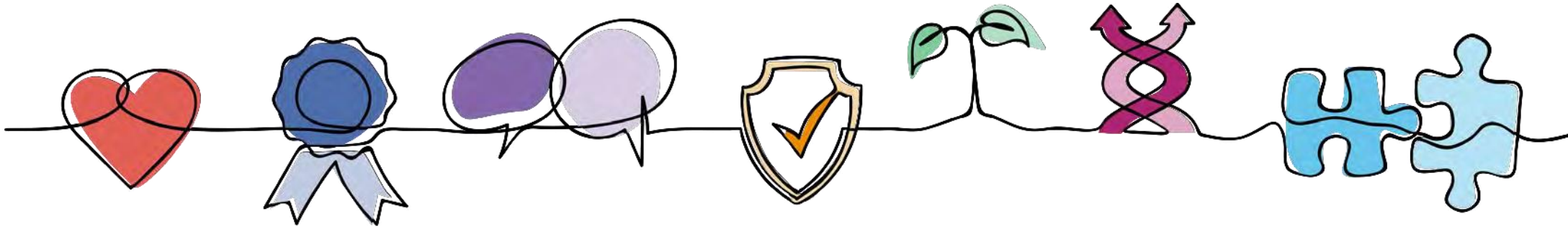


# Freedom to Speak Up: UHSussex Staff Handbook



Version 5: issue date August 2023 – review date August 2024



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## What is Speaking Up?

It is about speaking up about anything that gets in the way of doing a great job.

Freedom to Speak Up Guardians support staff members to speak up when they feel that they are unable to in other ways.

There are over 800 Freedom to Speak Up Guardians in the NHS and independent sector organisations, national bodies and elsewhere.

## Speak up – we will listen

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

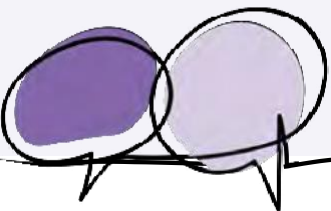
This policy is for all of you. The [NHS People Promise](#) commits to ensuring that “we each have a voice that counts, that we all feel safe and confident to speak up, and take the time to really listen to understand the hopes and fears that lie behind the words”.

**‘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.’ – Freedom to Speak Up Policy for the NHS.**

‘Speak Up’ training for all staff, and ‘Listen Up’ training for managers, is available on [Iris](#) (the Trust’s e-learning site).

You can read more about Freedom to Speak Up and the National Guardian Office [here](#).

In cases where staff do not have access to a computer, printed versions of the Freedom to Speak Up Handbook, policies and resources are available, please contact [The Guardian Service](#).



## National NHS policy

All NHS organisations and others providing NHS healthcare services in primary and secondary care in England are required to adopt the national Freedom to Speak Up policy as a minimum standard to help normalise speaking up for the benefit of patients and staff. Its aim is to ensure all matters raised are captured and considered appropriately.

Our Trust [policy](#) reflects the national framework, and is additionally supported by this local guide and other speaking up resources (details and links below).

### 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):

- [Anti-fraud, Bribery and Corruption Policy](#)
- [Resolution Policy](#)
- [Investigation Policy](#)
- [Disciplinary Policy](#)
- [Information Governance Policy](#)
- [Staff Appraisal Policy](#)

[Speaking Up resources](#) are available via the Trust intranet. 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

We will not tolerate anyone being prevented or deterred from speaking up or being mistreated because they have spoken up. Encouraging and enabling staff to speak up is a core element of our Trust Patient First approach to continuous improvement. We also recognise the additional barriers some staff groups can face, promoting equality and addressing health inequalities are at the heart of the NHS and our Trust values.

### Who can speak up?

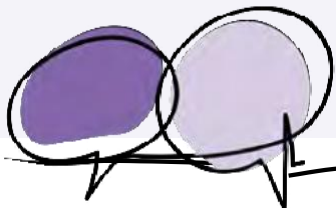
Anyone who works in NHS healthcare, including:

- Any healthcare professionals
- Non-clinical staff
- Pharmacy
- Optometry
- Dentistry
- Receptionists
- Directors
- Managers
- Contractors
- Volunteers
- Students
- Trainees
- Junior doctors
- Locum, bank, 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.



## The Guardian Service

Freedom to Speak Up 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. Our UHSussex Guardian is [Trish Marks](#) from The Guardian Service. Trish can support you to speak up if you feel unable to do so by other routes.

If you need to contact Trish for help, support or guidance either email [contact@theguardianservice.co.uk](mailto:contact@theguardianservice.co.uk) or call 0333 577 5199. The Guardian Service is a totally independent and confidential service, available 24 hours a day to listen to any concerns you might have and help you find a resolution. Access the Trust policy on speaking up [here](#).

- Back up Guardian: [Natalie Morgan](#)
- The Guardian Service Operations Manager & Guardian: [Lincoln Murray](#)
- Senior Leads responsible for Freedom to Speak Up: George Findlay (Chief Executive) and David Grantham (Chief People Officer)
- [Employee Relations Team](#)
- [Information Governance Team](#)
- [Counter Fraud Team](#)
- Director of Engagement & Involvement: [Nicole Chavaudra](#)
- Head of Employee Relations: [Abbi Denyer](#)
- [Staff Network Leads](#)
- [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](#)
- [National Guardian's 100 Voices](#)
- [NHS Counter Fraud Authority](#) for concerns about fraud or corruption, using their [online reporting form](#) or calling **0800 028 406**

## Speaking up externally

We would encourage you to raise matters internally so that we have the opportunity to listen and feedback. If raising a concern with your line manager (or lead clinician or tutor) does not resolve matters, or you do not feel able to raise it with them, you can raise with:

- A senior manager (e.g. Matron, Head of Department or Divisional Director)

If you have raised your concern internally and have exhausted all other routes first or feel it hasn't been dealt with properly, you may want to get help from outside/an external body (list above).

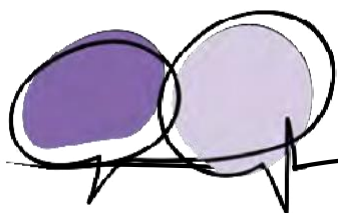
NHS England may decide to investigate your concern themselves, ask your employer or another appropriate organisation to investigate (usually with their oversight) and/or use the information you provide to inform their oversight of the relevant organisation. The precise action they take will depend on 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 about the conduct of a member of staff, you can do this by contacting the relevant professional body such as the General Medical Council, Nursing and Midwifery Council, Health & Care Professions Council, General Dental Council, General Optical Council or General Pharmaceutical Council.

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

A good starting point to understand the importance of speaking up is Sir Robert Francis' [Freedom to Speak Up Review report](#) and the [National Guardian's website](#).





## 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).

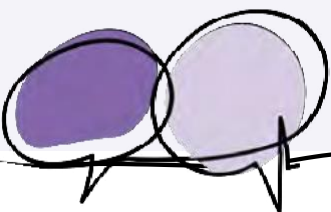
### Confidentiality

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. The Freedom to Speak Up Guardian reports into the CEO and CPO, all information is confidential.
- **Anonymously:** you do not want to reveal your identity to anyone. This can make it difficult for others to ask you for further information about the matter and may make it more complicated to act to resolve the issue. It also means that you might not be able to access any extra support you need and receive any feedback on the outcome.

In all circumstances, please be ready to explain as fully as you can the information and circumstances that prompted you to speak up.



## Advice and support

You can find out about the support available to you on the [raising concerns/speaking up pathways](#) page on the Trust intranet. Your [health and wellbeing](#) page on the intranet can also be a valuable source of support.

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

- NHS Employers [‘The use of settlement agreements and confidentiality clauses’](#) (2019)
  - [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 dispute

## 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 in Appendix B.

### Resolution and investigation

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

Where an investigation is needed, this will be objective and conducted by someone who is suitably independent (this might be someone outside 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 issues that have implications for you/your capability or conduct identified during the investigation will be considered separately.

### Communicating with you

We will treat you with respect at all times and will thank you for speaking up. We will discuss the issues with you to ensure we understand exactly

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

### How we learn from your speaking up

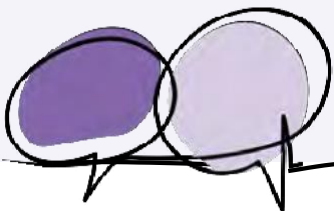
We want speaking up to improve the services we provide for patients and the environment our staff work in. Where it identifies improvements that can be made, we will ensure necessary changes are made, and are working effectively. Lessons will be shared with teams across the organisation, or more widely,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

### Review

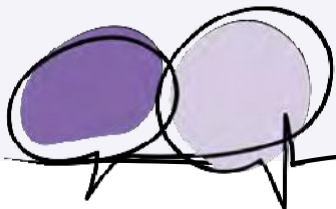
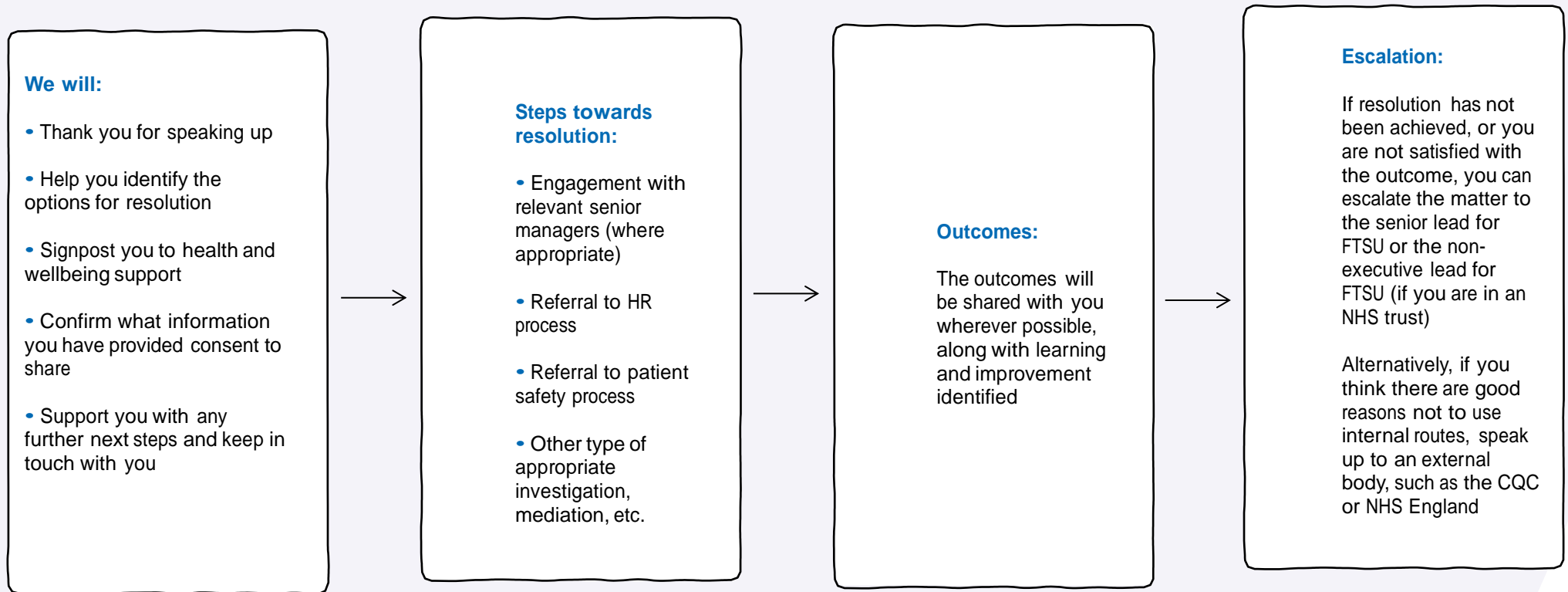
We will seek feedback from staff about their experience of speaking up. We will review the effectiveness of this policy and our local process annually, with the outcome published and changes made as appropriate. Work will also be undertaken to identify and address barriers to speaking up for individuals from demographic groups who may feel less likely to be heard.

### Senior leaders' oversight

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



# Appendix A: What will happen when I speak up?





## Appendix B: Making a protected disclosure

### Making a 'protected disclosure'

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

