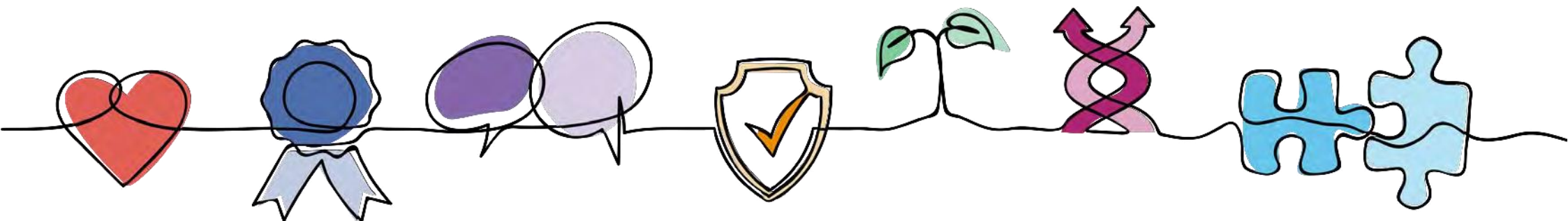


Freedom to Speak Up policy for the NHS

Adopted by NHSBT

Version 2, September 2023



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Equality Statement

We are committed to promoting equality, valuing diversity, and protecting Human Rights. We are committed to eliminating discrimination against any individual on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation, as well as to promoting positive practice and valuing the diversity of all individuals and communities. We are committed to ensuring that all our employees are treated with dignity and respect. The Speak Up policy provides an accessible process and level of support to underpin our commitment to equality and inclusion and to enable everyone to constructively resolve any issues that they have.

Introduction and Summary

At NHSBT, we want everyone to feel safe to raise any concerns about issues at work. Ultimately, the reason this is so important is because our organisation is here to save and improve lives. To do this, we must provide an environment where all of us feel able to say something when we see unsafe practices, damaged equipment or unsafe physical environments, illegal activity such as fraud, behaviour that goes against our values, abuse of power – or anything that gets in the way of doing a good job. Once we know about an issue we must do all we can to resolve it, and then look for ways to learn from this situation.

It can be difficult to know if, when, and how you should share information about something that is wrong. You may have worries that make it hard to speak up, such as:

- Will anyone listen?
- Will I upset someone?
- What if I'm wrong about this?
- Will speaking up make things difficult for me at work?
- Will my manager hold a grudge or treat me badly afterwards?
- Is there any point? Will it change anything?
- Will the person I talk to understand why this is a problem, if they don't share my lived experience?

Although there is no fixed path to follow, here is a summary guide to how to raise your concerns:

Speaking up about an issue personal to you as an individual/ one colleague (E.g., Concerns about time off from work; pay; overtime/expenses; recruitment and promotion; access to training; relationship with manager or colleague; changes to role & responsibilities; shift patterns; working from home or other arrangements)

1. Consider if there is anything you can do yourself to make things right.
2. Talk to your manager.
3. Contact HR Direct
4. Ask your recognised Trade Union Representative for advice or support at any stage.

Safeguarding concerns (Domestic abuse, mental health etc.) can be raised [HERE](#)

You can also look at our policies [HERE](#)

Speaking up about an issue negatively affecting patients/donors, or a number of people/teams, or the quality of a service (E.g. Concerns are not raised in the team because it doesn't feel safe to speak up; mistakes are being covered up; timesheets/expenses are being falsified; something else causing concern)

1. If at all possible, and where relevant, talk to the person causing your concern.
2. Talk to your manager (including if you are the manager of the service affected).
3. Discuss with a senior leader for your directorate.
4. Ask your recognised Trade Union Representative for advice or support at any stage.

If you have tried to raise your concern through the usual routes above but are still concerned, or if you do not feel able to use these routes, you can **contact a [NHSBT Freedom to Speak Up Guardian](#)**.

Whistleblowing: If you become aware of / witness something that indicates criminal activity, the deliberate harming of others, or a serious risk to staff, donor or patient safety etc.

Options:

1. **Raise openly** – your identity is known:
 - Alert [the Director of Quality](#), the [Chief Medical Officer](#), or the [Chief Nursing Officer](#) as soon as possible;and/or
 - Contact the [Non-Executive Director for Whistleblowing](#)
2. **Raise in confidence** - your identity is protected:
 - Contact a [Freedom to Speak Up Guardian](#) – they will escalate the concern to those named above and externally if necessary, until it is resolved. The Guardian will feed back to you the actions taken and any outcomes, without sharing your identity with anyone else.
3. **Raise anonymously** - no one knows who you are:
 - [Complete the online form](#) or call the NHSBT Whistleblowing Hotline on 0300 020 1259 – please note, if you choose to not give your name your concern will be passed to an appropriate person for investigation/action; however, no one will be able to contact you for further details or to let you know the outcome.
4. **Raise externally:**
 - [NHS Counter Fraud Authority](#) for concerns about fraud and corruption
 - [Care Quality Commission \(CQC\)](#) – for quality and safety concerns
 - [NHS England](#) – for concerns about how NHSBT is being run

Speak up – we will listen

At NHSBT, 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. 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 (link takes you to your ESR site). The online module on listening up is specifically for managers to complete (also via [ESR](#)) and the module on following up is for senior leaders to complete.

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



This policy

All NHS organisations and others providing NHS healthcare services in primary and secondary care in England are required to adopt this national policy 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.

What can I speak up about?

You can speak up about anything that gets in the way of patient/donor 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 donors and 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. Raising a concern is different to making a formal complaint; concerns are opportunities to make things better, without blame or judgement (should it transpire that the actions of an employee need to be addressed formally, this will be done through the appropriate policies).

If you want to make a complaint about an individual, a decision or process, you can do so through the Dignity at Work or Grievance policies. Please see the [People First](#) pages for more information.

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

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. Please [report any detriment for speaking up to one of the Guardians](#).

Who can speak up?

Anyone who works in NHSBT. This encompasses any healthcare professionals, non-clinical workers, receptionists, directors, managers, contractors, volunteers, students, trainees, consultants, locum, bank and agency workers, and recent (within three months of leaving) former workers. Non-workers (members of the public) can raise concerns about our services through our [complaints process](#).

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 director](#) with responsibility for the subject matter you are speaking up about.
- **Patient safety leads or clinical governance team** (where concerns relate to patient safety or wider quality)
- **HR team** – [email HR Direct](#)
- [Recognised Trade Union Representatives](#)
- Local **counter fraud team** (where concerns relate to fraud) -
- [NHSBT Local Counter Fraud contact information](#).
- Our **Freedom to Speak Up Guardians** – Speak.Up@nhsbt.nhs.uk - who can support you to speak up if you feel unable to do so by other routes. The Guardian will ensure that people who speak up are thanked for doing so, that the issues they raise are investigated and responded to by the organisation, and that the person speaking up receives feedback on the actions taken. **Please note** that Guardians cannot carry out investigate into concerns raised with them. You can find out more about the guardian role [here](#).
- Our **senior lead** responsible for Freedom to Speak Up – Chief People Officer SpeakUp.toHR@nhsbt.nhs.uk - they provide senior support for our speaking-up guardians and are responsible for reviewing the effectiveness of our FTSU arrangements.
- Our **non-executive director** responsible for Freedom to Speak Up – SpeakUp.toaNED@nhsbt.nhs.uk



Speaking up externally

If you have exhausted all internal routes to speaking up, and you continue to be concerned about something that may get in the way of safe patient/donor care (directly or indirectly), 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 how NHSBT and any NHS organisation (including *Arms-Length Bodies (ALBs), NHS trusts and foundation trusts, ambulance trusts and community and mental health trusts) are being run.

**NHSBT is an Arms-Length Body and so must also accommodate regulations from the Department of Health as well as those laid out by NHS England*

NHS England may decide to investigate your concern themselves, ask NHSBT 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.

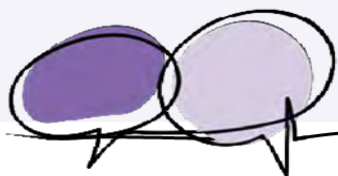
Please note that neither the Care Quality Commission nor NHS England can get involved in individual employment matters, such as a concern from an individual about feeling bullied.

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, Medicines & Healthcare products Regulatory Agency, The Human Tissue Authority, Nursing and Midwifery Council, Health & Care Professions Council or General Pharmaceutical Council.



- [NHS Counter Fraud Authority](#) for concerns about fraud and corruption, using their [online reporting form](#) or calling their freephone line **0800 028 4060**.

[Appendix A](#) 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. You can contact a Guardian by emailing Speak.Up@nhsbt.nhs.uk to explore your concerns in confidence.
- **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. You can use this [FORM](#) to raise a concern anonymously via FTSU.

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

Please note:

- Safeguarding concerns must be shared with the Safeguarding Lead.
- If you cite your contact with FTSU as part of a legal case, Guardians are required by law to disclose any information requested by the court.

If you are feeling anxious about speaking up, or would like to explore your options with someone in confidence before deciding who to speak up to, [contact one of our FTSU Champions](#).

Advice and support

You can find out about the local support available to you [HERE](#).

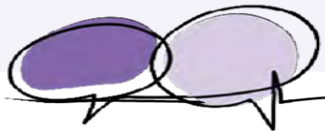
You can access a range of health and wellbeing support via NHS England:

- [Support available for our NHS people](#).

NHS England has a [Speak Up Support Scheme](#) that you can apply to for support.

You can also contact the following organisations:

- The charity [Protect](#) provides confidential and legal advice on speaking up.
- [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.



Risk to life and serious wrongdoing – Whistleblowing

What is a whistleblower?

You're a whistleblower if you're a worker and you **report certain types of wrongdoing**. This will usually be something you've seen at work - though not always.

The wrongdoing you disclose must be in the **public interest**. This means it must affect others, for example the general public.

As a whistleblower you're **protected by law** - you should not be treated unfairly or lose your job because you 'blow the whistle'.

You can raise your concern at any time about an incident that happened in the past, is happening now, or you believe will happen in the near future.

Who is protected by law?

You're protected if you're a worker, for example you're:

- an employee, such as a police officer, NHS employee, office worker, factory worker
- a trainee, such as a student nurse
- an agency worker

Complaints that count as whistleblowing

You're protected by law if you report any of the following:

- a criminal offence, for example fraud
- someone's health and safety is in danger
- risk or actual damage to the environment
- a miscarriage of justice
- the company is breaking the law, for example does not have the right insurance
- you believe someone is covering up wrongdoing.

NHSBT additional measures

At NHSBT, we know how committed everyone is to saving and improving lives. Sadly, we know from serious incidents in other organisations that we must be willing to think the unthinkable and believe the unbelievable. For the safety of our patients, donors and staff, we must all adopt an approach of professional curiosity when hearing about concerns or noticing something wrong.

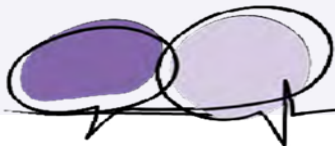
- Following learning from the Lucy Letby case in 2023: **if you *believe patient/donor harm is being committed, or there is a serious risk to staff, you MUST** do one or more of the following as soon as possible:
- Email [Freedom to Speak Up](#) or call in confidence. A Guardian can escalate your concern immediately for investigation, without sharing your name.
- [Complete the online form anonymously](#). A Guardian will escalate your concern immediately. Please give as much detail as possible about the issue as we cannot contact you for further information.
- Alert the [Director of Quality](#), the [Chief Medical Officer](#), and/or [Chief Nursing Officer](#)
- Contact the [Non-Executive Director for Whistleblowing](#)

Alerting the FTSU service of the issue provides an independent level of assurance that effective action is being taken, and to prevent any harm continuing if the organisation fails/**refuses to investigate/respond**. **A Guardian can support you to escalate the matter to appropriate external** organisations or do this on your behalf without naming you, with the guidance and support of the National Guardian's Office.

The Guardians work closely with Patient Safety Leads. As an additional measure in preventing 'cover-up' behaviours when serious risks or wrongdoing are raised, the Guardians will attend Patient & Donor Safety Incident Review Group meetings, be informed of any spikes in data relating to patient/donor safety and will discuss concerns with the CEO and Chair of NHSBT.

This policy may be further amended to reflect learning from any enquiries following NHS patient safety incidents.

****You do not need to provide proof, and it is ok to be mistaken.***



What will NHSBT 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 is likely to be addressed through our [HR policies](#). Contact [HR Direct](#) or your Trade Union Representative for help with policies. If so, the person you speak up to will discuss that with you. If you speak up about something that does not fit under another policy/process, this policy ensures that the matter is still addressed. **Where a concern is about a risk to patient/donor safety, an issue affecting a number of people, or your concern is not being heard or acted on**, you can talk to a FTSU Guardian in confidence so they can help escalate your concern on your behalf, externally if necessary.

What you can expect to happen after speaking up is shown in [Appendix B](#).

Resolution and investigation (of concerns *not* dealt with through our HR policies)

NHSBT expects 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 supported by your local People & Culture Consultant/Partner.

*Manager Role & Responsibilities can be seen in [Appendix C](#).

Where a concern does not fall under our HR policies, but an investigation is needed, this will be objective and conducted by someone who is suitably independent (this might be someone from a different part of the organisation, or outside the organisation if necessary) and trained in investigations. It will reach a conclusion within a reasonable timescale (which they 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

Regardless of who you speak up to, you should be treated with respect at all times and thanked for speaking up. The person you speak up to (e.g., a manager, senior leader) will discuss the issues with you to ensure they understand exactly what you are worried about. If they need to investigate, they will tell you how long they expect the investigation to take and agree with you how to keep you up to date with its progress. Wherever possible, they 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).

If you speak up to a Guardian, they will discuss with you the options for getting your concerns resolved and may ask a senior manager to investigate/address your concerns. The Guardian can usually escalate concerns without naming the concern raiser and will feedback to you any actions taken. Any concerns about the NHSBT FTSU service can be raised with the [Chief People Officer](#) or [National Guardian's Office](#).

How we learn from your speaking up

At NHSBT, we want speaking up to improve the services we provide for patients, donors, and the environment we work in. Where we identify 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

NHSBT 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 Guardians.



Appendix A:

What will happen when I speak up?

(Applies regardless of who you speak up to, not just concerns raised through FTSU)

Whoever you speak up to 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 are unable to use internal routes, speak up to an external body, such as the CQC or NHS England

Remember:

If a concern relates to a suspicion of illegal activity, or wrongdoing causing a potential risk to patient, donor, or staff lives, you **MUST**

TAKE ACTION

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.

Remember:

If a concern relates to a suspicion of illegal activity, or wrongdoing causing a potential risk to patient, donor, or staff lives, you **MUST**

TAKE ACTION

Appendix C:

Manager Responsibility & Support

As a manager in NHSBT at any level, you have a responsibility and duty to **welcome feedback** about the service for which you are responsible. As a first step, you must complete both the **Speak Up and Listen Up training** modules on ESR. This training will help you understand the benefits of giving a positive response to colleagues sharing their concerns with you. Exploring with them any concerns and what 'good' would look like, and then agreeing what action you, they, or others need to take, will build trust in your team and improve your service.

In some cases, colleagues simply need **more information or clarity** to resolve their concern. There may be a lack of understanding, or they may have been misinformed about something. Their speaking up gives you an **opportunity** to clear up any misunderstanding and put their mind at rest, enabling them to focus on doing their best work without anxiety or upset.

Until you **listen and really hear** what someone is concerned about and look into their concerns properly, at best there is a risk that your service is not performing as well as it could. At worst, you may miss an opportunity to **prevent or stop harm to colleagues, donors or patients**.

Use the information in **Appendix A** "what will happen when I speak up?" to guide your response to concerns raised with you. **Encourage your teams to speak up to you** about their concerns by:

If you need support or are unsure about how to resolve a concern, talk to **your manager**, your **People & Culture Consultant or Partner**. You can also seek advice from one of the **FTSU Guardians** in complete confidence.

1. Having regular (monthly) **1to1 meetings** and asking "is there anything causing you concern at work? Anything that could be better?"
2. Agreeing a time as **soon as possible** to hear a concern if you are approached at a bad time.
3. Giving them **time to explain** what is concerning them.
4. Asking them if there has been any **impact** on them, others or the service; signpost to the Wellbeing Hub if appropriate.
5. Asking them for their thoughts about **what action can be taken** to resolve their concern.
6. Letting them know what action you are going to take and **when**.
7. **Feeding back** to the concerned colleague when you have taken action.
8. Asking them if this has **resolved their concern**.
9. **Saying thank you** for sharing their concern with you and working with you to improve your service even better.

Remember:

If a concern relates to a suspicion of illegal activity, or wrongdoing causing a potential risk to patient, donor, or staff lives, you MUST

TAKE ACTION