

# Freedom to Speak Up Policy

**NHS Devon**

|                          |                                                    |
|--------------------------|----------------------------------------------------|
| <b>Version</b>           | 3.0                                                |
| <b>Policy Sponsor</b>    | Chief Communications and Corporate Affairs Officer |
| <b>Policy Lead</b>       | Company Secretary                                  |
| <b>Approved by</b>       | NHS Devon Board                                    |
| <b>Approved on</b>       | 04/10/2023                                         |
| <b>To be reviewed by</b> | 04/10/2026                                         |

| Document change history (to add rows, copy and paste) |                  |                                                                                 |
|-------------------------------------------------------|------------------|---------------------------------------------------------------------------------|
| Date                                                  | Change           | Comments                                                                        |
| 21/10/2019                                            | New Policy       | Document made live following approval.                                          |
| 10/08/2020                                            | Policy Amendment | Policy updated. Approval received from AO and SP                                |
| 14/12/2022                                            | Policy Amendment | Policy updated and taken to FTSU group for review. Approved by SPF in Feb 2023. |

### Equality, diversity and inclusion statement

NHS Devon is committed to the promotion of equal opportunities, addressing health inequalities and fostering of good relations between people protected under the terms of the Equality Act 2010, the Health and Social Care Act 2012 and Human Rights legislation. We are equally committed to the elimination of unlawful discrimination, harassment and victimisation. To demonstrate this commitment, we develop, promote and maintain policies, strategies and operating procedures. Every effort is made to ensure that patients, employees, contractors or visitors do not experience discrimination; either directly or indirectly, because of their vulnerability; disadvantage; age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex (gender) or sexual orientation.

All staff must comply with this policy. Compliance must reflect our organisational commitment to and policy on, equality, diversity and inclusion. In addition, each manager and member of staff involved in implementing this policy must give due regard to the needs of those protected under law.

If you, or any other groups, believe you are discriminated against under the terms of the Equality Act, the Health and Social Care Act 2012 or Human Rights legislation by anything contained in this document; or you need this document in an alternative format, for example, large print, Braille, Easy read or other languages; please contact our Patient Advice and Complaints Team (PACT):

Tel: 0300 123 1672

Email: [pals.devon@nhs.net](mailto:pals.devon@nhs.net)

| Contents |                                                      |      |
|----------|------------------------------------------------------|------|
| Section  | Title                                                | Page |
| 1        | Introduction                                         | 4    |
| 2        | Purpose and objectives                               | 4    |
| 3        | Scope                                                | 5    |
| 4        | Speaking up                                          | 6    |
| 5        | Accountabilities, duties and responsibilities        | 11   |
| 6        | Implementation                                       | 13   |
| 7        | Approval and review                                  | 13   |
|          | Appendix 1: Speaking up Internally – Contact Details | 14   |
|          | Appendix 2: What will happen when I speak up?        | 15   |
|          |                                                      |      |

# 1. Introduction

Developed by staff, our values shape who we are, how we work and help us to make the right decisions on behalf of people in Devon.

## **One Devon**

- We collaborate with staff, partners, patients, families, carers, communities and professionals to develop the right services for our population
- We think and act for our population, while recognising local needs
- We share information, skills and resources
- We value and protect our climate, and work in a sustainable way that reduces our carbon footprint

## **Quality in everything we do**

- We develop safe, effective and accessible services that put patients at the centre
- We make decisions that are evidence-based, cost-effective and innovative
- We recognise achievements and celebrate success
- We take pride in our work, learn when things go wrong, and support people to speak up

## **Respect for all**

- We treat people with respect and compassion
- We listen to people to understand their priorities, needs, and abilities, and involve them in decisions that affect their lives
- We are proactive with our health and wellbeing and our colleagues
- We champion equality, diversity and inclusion, and challenge inequalities
- We are open, honest and transparent

## **Everyone is a leader**

- We lead by example and with integrity
- We are kind, caring and empathetic
- We support people to learn and develop
- We demonstrate leadership and expect to be held accountable for our actions and performance
- We are responsive, consistent and professional

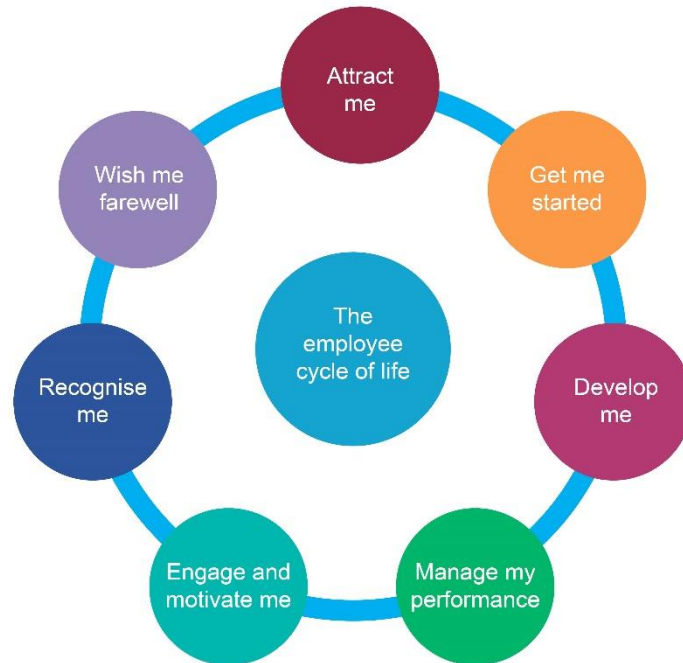
# 2. Purpose and objectives

NHS Devon Integrated Care Board (referred to as NHS Devon) is passionate about ensuring our staff are treated fairly, with respect and dignity so that we maintain a diverse, flexible and motivated workforce which is high performing and delivers high quality outcomes.

We want our employees to be focussed on making a positive contribution and reaching their full potential at work, both at individual and team level.

We recognise there may be times when individuals feel they wish to ‘speak up’ about a concern at work and this policy is intended to inform individuals of how they can do this.

This policy aligns to all policies relating to our Employee Life Cycle, which is an important part of developing our culture of ownership and responsibility.



### 3. Scope

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 organisation you work in. Across the NHS we understand that some groups in our workforce feel they are seldom heard or are reluctant to speak up; you could be an employee, secondee, agency worker, bank worker, or apprentice. We also know that across the NHS, individuals with disabilities, or from a minority ethnic background or the LGBTQ+ community do not always feel able to speak up.

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

## 4. Speaking up

### 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) utilising other policies (Fair Treatment policy, Attendance policy etc). These policies are available on the Devon ICB intranet.

Whichever route you choose, as an organisation, we will listen and work with you to identify the most appropriate way of responding to the issue you raise.

You can raise a concern individually or as a group of employees about risk, malpractice, wrongdoing, illegal or dishonest practices within NHS Devon.

Some examples of concerns raised in the public interest include (and are not restricted to):

- criminal offenses or activities;
- unsafe patient care;
- unsafe working conditions;
- lack of, or poor, response to a reported patient safety incident;
- covering up wrongdoing;
- financial mismanagement or corruption;
- suspicion of fraud (which can be reported to the local counter-fraud team);
- a bullying culture (across a team or organisation rather than individual instances of bullying).

For more examples, please see the [Health Education England video](#).

### WE WANT YOU TO FEEL SAFE TO SPEAK UP

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

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

### WHO CAN SPEAK UP?

Anyone who works in NHS healthcare. This encompasses any healthcare professionals, non-clinical workers, receptionists, directors, managers, contractors, volunteers, students, trainees, apprentices, junior doctors, locum, bank and agency workers, and former workers. We are aware that in Devon ICB not all of these

professional groups will be represented, but we will be able to signpost to the appropriate body to ensure your voice is heard.

## 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 or executive with responsibility for the subject matter you are speaking up about.
- The patient safety team or corporate governance team, where concerns relate to patient safety or wider quality.
- Local counter fraud specialist (where concerns relate to fraud). Concerns regarding fraud or corruption can also be raised with the ICB Chief Finance Officer.
- Concerns in relation to matters such as information, recording keeping, communications, IT can also be directed to the ICB Senior Information Risk Owner (SIRO) or the Caldicott Guardian.
- Our Freedom to Speak Up Guardians. The guardians 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](#). The team can be contacted on [d-icb.ftsug@nhs.net](mailto:d-icb.ftsug@nhs.net).
- Our senior lead responsible for Freedom to Speak Up.
- Our non-executive director responsible for Freedom to Speak Up.
- Our HR team - [d-icb.hr@nhs.net](mailto:d-icb.hr@nhs.net).
- A member of the Staff Partnership Forum, your Trade Union or professional body.

Details of current post holders and email addresses are included at [Appendix A](#).

For independent advice on whistleblowing, protection or how best to raise a concern call the National Whistleblowing Helpline on 08000 724 725 or visit the website [www.wbhelpline.org.uk](http://www.wbhelpline.org.uk).

### Speaking up externally

If you do not want to speak up to someone within NHS Devon, 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 Counter Fraud Authority](#) for concerns about fraud and corruption, using their [online reporting form](#) or calling their freephone line **0800 028 4060**.

NHS England may decide to investigate your concern themselves, ask your employer or another appropriate organisation to investigate (usually with their oversight) and/or use the information you provide to inform their oversight of the relevant organisation. The precise action they take will depend on the nature of your concern and how it relates to their various roles.

Please note that neither the Care Quality Commission nor NHS England can get involved in individual employment matters, such as a concern from an individual about feeling bullied.

If you would like to speak up externally 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.

## WHAT IS 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 before raising a concern, please seek independent advice from the [Protect](#) or a legal representative.

## 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).

The most important aspect of your speaking up is the information you can provide, not your identity

You have a choice about how you speak up:

- **Openly:** you are happy that the person you speak up to knows your identity and that they can share this with anyone else involved in responding.

- **Confidentially:** you are happy to reveal your identity to the person you choose to speak up to on the condition that they will not share this without your consent, unless legally compelled to as part of a legal process. This extends to the other members of the guardians and lead guardian.
- **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 additional 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

- Local support is available to you via the Employee Assistance Programme <https://intranet.devon.icb.nhs.uk/staff-information/health-and-wellbeing-support>.
- Our Freedom to Speak Up Guardians Alastair Harlow ([aharlow1@nhs.net](mailto:aharlow1@nhs.net)) and Marina Junaram ([marina.junaram@nhs.net](mailto:marina.junaram@nhs.net)). You can find out more about the guardian role [here](#). The team can also be contacted on [d-icb.ftsug@nhs.net](mailto:d-icb.ftsug@nhs.net)
- 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 (the NHS Devon Fair Treatment policy). 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.

Where an investigation is needed, this will be objective and conducted by someone who is suitably independent (this might be someone outside your organisation or from a different part of the organisation) and someone who has, or is willing to be trained in investigations (which may be provided through the HR team for those who need it). 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, utilising a specific policy such as the fair treatment policy.

## 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 endeavor to ensure necessary changes are made, and are working effectively. These changes will be shared back with you (if possible). 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 regular reports at the Audit and Risk Committee, providing a thematic overview of speaking up by our staff to our FTSU guardians.

## 5. Accountabilities, Duties and Responsibilities

All parties should also familiarise themselves with the Standards to Business Conduct policy which has a number of close links to this policy.

|                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|--------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Chief Executive Officer</b>       | The Chief Executive Officer has ultimate accountability for the strategic direction and operational management of NHS Devon, including compliance with all legal, statutory and policy requirements.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Policy Sponsor</b>                | The Policy Sponsor is responsible for: <ul style="list-style-type: none"> <li>ensuring that policy is appropriate for consideration for approval;</li> <li>endorsing this policy ahead of submission for approval;</li> <li>with the Policy Lead, maintaining and updating procedures/protocols and other supporting documents for this policy;</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Policy Lead / Author</b>          | It is the responsibility of the Policy Lead / author to: <ul style="list-style-type: none"> <li>ensure as far as possible that the policy is in line with Department of Health and Social Care guidance, legal requirements and advice from clinical bodies;</li> <li>to complete a QEIA and Implementation Plan where required</li> <li>undertake a fair and proportionate consultation period with the relevant stakeholders as part of the document's development</li> <li>to ensure that the policy is in alignment with NHS Devon's strategy and values</li> <li>ensure that the policy is developed, approved, disseminated and monitored as set out in the document;</li> </ul> with Policy Sponsors, maintaining and updating procedures / protocols and other supporting documents for this policy.                                                       |
| <b>Freedom to Speak up Guardians</b> | <ul style="list-style-type: none"> <li>working independently to support speaking up;</li> <li>being an expert in all aspects of raising and handling concerns;</li> <li>offering support and advice to employee who wish to raise a concern or are handling concerns ensuring feedback is given to the employee member raising a concern;</li> <li>monitor any concerns that have been raised;</li> <li>safeguarding the interests of the individual raising a concern;</li> <li>identifying common themes to help inform organisational learning;</li> <li>taking an objective view;</li> <li>ensuring concerns are escalated as appropriate;</li> <li>ensuring confidentiality regarding staff who speak up and wish to remain anonymous</li> <li>reporting to the board and externally (Lead Guardian);</li> <li>completing such reports as required</li> </ul> |

|                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|-------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>NHS Devon Executive Team and Board</b> | <ul style="list-style-type: none"> <li>• receiving and reviewing feedback and reports on Speaking up complaints;</li> <li>• ensuring that recommended actions following investigations are prioritised and actioned;</li> <li>• providing an organisational culture where employees are encouraged to raise concerns and are supported when they do.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Human Resources</b>                    | <ul style="list-style-type: none"> <li>• developing, supporting and coaching Managers;</li> <li>• providing professional HR advice to managers to ensure they comply with organisational and legislation;</li> <li>• responding appropriately to any concerns raised;</li> <li>• ensuring compliance with relevant legislation, policy and NHS Devon values.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Line Managers</b>                      | <p>Line managers have a responsibility to ensure their staff comply with NHS Devon policies and standards within their areas of responsibility. They will also be responsible for:</p> <ul style="list-style-type: none"> <li>• having honest and open conversations with employees;</li> <li>• acting upon all concerns raised by employees in a professional and timely manner;</li> <li>• making every effort to protect the identity of the employee(s) raising the concern, if requested;</li> <li>• maintaining appropriate documentation and confidentiality throughout the process;</li> <li>• ensuring compliance with relevant legislation, policy and NHS Devon values;</li> <li>• ensuring the person raising a concern is communicated with through the course of the process;</li> </ul> <p>➤ seeking HR support and advice as required.</p>                                                                                                                       |
| <b>All Staff</b>                          | <p>Employed or engaged staff have a duty to comply with NHS Devon policies and standards as outlined in their contracts of employment and codes of conduct. In relation to this policy staff will be responsible for:</p> <ul style="list-style-type: none"> <li>• reporting illegal or unethical conduct through the appropriate routes immediately or at the earliest opportunity;</li> <li>• disclosing when instructed to cover up wrongdoing, regardless of the persons level of authority;</li> <li>• being clear that you are raising a concern in line with NHS Devon's Freedom to Speak Up policy, outlining your perceived key issues or risks;</li> <li>• respecting the right of colleagues who raise concerns;</li> <li>• engaging with the internal process in the first instance with open and honest communications;</li> <li>• ensuring compliance with relevant legislation, policy and NHS Devon values;</li> <li>• seeking HR advice as required.</li> </ul> |

## 6. Implementation

All staff will be informed of the approval of the Policy via the Staff Bulletin which will provide a link to the document on the NHS Devon Intranet.

NHS Devon Senior Managers, or their designated representatives, will implement this policy by:

- Notifying all staff of its existence. New staff will be informed of this policy as part of their induction.
- Destroying all superseded paper-based versions of the policy and electronic versions retained in their area.
- Having adequate knowledge of, and / or access to, all relevant legislation in order to ensure that compliance with such legislation is maintained.
- Discussing with staff as part of their regular one-to-ones how they seek to achieve their individual objectives around policy review and maintenance.

## 7. Approval and Review

The governance route for this Policy is through the Staff Partnership Forum for assurance and the NHS Devon Board for approval.

This policy will be reviewed annually, or sooner if required, in order to ensure that it is current, relevant and reflects the strategic aims, objectives, organisational structures and responsibilities of NHS Devon.

# APPENDIX A

## Speaking up internally - contact details

- Patient safety team - [d-icb.nursingdirector@nhs.net](mailto:d-icb.nursingdirector@nhs.net)
- Corporate governance team - [D-ICB.governance@nhs.net](mailto:D-ICB.governance@nhs.net)
- Local counter fraud specialist – Sandra Bell ([sandra.bell19@nhs.net](mailto:sandra.bell19@nhs.net))
- ICB Chief Finance Officer - Bill Shields ([bill.shields2@nhs.net](mailto:bill.shields2@nhs.net))
- ICB Senior Information Risk Owner (SIRO) - Andrew Millward ([andrew.millward@nhs.net](mailto:andrew.millward@nhs.net))
- Caldicott Guardian ([d-icb.caldicottguardian@nhs.net](mailto:d-icb.caldicottguardian@nhs.net))
- Freedom to Speak Up Guardians –
  - Alastair Harlow ([aharlow1@nhs.net](mailto:aharlow1@nhs.net))
  - Marina Junaram ([marina.junaram@nhs.net](mailto:marina.junaram@nhs.net)).
  - FTSU team email ([d-icb.ftsug@nhs.net](mailto:d-icb.ftsug@nhs.net))
- Non-executive director responsible for Freedom to Speak Up - Kevin Orford ([k.orford@nhs.net](mailto:k.orford@nhs.net))
- HR team ([d-icb.hr@nhs.net](mailto:d-icb.hr@nhs.net))

# APPENDIX B

## What will happen when I speak up?

### **We will:**

- Thank you for speaking up
- 
- Help you identify the options for resolution
- 
- Signpost you to health and wellbeing support
- 
- Confirm what information you have provided consent to share
- 
- Support you with any further next steps and keep in touch with you

### **Steps towards resolution:**

- Engagement with relevant senior managers (where appropriate)
- 
- Referral to HR process
- 
- Referral to patient safety process
- 
- Other type of appropriate investigation

### **Outcomes:**

The outcomes will be shared with you wherever possible, along with learning and improvement identified.

### **Escalation:**

If resolution has not been achieved, or you are not satisfied with the outcome, you can escalate the matter to the senior lead for FTSU or the non-executive lead for FTSU.  
Alternatively, if you think there are good reasons not to use internal routes, speak up to an external body, such as the CQC or NHS England.