

Meeting – Workforce Committee Meeting, 1 st August 2022	Category of paper <i>(please tick)</i>	
Report title – Speak Up – Raising Concerns Policy	For approval	✓
Responsible director – Directors of Workforce Report author – Head of Governance, Freedom to Speak Up Guardian	For assurance	
Previously considered by – Freedom to Speak Up Guardian	For information	

Purpose of the report

The Confederation freedom to speak up policy has been reviewed and updated following the publishing of the Ockenden Report and requires Workforce Committee Approval.

Main issues for consideration

The Speak Up - Raising Concerns Policy is a new version of the Confederation Freedom to Speak Up Policy which has been written by John Walsh, Freedom to Speak Up Guardian. The Ockenden Report highlighted several areas of practice to help healthcare workers feel empowered and supported to raise concerns, particularly related to the quality and safety of Care. This revised version of the policy has been written to align with this new guidance.

The Policy has been reviewed by the Confederation Head of Governance to ensure it is aligned with our governance structure and process.

Recommendations

The Board is recommended to:

- Approve the Policy



LEEDS GP CONFEDERATION

SPEAKING UP – RAISING CONCERNS POLICY	
Author	Freedom to Speak Up Guardian
Corporate Lead	Director of Workforce
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EXECUTIVE SUMMARY

This document sets out the Leeds General Practice Confederation (the Confederation) Freedom to Speak Up (formerly called Whistleblowing) policy and procedures and supersedes the earlier version of the policy which was issued in July 2018.

The policy incorporates current experience and learning from speaking up at the trust.

The policy has been written to comply with the statutory requirements of the Public Interest Disclosure Act (PIDA) 1998, as amended in the Enterprise and Regulatory Reform Bill, and the revised NHS Constitution published March 2013. It incorporates the standard integrated Freedom to Speak Up policy produced by NHS Improvement and NHS England in April 2016, following the recommendations of the review by Sir Robert Francis into whistleblowing in the NHS. It also aligns with the national guidance on Speaking Up policies from NHS England in June 2022.

This policy applies to all workers within the Confederation which includes those who are self-employed, or working on a sessional or locum basis. This policy also extends to those who may hold an honorary contract with the Confederation, are independent contractors to the trust or work as volunteers.

This policy must be read together with other relevant trust policies, procedures and local guidance, such as Grievance policy, Discipline policy, Counter Fraud and Anti-Bribery Policy and Procedure and local safeguarding standards and guidance for children and adults.

The policy will be reviewed in July 2024 and will seek advice and learning from staff who speak up to develop new learning and ways of work as led by the Freedom the Speak Up Guardian.

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1. INTRODUCTION

The Speaking Up policy at the Confederation enables all staff to speak up at the earliest possible opportunity in the safest and most effective ways.

Speaking Up is welcomed by the Confederation. It helps leadership to see issues, hear staff concerns and create positive change.

This policy aims to:

- Enable workers to feel confident in raising concerns
- Provide a way for those concerns to be raised
- Ensure that a response is made to all concerns and to raise awareness of how to pursue concerns if dissatisfied
- Give reassurance that protection against recrimination or victimization will be provided for any staff member who speaks up
- Encourage staff to raise concerns with the trust so that they may be addressed

2. SPEAKING UP IS A PRACTICE NOT A POSITION

Leeds GP Confederation has a cultural approach called Speaking Up is a Practice Not a Position. This means that there are several speaking up channels at the Confederation. Staff are encouraged to use any of these channels to ensure their voice is heard. Speaking Up is what we all do and enable.

The mechanisms are:

- Managers and Colleagues
- Easy access to Senior Managers and Directors
- Workforce Department (HR)
- Freedom To Speak Up Guardian
- Local Counter Fraud Specialist (for fraud issues) – Audit Yorkshire - <https://www.audit Yorkshire.nhs.uk/>
- Clinical Governance Team (Medical Director, Director of Nursing and allied Health Professionals and clinical supervisor roles)

The details of all these services are in appendix 1

3. SPEAKING UP

Speaking up about any concern you have at work is vital. It will help us to keep improving our services for all patients and the working environment for our staff. Raising concerns can be difficult. In accordance with our behaviours and duty of candour, our senior leaders and entire board are committed to an open and honest culture. We will look into what you say and offer support. Staff should suffer no detriment for raising a genuine concern.

You can raise a concern about risk, malpractice, poor experiences, or wrongdoing you think is harming the service we deliver. A few examples of this might include (but are by no means restricted to):

- Unsafe patient care
- Unsafe working conditions
- Inadequate induction or training for staff
- Lack of, or poor, response to a reported patient safety incident
- Suspicions of fraud (which can also be reported to our local counter-fraud team)
- A bullying or non-supportive culture
- Staff or manager behaviours that conflict with our trust vision, values and behaviours

The Confederation is committed to a culture of transparency and fair treatment of all. It will challenge strongly any harassment or victimisation of anyone raising a concern. We will not tolerate any attempt to bully employees into not raising any such concern. Such behaviour is a breach of our values as an organization and our behavioural standards and, if upheld following investigation, could result in disciplinary action for those carrying out actions of detriment.

Provided you are acting in good faith, it does not matter if you are mistaken or if there is an innocent explanation for your concerns. Staff will not lose their jobs for speaking up.

When you formally raise a concern, it will be shared with the Chief Executive and relevant directors and senior leaders in the service concerned and a plan of response and if need be, investigation will occur. The person who spoke up will be kept informed as this happens. All investigations should be timely, responsive and hear all voices involved. Investigations should be carried out by someone suitably independent and trained in investigations.

Concerns can be made with openly (where a staff member identifies themselves), confidentially (where the staff member is known only to the person they speak to) and anonymously (where a staff member chooses a way that their identity is not known).

We seek to hear all staff voices and will have a special focus to reach those who are seldom heard.

Learning from concerns will link to relevant programs and work such as leadership development, organizational processes and health and wellbeing work.

4. CONFIDENTIALITY

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

5. WHO CAN RAISE CONCERNS?

Anyone who works (or has worked in the last two years) for the Confederation. This includes bank / locum / agency workers, temporary workers, students, honorary contract holders, independent contractors, volunteers and governors. The service is open to all staff including managers and senior leaders.

6. WHO CAN I RAISE A CONCERN WITH?

In many circumstances the easiest way to get your concern resolved will be to raise it formally or informally with your line manager / lead clinician. Where you don't think it is appropriate to do this, you can use any of the options set out below.

If raising it with your line manager / lead clinician does not resolve matters, or you do not feel able to raise it with them, you can contact one of the following internal contacts:

- Head of Operations
- Your Clinical Supervisor
- Any member of the Human Resources team
- Medical Lead for EA Services
- The Freedom to Speak Up Guardian

7. FREEDOM TO SPEAK UP GUARDIAN

This is an important role identified in the Freedom to Speak Up Review to act as an independent and impartial source of advice and support to staff at any stage of raising a concern. The Freedom to Speak Up Guardian can support a staff colleague to speak up and raise the concern if the employee feels they cannot step forward and speak openly. This enables concerns to be heard.

The Confederation's Freedom to Speak Up Guardian is:

John Walsh
Mobile - 07949102354
E-mail – john.walsh@nhs.net

The Freedom To Speak Up Guardian reports directly to the Chief Executive Jim Barwick – jim.barwick@nhs.net.

For any concerns about these services, you can contact:

Jenny Allen and Laura Smith, Director of Workforce, OD and System Development
- our executive directors with responsibility for raising concerns
Email: jennyallen.laurasmith@nhs.net

If for any reason you do not feel comfortable raising your concern internally, you can raise concerns with external bodies accessible via this link:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/510962/BIS-16-79-blowing-the-whistle-to-a-prescribed-person.pdf

You can also contract the Whistleblowing Helpline for the NHS and social care, accessible via the NHS and Social Care Whistleblowing Helpline on 08000 724 725.

8. NATIONAL GUARDIAN OFFICE

The National Guardian Office can independently review how staff have been treated having raised concerns where NHS Trusts and Foundation Trusts may have failed to follow good practice.

You can contact the National Guardian by telephoning - 0191 249 4400 (Monday-Friday 10AM-2PM) or accessing the website at <https://nationalguardian.org.uk/>

9. MAKING A PROTECTED DISCLOSURE

There are very specific criteria that need to be met for an individual to be covered by whistleblowing law when they raise a concern (to be able to claim the protection that accompanies it). There is also a defined list of 'prescribed persons' to whom you can make a protected disclosure which is accessible via this link:

(<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>)

The most relevant to the NHS are detailed below:

- the Care Quality Commission (CQC) – who offer guidance in how to escalate concerns about quality and safety with the CQC – www.cqc.org.uk
- the relevant healthcare regulatory body such as, for example, the Nursing and Midwifery Council, General Medical Council, General Dental Council, Health and Care Professions Council, General Optical Council or General Pharmaceutical Council
- Health Education England – about matters relating to education and training of healthcare workers – www.hee.nhs.uk
- the Audit Commission for England and Wales – <https://www.gov.uk/government/collections/local-audit-framework-replacing-the-audit-commission>
- the Health and Safety Executive – www.hse.gov.uk
- the Information Commissioner – www.ico.org.uk
- NHS Counter Fraud Authority - <https://cfa.nhs.uk/> freephone – 08000284060
- your Member of Parliament
- the Department of Health – www.dh.gov.uk
- NHS England / Improvement about how a Trust is being run – <https://www.england.nhs.uk/>

To help you consider whether you might meet the specific criteria that needs to be met to act under whistleblowing law, please seek independent advice from the Whistleblowing Helpline for the NHS and social care (www.wbhelpline.org.uk), Public Concern at Work – now called at Protect (<https://protect-advice.org.uk/>) or a legal representative.

10. MONITORING AND COMPLIANCE

The Workforce Committee is responsible for this policy and will review its effectiveness annually. They will also monitor the daily operation of the policy. If you have any comments or questions, please do not hesitate to let one of their team know.

The Workforce Committee is also responsible for ensuring organizational learning arising from disclosures made under the policy.

11.EQUALITY ANALYSIS

Leeds GP Confederation's vision is to provide the best possible care to every community. In support of the vision, with due regard to the Equality Act 2010 General Duty aims, Equality Analysis has been undertaken on this policy and any outcomes have been considered in the development of this policy. The screening template is attached as Appendix 2

APPENDIX 1

Contact details

The Confederation's Freedom to Speak Up Guardian is:

John Walsh
Mobile - 07949102354
E-mail – john.walsh@nhs.net

The Freedom To Speak Up Guardian reports directly to the Chief Executive Jim Barwick – jim.barwick@nhs.net.

For any concerns about these services, you can contact:

Jenny Allen and Laura Smith, Director of Workforce, OD and System Development
- our executive directors with responsibility for raising concerns
Email: jennyallen.laurasmith@nhs.net

APPENDIX 2

Equality Analysis – Relevance Screening Form

1. Name of the document	Freedom to Speak Up : Raising Concerns Policy			
2. What are the main aims and objectives of the document	<p>The aims of this Policy / Guide are to ensure that:</p> <ul style="list-style-type: none"> The aim of the policy is to ensure a standard approach, in line with all NHS organisations in England, to normalise and support the raising of concerns for the benefit of all patients 			
3. Is this a key strategic document?	Yes		No	
	X			
4. What impact will this document have on the public or staff?	High	Medium	Low	Don't know
	X			
Explain: Low = members of the public, High = all staff and workers for the Trust will be covered by the policy				
5. Is there any evidence, or reasons that different groups have different needs, experiences, issues and priorities in respect of this particular document?	Yes	No	Don't know	
	X			
Explain: We need to enshrine diversity and inclusion and equality in all speaking up work.				

	Equality Analysis	None
6. Based on the result of the screening, is an EA required?	X	