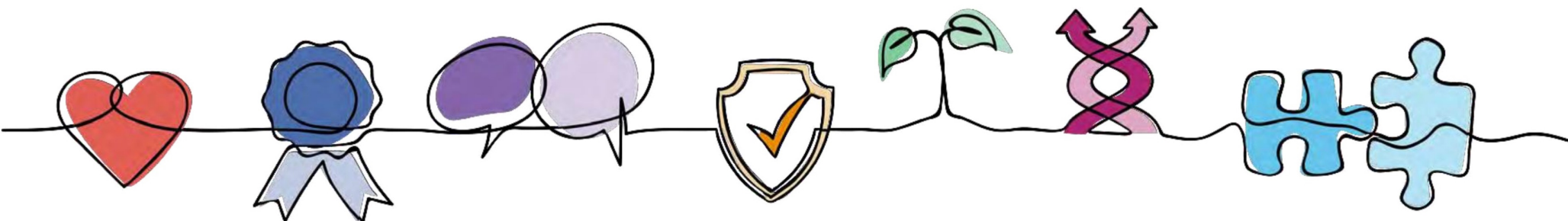


Freedom to Speak Up Policy

Countess of Chester NHS
Foundation Trust



November 2022
(Revised July 2023)



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Vision Statement

The Countess of Chester's 'Peoples Strategy 2021-26' supports a vision to curate a positive staff experience at the Trust by attracting and retaining talented people with the right skills and attitude to create a positive environment. This policy has been written with this in mind and promotes a culture that supports staff to speak up to improve patient safety and create a workplace that cultivates an open and transparent culture; where every member of staff is able to raise their concerns safely, and ensure action is taken to resolve issues quickly and effectively. This reflects the Trust values of 'Safe, Kind and Effective'.

Promoting equality and addressing health inequalities is also at the heart of everything we do at the Trust and therefore we have given due regard to the need to eliminate discrimination, harassment and victimisation, to advance equality of opportunity, and to foster good relations between people who share a relevant protected characteristic (as cited under the Equality Act 2010) and those who do not share it.

Speak up – we will listen

We welcome speaking up and we will listen. By speaking up at work you will be playing a vital role in helping us to keep improving our services for all patients and the working environment for our staff.

The National Guardians Office (NGO) and the role of the Freedom to Speak Up Guardian were set up following recommendations made by Sir Robert Francis QC in his report 'The Freedom to Speak Up' (2015) with the aim of changing the speak up culture in the NHS.

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. We know some groups in our workforce feel they are seldom heard or are reluctant to speak up. You could be an agency worker, bank worker, locum or student. We also know that workers with disabilities, or from a minority ethnic background or the LGBTQ+ community do not always feel able to speak up.

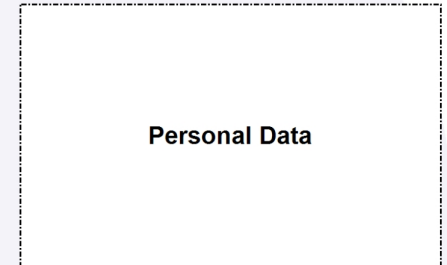
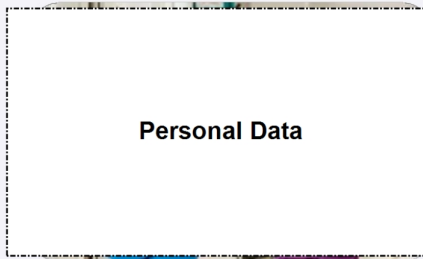
This policy is for all workers and we want to hear all our workers' concerns.

We ask all our workers to complete the [online training](#) on speaking up. The online module on listening up is specifically for managers to complete and the module on following up is for senior leaders to complete. These can also be accessed by logging on through your ESR account.

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

This policy

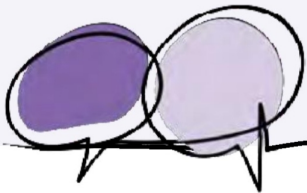
All NHS organisations and others providing NHS healthcare services in primary and secondary care in England are required to adopt the national policy FTSU as a minimum standard to help normalise speaking up for the benefit of patients and workers. Its aim is to ensure all matters raised are captured and considered appropriately. This policy is written in line with these requirements.



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 these things and includes Fraud, Bribery and Corruption.

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). That's fine. As an organisation, we will listen and work with you to identify the most appropriate way of responding to the issue you raise.



We want you to feel safe to speak up

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. This would be investigated in accordance with Trust policy. This is sometimes referred to as detriment.

Who can speak up?

Anyone who works or has worked at the Trust, including pharmacy, optometry and dentistry. This encompasses any healthcare professional, non-clinical workers, receptionists, directors, managers, contractors, volunteers, students, trainees, junior doctors, locum, bank and agency workers, and former workers.

Who can I speak up to?

Speaking up internally

Most speaking up happens through conversations with supervisors and line managers where challenges are raised and resolved quickly. We strive for a culture where that is normal, everyday practice and encourage you to explore this option – it may well be the easiest and simplest way of resolving matters.



However, you have other options in terms of who you can speak up to, depending on what feels most appropriate to you.

- Senior manager, partner or director with responsibility for the subject matter you are speaking up about.
- The patient safety team or clinical governance team (where concerns relate to patient safety or wider quality) <http://intranet/clinical-services/quality-risk-safety.aspx>
- Local counter fraud team (where concerns relate to fraud) <http://intranet/support-services/finance/anti-fraud-service.aspx>
- Your Union Representative or Professional Body
- Our Freedom to Speak Up Guardian, Helen Ellis, who can support you to speak up if you feel unable to do so by other routes. Contact either via email: [helen.ellis19@ I&S](mailto:helen.ellis19@I&S) or telephone confidentially on 0 [I&S](tel:01244333333) You may also wish to speak to one of the Trusts FTSU Champions: they do not hold cases however they will be able to support or signpost you to ensure you understand your options. You can find out more about the guardian's role [here](#) or visit the FTSU page on the Trust Intranet for more information and a list of our local champions. <http://intranet/clinical-services/freedom-to-speak-up.aspx>
- Our HR team (coc-tr.HRServices@nhs.net)
- The Trust has both an Executive and Non-Executive Director responsible for FTSU. Executive Director is the Chief Operating Officer [cathy.chadwick1@ I&S](mailto:cathy.chadwick1@I&S) Non- Executive Director is [paul.jones9@ I&S](mailto:paul.jones9@I&S)

Speaking up externally

There may be occasions when you consider you are not able to raise your concerns with someone from the Trust. Whilst we would always welcome the opportunity to investigate your concerns internally you can also raise concerns formally with external bodies that have particular areas of responsibility. See links below:

NHS Improvement <https://improvement.nhs.uk/>

How Trusts and Foundation Trusts are run
NHS Procurement, Choice and Competition
The National Tariff

Care Quality Commission <https://www.cqc.org.uk/>

Quality and Safety concerns

Health Education England <https://www.hee.nhs.uk/>

Education and Training in the NHS

NHS Counter Fraud Authority: The confidential reporting line is 0800 0284060 (24 hrs.)

Or report online at <https://cfa.nhs.uk/reportfraud>

Personal Data

If you need independent advice & support before you raise your concern you can contact the **National Health & Social Care Whistleblowing helpline on 08000 724 725**. They are open between 8am -6pm (Monday – Friday). In addition, consider contacting your own professional body or Trade Union.

Appendix B contains information about making a 'protected disclosure'.



How should I speak up?

You can speak up to any of the people or organisations listed above in person, by phone or in writing (including email).

Confidentiality

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

You have a choice about how you speak up:

- **Openly:** you are happy that the person you speak up to knows your identity and that they can share this with anyone else involved in responding.
- **Confidentially:** you are happy to reveal your identity to the person you choose to speak up to on the condition that they will not share this without your consent.
- **Anonymously:** you do not want to reveal your identity to anyone. This can make it difficult for others to ask you for further information about the matter and may make it more complicated to act to resolve the issue. It also means that you might not be able to access any extra support you need and receive any feedback on the outcome.

In all circumstances, explain as fully as you can the information and circumstances that prompted you to speak up. Don't wait for proof, raise the matter whilst it is still a concern, if you are troubled it doesn't matter if you turn out to be mistaken. When things go wrong, we need to make sure that lessons are learnt, and improvements made. Even when things appear good, but could be better, we should be open to suggestion. See Appendix C Raising Concerns Pathway.

Advice and support

You can find out about the local support available to you at the Countess and Ellesmere Port Hospitals by following this link:

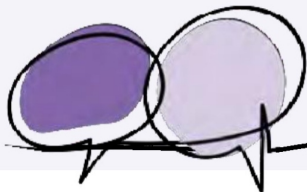
<http://intranet/support-services/people-organisational-development/occupational-health/health-and-wellbeing-support.aspx>

You can access a range of health and wellbeing support via NHS England:

- [Support available for our NHS people](#) and [Speak Up Support Scheme](#)

You can also contact the following organisations:

- [Speak Up Direct](#) provides free, independent, confidential advice on the speaking up process.
- The [Trades Union Congress](#) provides information on how to join a trade union.
- [The Law Society](#) may be able to point you to other sources of advice and support.
- [The Advisory, Conciliation and Arbitration Service](#) gives advice and assistance, including on early conciliation regarding employment disputes.



What will we do?

The matter you are speaking up about may be best considered under a specific existing policy/process; for example, our process for dealing with bullying and harassment. If so, we will discuss that with you. If you speak up about something that does not fall into an HR or patient safety incident process, this policy ensures that the matter is still addressed.

What you can expect to happen after speaking up is shown in Appendix A.

Resolution and investigation

We support our managers/supervisors to listen to the issue you raise and take action to resolve it wherever possible. In most cases, it's important that this opportunity is fully explored, which may be with facilitated conversations and/or mediation.

Where an investigation is needed, this will be objective and conducted by someone who is suitably independent (this might be someone outside your organisation or from a different part of the organisation) and trained in investigations. It will reach a conclusion within a reasonable timescale (which we will notify you of), and a report will be produced that identifies any issues to prevent problems recurring.

Any employment issues that have implications for you/your capability or conduct identified during the investigation will be considered separately.

Communicating with you

We will always treat you with respect and will thank you for speaking up. We will discuss the issues with you to ensure we understand exactly what you are worried about. If we decide to investigate, we will tell you how long we expect the investigation to take and agree with you how to keep you up to date with its progress. Wherever possible, we will share the full investigation report with you (while respecting the confidentiality of others and recognising that some matters may be strictly confidential; as such it may be that we cannot even share the outcome with you).

How we learn from your speaking up

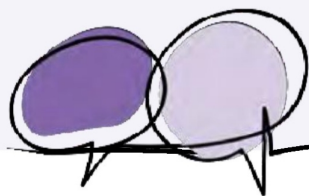
We want speaking up to improve the services we provide for patients and the environment our staff work in. Where it identifies improvements that can be made, we will ensure necessary changes are made, and are working effectively. Lessons will be shared with teams across the organisation, or more widely,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

Review

We will seek feedback from workers about their experience of speaking up. We will review the effectiveness of this policy and our local process annually, with the outcome published and changes made as appropriate.

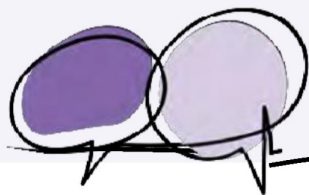
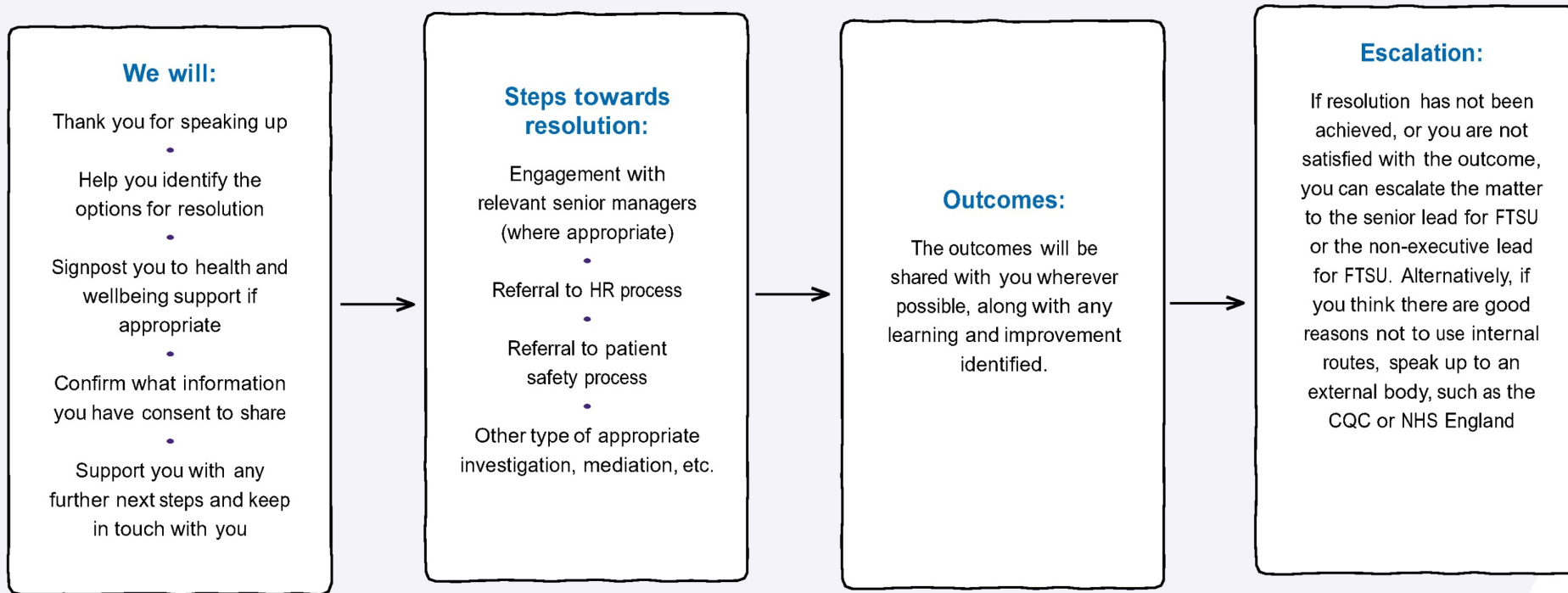
Senior leaders' oversight

Our most senior leaders will receive a report at least annually providing a thematic overview of speaking up by our staff to our FTSU guardian.



Appendix A:

What will happen when I speak up?

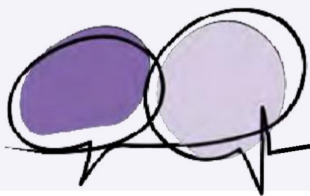


Appendix B:

Making a protected disclosure

Making a 'protected disclosure'

A protected disclosure is defined in the Public Interest Disclosure Act 1998. This legislation allows certain categories of worker to lodge a claim for compensation with an employment tribunal if they suffer as a result of speaking up. The legislation is complex and to qualify for protection under it, very specific criteria must be met in relation to who is speaking up, about what and to whom. To help you consider whether you might meet these criteria, please seek independent advice from a legal representative.



Appendix C: Raising a Concern Pathway

