriment, such as bullying or harassment from colleagues.

The Trust encourages staff to raise any concerns in the first instance with their line manager. This is to ensure concerns are dealt with promptly and informally where possible. Where staff feel unable to, it would be inappropriate to, or would prefer not to, staff can raise their

concerns with the advertised FTSU Ambassadors, FTSU Advisor or FTSU Guardian

The FTSU Guardian and Team will be able to support and signpost staff raising concerns to additional support services if required and/or to the appropriate lead to take any relevant action.

The Trust wants to make it easier and safer for staff to raise concerns without fear of reprisal and that lessons identified are learned from, shared, and actioned in line with our Restorative Just and Learning culture.

8. What concerns can I raise?

You can raise any concern about **risk, malpractice or wrongdoing** that you think is harming the service we deliver. Examples of this might include (but are by no means restricted to):

- Unsafe patient care
- Unsafe working conditions
- Inadequate induction or training for employees
- Lack of, or poor, response to a reported patient safety incident
- Suspicions of fraud (which can also be reported to our local counter-fraud team) details of which can be found here: <http://east24/Support-services/Finance/counter-fraud.htm>
- A bullying culture (across a team or organisation rather than individual instances of bullying).
- Someone's health and/or safety has been put in danger due to an action or inaction.
- Damage has been caused to the environment.
- A criminal offence has been committed.
- An employer fails to obey the law (such as not having appropriate insurance)
- A malpractice or wrongdoing has been covered up.

Remember that if you are a healthcare professional you may have a professional duty to report a concern. **If in doubt, please raise it.**

Do not wait for proof. We would like you to raise the matter while it is still a concern. It does not matter if you turn out to be mistaken as long as you are genuinely troubled.

Please Note: What Freedom to Speak Up is Not

This policy is not for people with concerns about their employment contract i.e., annual leave, change to working hours, training needs etc. that affect only them – those types of concern should be addressed through your line manager or via Human Resources through our Grievance policy or Dignity at Work policy.

9. Confidentiality

We hope you will feel comfortable raising your concern openly, but we also appreciate that you may want to raise it confidentially. This means that while you are willing for your identity to be known to the person you report your concern to, you do not want anyone else to know your identity. Therefore, we will keep your identity confidential, if that is what you want, unless required to disclose it by law (for example, by the police).

You can choose to raise your concern anonymously, without giving anyone your name, but that may make it more difficult for us to investigate thoroughly and give you feedback on the outcome.

10. Who can raise concerns?

Anyone who works (or has worked) in the NHS, or for an independent organisation that provides NHS services can raise concerns. This applies

to all employees working for, or on behalf of the Trust, including contractors, agency workers, temporary workers, students and volunteers.

Flow chart for raising a concern can be found in Appendix B, further information on what happens when you raise a concern with the FTSU Guardian is in Appendix C.

11. Process for raising and escalating a concern

Step one

If you have a concern about a risk, malpractice or wrongdoing at work, we encourage you to raise it in the first instance with your line manager or a manager within your team. This may be done orally or in writing.

Step two

If you feel unable to raise the matter with your line manager, for whatever reason, please raise the matter confidentially through your Trade Union Representative or your local FTSU Guardian or the FTSU team:

Janice Scott Freedom to Speak Up Guardian 07562 158013

Janice.scott@eastamb.nhs.uk FTSU@eastamb.nhs.uk

This Guardian has been given special responsibility and training in dealing with whistleblowing concerns. They will:

- Treat your concern confidentially unless otherwise agreed.
- Ensure you receive timely support to progress your concern.
- Escalate to the board any indications that you are being subjected to detriment for raising your concern.
- Remind the organisation of the need to give you timely feedback on how your concern is being dealt with.

- Ensure you have access to personal support since raising your concern may be stressful.

If you want to raise the matter anonymously, please advise at the outset, so that appropriate arrangements can be made.

Step three

If these channels have been followed and you still have concerns, or if you feel that the matter is so serious that you cannot discuss it with any of the above, please contact our Executive Director with responsibility for FTSU - Dr Tom Davis, Medical Director and Executive lead for FTSU, email tom.davis@eastamb.nhs.uk

Step Four

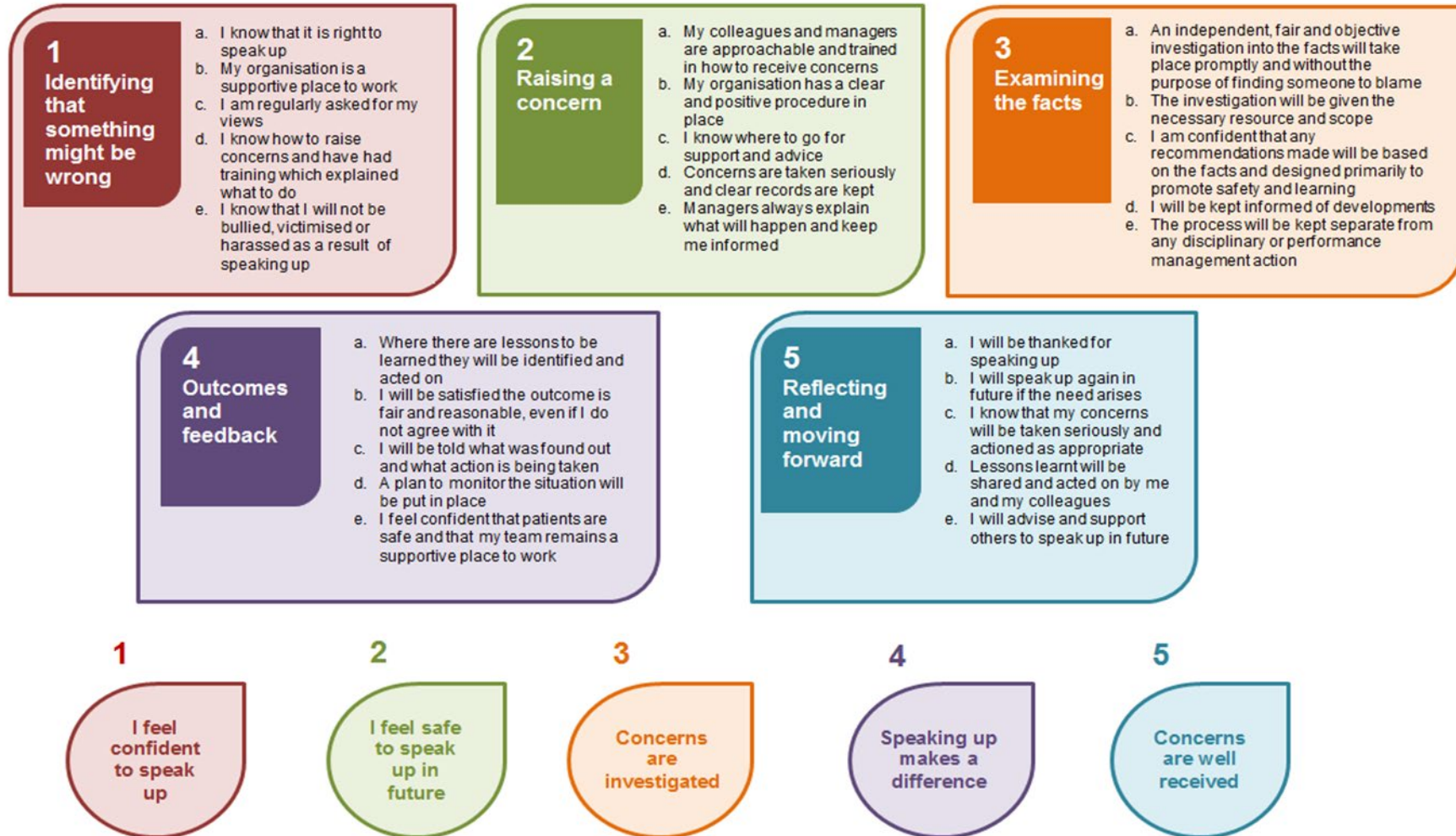
You can raise concerns formally through an external body.

Please seek additional advice and support before deciding to raise a concern externally.

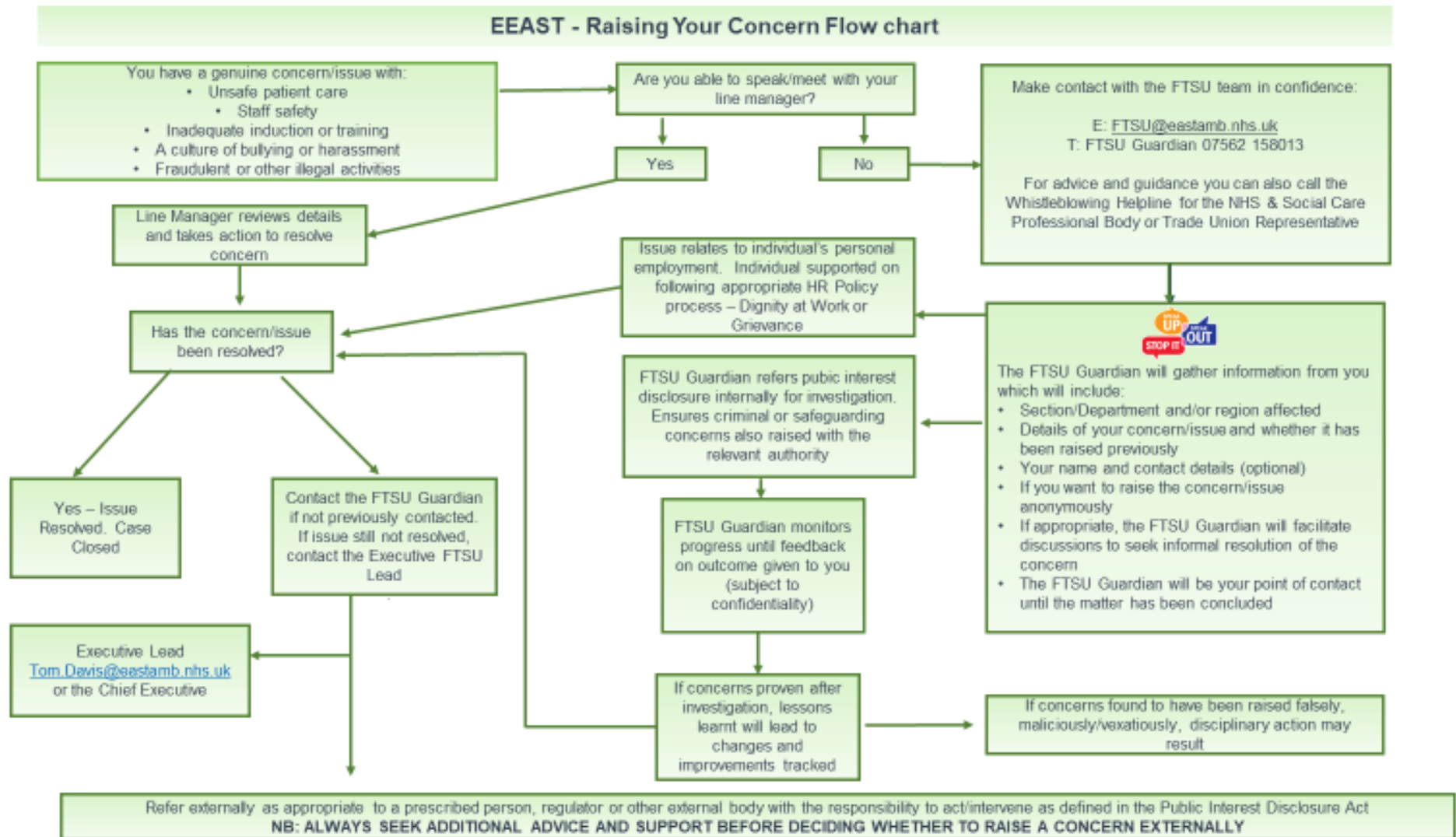
12. Advice and Support

- Details on the local support available to you can be found on the EAST24 homepage under the “you matter” tab However, you can also contact:
 - The Whistleblowing Helpline - 08000 724 725 / <http://speakup.direct>
 - Your professional body
 - Trade Union Representative.

Appendix A: A vision for raising concerns in the NHS



Appendix B: Raising your concern Flow chart.



Appendix C: Freedom to Speak Up process

Freedom to Speak Up process

What happens when you raise a Freedom to Speak Up concern?



You want to raise a concern.
 In most circumstances the easiest way to get your concern resolved will be to raise it informally with your line manager.
 If this is not possible, please contact the Freedom to Speak up Guardian

Freedom to Speak up Guardian - **A confidential and secure service**
ETSU@eastambulance.nhs.uk 07562 158013

What concerns can I raise?
 Any concern which you believe is having a negative or adverse effect on the service we deliver or how it is delivered, such as:

- Unsafe patient care
- Unsafe working conditions
- Poor conduct
- Suspicions of fraud
- Bullying culture
- Lack of action

Process

Discussion	Agree plan of action	Implementation	Review and reflection
<p>Confidential discussion with staff member about the concern:</p> <p>How are you feeling?</p> <p>Has this affected your work?</p> <p>Have you spoken to anyone else?</p> <p>Is the concern part of any formal Trust process?</p>	<p>Agreement on: The level of confidentiality?</p> <p>Who this can be discussed with?</p> <p>What you would like to see happen as a result?</p>	<p>Agreement on: What the actions are.</p> <p>Who will complete them?</p> <p>Preferred method of communication.</p> <p>How often feedback will be Provided.</p>	<p>Feedback on the outcome of discussions and actions.</p> <p>Advise of HR involvement if required</p> <p>Agree ongoing actions if required by staff member.</p> <p>Complete the review cycle as required.</p>

Outcome/resolution
 Final feedback to staff member and feedback on the FTSU process.



Appendix D: Equality Impact Assessment



Equality Impact Assessment

EIA Cover Sheet	
Name of process/policy	Freedom to Speak Up: Raising Concerns (Whistleblowing) Policy for the NHS
Is the process new or existing? If existing, state policy reference number	Existing
Person responsible for process/policy	
Directorate and department/section	HR/ Safeguarding/ Raising Concerns
Name of assessment lead or EIA assessment team members	EqIA Panel members
Has consultation taken place? Was consultation internal or external? (Please state below):	Internal via HR Policy Sub-Group & EQIA Panel

The assessment is being made on:	Guidelines	
	Written policy involving staff and patients	X
	Strategy	
	Changes in practice	
	Department changes	
	Project plan	
	Action plan	
	Other (please state) Training programme.	

Equality Analysis

What is the aim of the policy/procedure/practice/event?

Setting out how raise a concern, your rights and who to contact.

A 'standard integrated policy' was one of a number of recommendations of the review by Sir Robert Francis into whistleblowing in the NHS. It is expected that the standard integrated policy produced by NHS Improvement/England, is adopted by all NHS organisations in England as a minimum standard to help to normalise the raising of concerns for the benefit of all patients.

Our Freedom to Speak Up; Raising Concerns policy and process adheres to the principles outlined in the standard integrated. policy and provides detail about how we will look into a concern.

<p>In developing this policy and process we have committed to supporting the vision for raising concerns in the NHS outlined by Sir Francis in his review (see Appendix 1)</p>					
<p>Who does the policy/procedure/practice/event impact on?</p>					
Race	X	Religion/belief	X	Marriage/Civil Partnership	X
Gender	X	Disability	X	Sexual orientation	X
Age	X	Gender re-assignment	X	Pregnancy/maternity	X
<p>Who is responsible for monitoring the policy/procedure/practice/event? HR/Safeguarding/Raising Concerns</p>					
<p>What information is currently available on the impact of this policy/procedure/practice/event? HR metrics and data from Freedom to Speak up Guardians.</p>					
<p>Do you need more guidance before you can make an assessment about this policy/procedure/ practice/event? No</p>					
<p>Do you have any examples that show that this policy/procedure/practice/event is having a positive impact on any of the following protected characteristics? Yes, if yes please provide evidence/examples:</p>					
Race	X	Religion/belief	X	Marriage/Civil Partnership	X
Gender	X	Disability	X	Sexual orientation	X
Age	X	Gender re-assignment	X	Pregnancy/maternity	X
<p>Please provide evidence:</p>					
<p>National Policy to the benefit of all.</p>					

Are there any concerns that this policy/procedure/practice/event could have a negative impact on any of the following characteristics? No:

Race	X	Religion/belief	X	Marriage/Civil Partnership	X
Gender	X	Disability	X	Sexual orientation	X
Age	X	Gender re-assignment	X	Pregnancy/maternity	X

Please provide evidence: Does data demonstrate that there is any pattern of higher percentage of staff from particular protected characteristics "raising concerns/whistleblowing".

Action Plan/Plans - SMART

- Specific
- Measurable
- Achievable
- Relevant
- Time Limited

Evaluation Monitoring Plan/how will this be monitored?

- Who
- How
- By
- Reported to