

Policy Document

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Speaking Up

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Statement on Trust Policies

The latest version of 'Statement on Trust Policies' applies to this policy and can be accessed [here](#)

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1. INTRODUCTION

Speak Up – we will listen

Speaking up about any concern you have at work is vital because it will help us to keep improving our services for all patients and the working environment for our workforce.

You may feel worried about raising a concern, and we understand this. In accordance with our duty of candour, our senior leaders and entire board are committed to an open and honest culture and encourage and value issues being raised. We will look into what you say and you will always have access to the support you need.

At UHNM we are committed to promoting an open, transparent and supportive culture to ensure that everyone feels safe and confident to speak up about issues that concern them, and for you to know that we will act upon your concerns. We know that effective speaking up arrangements help to protect patients and improve the experience of our workers. We will focus on learning and improving – understanding what has happened and not who is responsible or to blame by applying a Just and Learning Culture approach whenever issues are raised. We have developed our Trust values and our speaking up vision and strategy, which is detailed in Appendix 6 to demonstrate this commitment.



1. What concerns can I raise?

We want speaking up to be part of business as usual, and hope that most issues about patient safety, staff experience and continuous improvement can be addressed informally through speaking to your line manager, clinical lead, tutor or other manager in your area, and we also have a range of policies and procedures to enable and support you to raise issues that concern you, detailed below. However you choose to raise your concern we will talk with you about these options and agree how you would like to progress things.

Please remember that if you are a healthcare professional you may have a professional duty to report a concern. **If in doubt, please raise it.**

Don't wait for proof. We would like you to raise the matter while it is still a concern. It doesn't matter if you turn out to be mistaken as long as you are genuinely troubled.

This Speaking Up Policy can be used for raising any issues, but particularly for instances where you wish to raise matters related to patient care, quality or safety. Just 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 culture of bullying and harassment (across a team or organisation rather than individual instances of bullying)

Other routes to report or raise issues or concerns include:

Complete an incident form on DATIX. For more information on incident reporting, refer to our [Policy for Reporting and Management of Incidents \(RM07\)](#)

Our Grievance policy (HR03) is for general grievances that could arise from situations where an individual or group of individuals is aggrieved at an action or decision taken, or about to be taken, by their manager which relates directly to the terms and conditions or circumstances of their employment, such as:

- Health & Safety issues
- Work issues
- Working environment
- Formal dignity at work and bullying and harassment issues that have not been resolved by the informal process outlined in our dignity at work policy.

Our Dignity at work policy (HR02) deals with dignity at work concerns that can be addressed through informal processes. A dignity at work problem can be defined as a breakdown in the working relationships between people at work, perhaps due to a misunderstanding, a lack of courtesy or clash of personalities for example.

However you choose to raise your concerns, we will have an initial scoping conversation with you to explain the various processes open to you. We will ensure that you understand the differences between the processes and are given sufficient time and information to make an informed decision about which process to follow.

You can also use opportunities such as Care Excellence Framework inspections, or drop in sessions with our Chief Executive or other senior leaders to raise issues in the first instance. However if you do have an issue that is troubling you please don't wait, raise it at the earliest opportunity to enable us to take appropriate action.

2. SCOPE

This policy applies to anyone who works or has worked for the Trust. This includes all workers - permanent staff, temporary staff and bank staff. It also applies to non-executive directors, locums, trainees, agency staff, students, those on work experience, volunteers, governors, those on an honorary contract or on secondment to the Trust, contractors, suppliers and all self-employed NHS professionals (e.g. doctors, dentists, optometrists, pharmacists etc.).

For the purpose of this policy, the term **worker** will be used to mean everyone in the organisation.

The term **speaking up** is used in its broadest sense and encompasses matters that might be referred to as 'raising concerns', 'complaining', 'raising a grievance' or 'whistleblowing'. It also includes making suggestions for improvement. There is no distinction between 'formal' and 'informal' 'concerns'.

If a concern is raised by a patient, relative or member of the public, the manager should liaise with the Trust Complaints Department.

3. RESPONSIBILITIES

3.1 Responsibilities of the Board

The Trust Board is committed to this policy and our vision and strategy for speaking up. Responsibilities of Trust Boards and individual members in relation to freedom to speak up are defined in the [NHS Improvement Guidance for Trust Boards on Freedom to Speak Up](#)

The Board has a responsibility to demonstrate to workers that when concerns are raised, they focus on finding solutions and taking action, learning and improving and not on apportioning blame. This sends an important signal to Trust workers that the Board welcomes and values concerns being raised. The Board will not tolerate the victimisation of any worker that has spoken up about a concern at work. All

Executive Directors have a responsibility for creating a safe culture and an environment in which workers are able to highlight problems and make suggestions for improvement.

3.2 Responsibility of the Chief Executive

The Chief Executive is ultimately accountable for ensuring that Freedom to Speak Up arrangements meet the needs of the workers in their Trust.

It is the responsibility of the Chief Executive to respond in accordance with this policy when concerns are raised directly with them. The Chief Executive will also respond to recommendations presented by the designated Non-Executive Director.

3.3 Responsibility of Non-Executive Director for Speaking Up (NED)

The Non-Executive Lead is responsible for challenging the Chief executive, Executive Lead for Speaking Up and the Board to reflect on whether they could do more to create a healthy and effective speaking up culture. The Non-Executive Lead will also oversee speaking up concerns regarding board members, and may also be requested to review claims that workers have suffered detriment as a result of speaking up.

If a concern is raised directly with, or referred to the Non-Executive Lead in line with Step 3 of the procedure they will communicate with the worker(s), seek clarification of the concern raised and make recommendations if appropriate in respect of further action to be taken.

3.4 Responsibility of the Associate Director of Corporate Governance

It is the responsibility of the Associate Director of Corporate Governance to support the designated Non-Executive Director. They shall ensure the Non-Executive Director is advised in respect of applying the policy and with assisting in the production of any documents, reports and or minutes taken as a result of meetings held between the Non-Executive Director and the individual(s) raising concerns.

3.5 Responsibility of the Executive Lead for Speaking Up

It is the responsibility of the Director of Human Resources, as the Executive Lead for Speaking Up, to oversee the creation of our UHNM Speaking Up vision and strategy and to conduct a biennial review of the strategy and this policy and procedure to provide assurance to the Trust Board on their effectiveness. The Executive Lead will ensure that learning from speaking up issues is operationalised across the organisation. The Executive Lead will also ensure that any allegations of detriment are promptly and fairly investigated and acted on.

3.6 Responsibility of the Chief Nurse and Medical Director

It is the responsibility of the Chief Nurse and the Medical Director, as designated leads to ensure that concerns raised through this policy are investigated effectively and the investigations focus on learning and improving. They are responsible for ensuring that effective, and as appropriate, immediate action is taken when potential patient safety issues are highlighted by speaking up and for ensuring that learning is operationalised within the teams and departments they oversee.

3.7 Responsibility of the Director of Human Resources

The Human Resources Director is responsible for ensuring that HR culture and practice encourage and support speaking up and that learning in relation to workers experience is disseminated across the Trust. They will also ensure that values and behaviours associated with speaking up are embedded throughout the recruitment, appraisal and termination processes. They also have a responsibility for ensuring that all workers have the capability and the access to the appropriate resources to enable them to role model high standards of conduct around speaking up.

3.8 Responsibility of Freedom to Speak Up Guardians

Freedom to Speak Up Guardians are an important role identified in the Freedom to Speak Up review to act as an independent and impartial source of advice to any workers at any stage of raising a concern, with access to anyone in the organisation, including the Chief Executive, or if necessary outside the organisation. They will support the organisation to become a more open, transparent place to work, creating a culture based on listening and learning and not blaming.

Guardians don't get involved in investigations or complaints, but help to facilitate the process where needed, ensuring organisational policies in relation to speaking up are followed correctly. You can read the Freedom To Speak Up Guardian job description [here](#)

3.9 Responsibility of the Employee Support Advisors

Employee Support Advisors are an independent and confidential resource for UHNM workers and they have a responsibility to:-

- Be available for anyone in the Trust to discuss issues and concerns
- Act impartially and be objective and unbiased
- Understand the difficult position the person raising the concern may be in, provide support and if necessary advice about other support that is available
- Advise and signpost workers to this policy and other speaking up routes available to raise an issue or concern
- Assure the person of confidentiality during the process (as far as possible)

3.10 Responsibility of All Managers and Clinical Leaders

It is the responsibility of Managers and Clinical Leaders to:

- Act at all times as a role model of our Trust Values
- Promote and apply a just and learning culture of openness, transparency and learning where workers feel confident about raising issues that concern them or suggestions for improvement
- Ensure that workers are aware of this policy, are familiar with it and the options available to them to raise issues
- Support and reassure those raising concerns, ensuring no mistreatment or victimisation occurs
- Take concerns seriously, listen and discuss options with the worker
- Handle concerns raised in accordance with the principles of this and any other relevant Trust policies and procedures
- Acknowledge issues raised and deal with it promptly and confidentially, giving the individual(s) your full support during the whole process
- Ensure all workers are aware of the support available from the Trust Freedom to Speak Up Guardians and Employee Support Advisors
- Advise workers that they can contact their Trade Union representative (if they have one) and that they can be present at any meetings if they wish
- Take prompt action to resolve the concern, or where appropriate undertake a proportionate fact finding investigation or escalate the issue to another appropriate person if necessary
- Keep the individual(s) regularly informed of the status of the process and progress of any investigation and of the outcome (using the templates in Appendix 4 and 5) ensuring that meaningful feedback is provided
- Check regularly on the wellbeing of the individual(s) raising concerns, and also anyone who is the subject of a concern and signpost or refer to staff support services
- Take action to rebuild relationships or team working where needed

3.11 Responsibility of Individual Workers

It is the responsibility of all workers to:

- Be aware of this policy, and the other routes available to you to raise issues and concerns
- Act in accordance with the NHS Constitution to raise genuine concerns that you may have about a risk, malpractice or wrongdoing at work which may affect patients, the public, other staff or the organisation itself at the earliest reasonable opportunity
- Read the guidance for workers and know where to get advice and support

3.12 Role of Staff Side

The Trust recognises that representatives of trade unions/professional associations have a valuable role in helping members consider the appropriate action to take under the provisions of this policy. It is recognised that initially a worker may wish to raise the matter with their trade union/professional association prior to or rather than, with the Freedom to Speak Up Guardian, an Employee Support Advisor or any of the managers identified in the procedure.

It is therefore acceptable, and in some cases necessary, that a trade union/professional association may raise the matter on behalf of the worker, with an appropriate manager under one of the Steps in the procedure.

Workers who raise issues personally are encouraged to be accompanied by a representative of a trade union/professional association if they wish throughout the process outlined in this policy.

3.13 Counter Fraud Specialists

Counter Fraud Specialists are responsible for conducting investigations into suspicions of fraud and bribery in a manner that abides by appropriate legislation, including the Bribery Act 2010 and protects confidentiality of sources (where appropriate).

4. Feel safe to raise your concern

If you raise a genuine concern under this policy, you will not be at risk of losing your job or suffering any form of reprisal as a result. We will not tolerate the harassment or victimisation of anyone raising a concern. Nor will we tolerate any attempt to bully you into not raising any such concern. Any such alleged behaviour is a breach of our values as an organisation and, if upheld following a fact finding investigation, could result in disciplinary action.

Providing you are acting honestly, it does not matter if you are mistaken or if there is an innocent explanation for your concerns. If following any fact finding it turns out that a concern is unsubstantiated we will undertake a just and learning review to help us understand what has happened.

5. Confidentiality

We hope that 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 our 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).

6. Anonymous Concerns

You can choose to raise your concern anonymously, without giving anyone your name, but that may make it more difficult for us to investigate thoroughly and give you feedback on the outcome. By remaining anonymous it can also be difficult for the organisation to provide the support and protection available to people who raise concerns. We hope that by demonstrating our commitment to a just and learning culture that our workers will feel able to speak up openly, or confidentially, about issues that concern them.

7. Who can raise concerns under this Policy?

Anyone who works (or has worked) in the NHS, or for an independent organisation that provides NHS services can raise concerns. This includes agency workers, temporary workers, students, volunteers and governors.

8. Who should I raise my concern with?

Raising issues and concerns at work should form part of business as usual, and in many circumstances the easiest way to get your concern resolved will be to raise it with your line manager (or lead clinician or tutor).

If raising it with your line manager or lead clinician or tutor does not resolve matters, or you do not feel able to raise it with them, consider if you can raise the matter with another senior manager or Director within your Division. Alternatively you can seek independent advice or raise the matter with one of our local Freedom to Speak Up Guardians:

Freedom to Speak Up Guardians are an important role identified in the Freedom to Speak Up review to act as an independent and impartial source of advice at any stage of raising a concern, with access to anyone in the organisation, including the chief executive, or if necessary, outside of the organisation. You can contact them through:

- The Freedom to Speak Up Guardian email account: FTSUGuardian@uhnm.nhs.uk
- Individual [Freedom to Speak Up Guardian](#) contact details
- Speak Up confidential contact form

You can also contact any of the following for support and advice:

- Your Trade Union
- An [Employee Support Advisor](#)
- Trust Counter-Fraud Specialist

If you still remain concerned after this, you can contact:

- Our Executive Directors with a responsibility for raising concerns (Michelle Rhodes, Chief Nurse and John Oxtoby, Medical Director)
- Our Non-Executive Director with responsibility for raising concerns (Andrew Hassell)
- Our Chief Executive (Tracy Bullock)

All these people have been trained in receiving concerns and will give you information about where you can go for more support.

If for any reason you do not feel comfortable raising your concern internally, you can raise concerns with external bodies (listed on page 11).

9. Advice and Support

Details on the local support and resources available to you can be found [here](#). However you can also contact the confidential [Speak Up helpline](#) for the NHS or you may wish to seek support and/or advice from your trade union representative or professional body, e.g. General Medical Council, Nursing and Midwifery Council, Healthcare Professions Council etc. and you can do this at any point before or during raising a concern.

10. How should I raise my concern?

You can raise your concerns with any of the people listed above in person, by phone or in writing (including email). We have created a form that you may find helpful to use (Appendix 3) you can also

raise concerns using the online incident reporting system DATIX, or confidentially contact the Freedom To Speak Up Guardians via email (FTSUGuardian@uhnm.nhs.uk) or by using the form on the [Speaking Up intranet page](#). This also enables anonymous concerns to be raised.

Whichever route you choose, please be ready to explain as fully as you can the information and circumstances that gave rise to your concern, and what, if any, action has already been taken.

11. What will we do?

We are committed to the principles of the Freedom to Speak Up review and its vision for raising concerns and will respond in line with them. We are committed to listening to our workforce, learning lessons and improving patient care. On receipt the concern will be recorded and you will receive an acknowledgement within two working days.

Once you have told us of your concerns, we will look into it to assess initially what action should be taken. It may be that the matter you have raised can be resolved quickly (usually within a few days) with your line manager, but if it cannot be resolved, or our assessment feels it is appropriate we will carry out a proportionate fact finding investigation – using someone suitably independent (usually from a different part of the organisation) and properly trained, and we will reach a conclusion within a reasonable timescale (which we will notify you of).

This Speaking Up Policy can be used for raising any issues. In these circumstances, a worker may have a range of Trust policies to choose from to address their issue. Support for a scoping conversation is available from management, Human Resources, your trade union representative, Freedom to Speak Up Guardian or Employee Support Advisor. The purpose of the scoping conversation is to allow you to make an informed decision as to the most appropriate policy. At no point should a worker be dissuaded from using the Speaking Up Policy if this is their chosen Policy.

Wherever possible we will carry out a single investigation (so for example where a concern is raised about a patient safety incident, we will usually undertake a single investigation that looks at your concern and the wider circumstances of the incident). The investigation will be objective and evidence-based, and will produce a report that focuses on identifying and rectifying any issues, and learning lessons to prevent problems recurring in line with the principles of a just and learning culture.

Any employment issues (that affect only you and not others) identified during the investigation will be considered separately.

12. Communicating with you

We will treat you with respect at all times and will thank you for raising your concerns. We will discuss your concerns with you to ensure we understand exactly what you are worried about and the options available to ensure you are supported throughout the process. We will tell you how long we expect any fact finding investigation to take and 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).

13. Supporting individuals involved in a concern

If an individual is the subject of a concern or an allegation they will be treated with respect at all times and in accordance with our Trust Values. Anyone subject to a speaking up investigation will be kept up to date on progress with the investigation and will be supported to access staff health and wellbeing services.

We will also work to ensure that, where an individual is going through any process (e.g. a disciplinary investigation) that also encompasses potential patient safety issues or similar matters that the Trust continues to provide that individual with all appropriate support to speak up about those matters.

Individuals and teams will be supported throughout and following any investigation, and we will utilise restorative processes such as mediation to help rebuild teams and relationships.

14. Just and Learning Culture

We are committed to the principles and application of a Just and Learning Culture framework (outlined in Appendix 7) whereby we support the consistent, constructive and fair evaluation of the actions of workers involved in incidents or concerns. We know that action singling out an individual is rarely appropriate and that most issues have deeper causes and require wider action. We hope that by demonstrating that our focus is on addressing process and organisational issues that impact on individual's abilities to provide safe patient care that our workforce will feel better able to raise issues that are concerning them.

15. How will we learn from your concern?

The focus of any investigation or issue raised will be on improving the service we provide for patients and improve the experiences of our workers. Where it identifies improvements that can be made, we will track them to ensure necessary changes are made, and are working effectively. Lessons will be shared with teams across the organisation, or more widely, as appropriate.

16. Board oversight

The Board will be given high level information about all concerns raised by our workers through this policy and what we are doing to address any problems. We will include similar high level information in our annual report. The Board supports workers raising concerns and wants you to feel free to speak up.

17. Monitoring and review

We will review the effectiveness of this policy, its contents and local procedures at least biennially, taking into account legislative changes, NHS England guidance, National Guardian Office recommendations and other good practice guidance.

Our speaking up arrangements will also be included in the Trusts internal audit programme.

The Trust Quality Assurance Committee and Trust Board will receive quarterly reports from the Freedom To Speak Up Guardian to provide assurance that the policy is working effectively and that issues raised are being dealt with in accordance with this policy.

18. Training

This policy will be supported by speaking up training available via ESR and for those with responsibility for managing other staff to access role specific training through our leadership development brochure.

19. Raising your concern with an outside body

Alternatively you can raise your concern outside the organisation with:

- NHS England and NHS Improvement for concerns about:
 - How NHS trusts and foundation trusts are being run
 - Other providers with an NHS provider licence
 - NHS procurement, choice and completion
 - The national tariff
 - Primary medical services (general practice)
 - Primary dental services
 - Primary ophthalmic services
 - Local pharmaceutical services
- Care Quality Commission for quality and safety concerns
- Health Education England for education and training in the NHS
- NHS Counter Fraud Authority for concerns about fraud, bribery and corruption

20. 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', similar to the list of outside bodies above who you can make a protected disclosure to. To help you consider whether you might meet these criteria, please seek independent advice from the Speak Up Helpline for the NHS and social care, Protect (formally Public Concern at Work) or a legal representative.

21. National Guardian Freedom to Speak Up

The National Guardian can independently review how workers have been treated having raised concerns where NHS Trusts and Foundation Trusts may have failed to follow good practice, working with some of the bodies listed above to take action where needed.

APPENDIX 1: PROCEDURE FOR RAISING AND ESCALATING A CONCERN USING THE SPEAKING UP POLICY

Step one

If you have a concern at work, we hope you will feel able to raise the matter with your line manager, lead clinician or tutor (for students). This may be done orally or in writing (including email).

Step two

If you feel unable to raise the matter with your line manager, lead clinician or tutor, for whatever reason, you should raise the matter with another senior manager or Director within your Division. Alternatively you can raise the matter with one of our local Freedom to Speak Up Guardians. You can do this via:

Email: FTSUGuardian@uhnm.nhs.uk

- Charlotte Lees, FTSU Guardian on 01782 675566 / charlotte.lees@uhnm.nhs.uk
- Aideen Walsh, Associate FTSU Guardian on 01782 676614 / aideen.walsh@uhnm.nhs.uk

These people have been given special responsibility and training in dealing with concerns. They will:

- Treat your concern confidentially unless otherwise agreed
- Ensure you receive timely support to progress your concern
- Escalate to the board any indications that you are being subjected to detriment for raising your concern
- Remind the organisation of the need to give you timely feedback on how your concern is being dealt with
- Ensure you have access to personal support since raising your concern may be stressful

If you want to raise the matter in confidence, please say so at the outset so that appropriate arrangements can be made.

Where an issue relates to potential fraud and/or corruption you may wish to raise your concerns with:

- Simon Stanyer, local counter fraud specialist at simon.stanyer@kpmg.co.uk / simon.stanyer1@nhs.net or telephone 07747 565380
- Mark Oldham, Chief Finance Officer on 01782 676437 / mark.oldham@uhnm.nhs.uk
- Or alternatively you can call the NHS National Fraud and Corruption Reporting Line on 0800 028 4060 or visit the [NHS Counter Fraud Authority](https://www.nhs.uk/counter-fraud)

Step Three

If these channels have been followed and you still have concerns, or you feel unable to raise the matter with any of the above, or if you feel that the **matter is so serious** (for example there is an immediate patient safety issue) please contact:

- Medical Director - John Oxtoby on 01782 676614 / john.oxtoby@uhnm.nhs.uk
- Chief Nurse - Michelle Rhodes on 01782 676620 / michelle.rhodes@uhnm.nhs.uk
- Non-Executive Director for Speaking Up - Andrew Hassell andrew.hassell@uhnm.nhs.uk
- Chief Executive - Tracy Bullock on 01782 676612 / tracy.bullock@uhnm.nhs.uk

If the matter involves a board member, you can contact the Non-Executive Director for Speaking Up or Chief Executive directly.

Step four

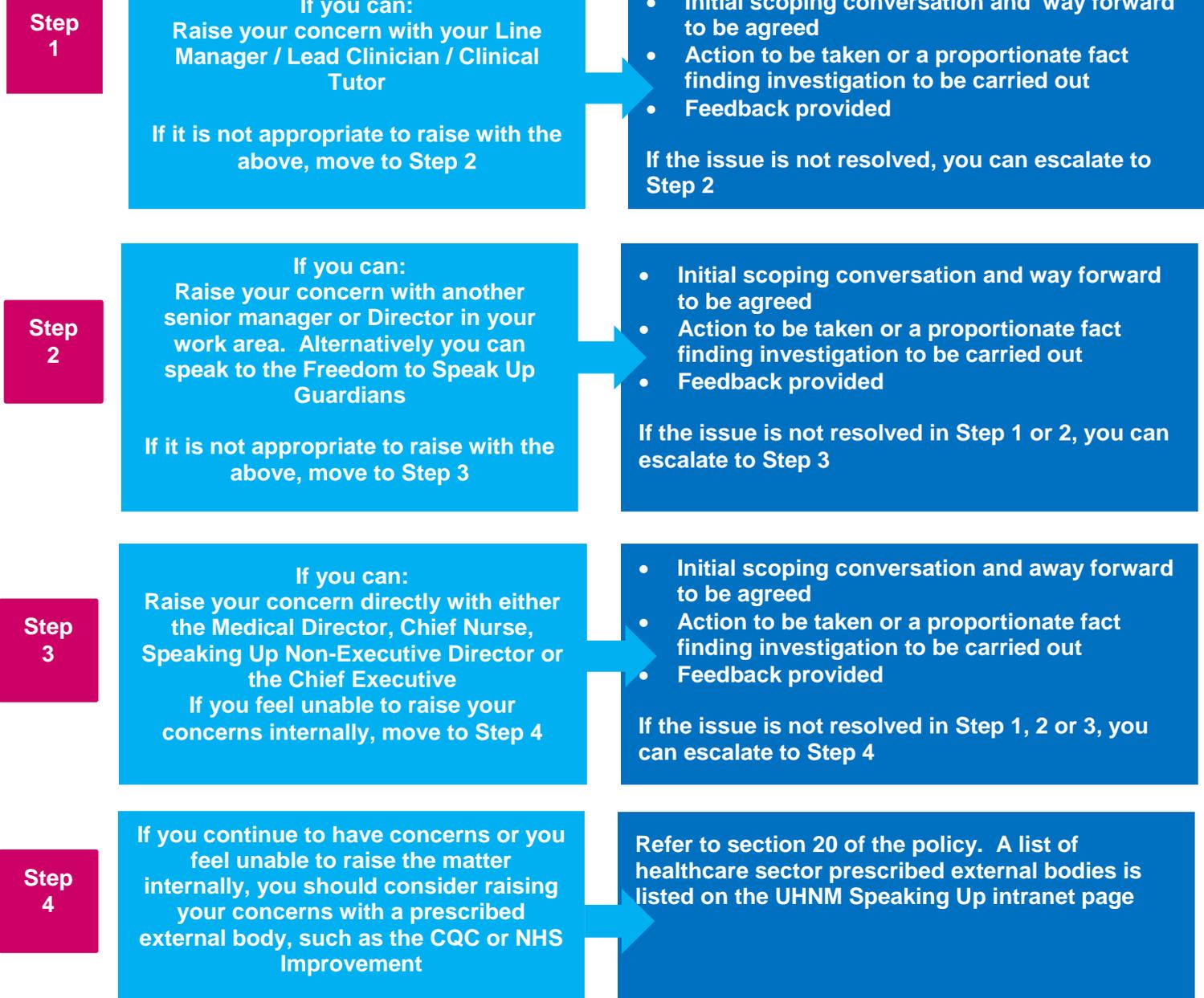
If you remain concerned or do not feel able to raise the matter internally, you can raise your concerns with an outside body, as outlined in section 20.

APPENDIX 2: SPEAKING UP PROCEDURE - STEP BY STEP GUIDE

You have a concern at work

Who to raise your concern with:

What you can expect:



If you are not sure whether to, or how to raise a concern, or you just need someone to talk to, advice and support is available throughout from:



More information is also available on our Speaking Up Trust Intranet page: Home / Staff Room / Speaking Up

APPENDIX 3: UHNM SPEAKING UP FORM
(You may find using this form helpful either to submit your concerns or as a guide to the information that will be needed to help look into and resolve your issue)

UHNM SPEAKING UP FORM

STRICTLY CONFIDENTIAL

Date when this form is completed:

Details relating to your concern or issue:

Details of concern or issue: please describe what has happened / what you think will happen. Please provide as much detail as you can (use additional sheets of paper as needed)	
Location where the concern or issue occurred:	
Who is involved? Please list witnesses and anyone carrying out the act causing you concern and the date(s), time and place(s) the act occurred	
Outcome you would like to see / feel would help	
Personal involvement / personal interest – please declare any personal interest you may have in this matter (i.e. does the outcome of this matter have the potential to affect you personally in any way?) or any personal involvement you may have had in the matter	

Have you raised this concern or issue before?

YES

NO

If "YES" please state with whom and when and what happened:

--

Please provide details as to your dissatisfaction and why you continue to have concerns relating to this matter

--

Do you wish to raise this matter anonymously?

YES

NO

(Please note that if you choose to remain anonymous it will not be possible to contact you for further information or provide any feedback to you)

Should you wish to disclose your details please complete the following:

Name:	Job Title:	Department:
Contact number where you wish to be contacted:		
Contact address for communication relating to this concern:		
Email Address:		
Expressed Preferences about Confidentiality	YES	NO
Do you wish your identify to be kept confidential (bearing in mind that, depending on the nature of the investigation or disclosure, it may become necessary to disclose your identity)?		

APPENDIX 4: EXAMPLE FEEDBACK LETTER TEMPLATE (INITIAL)



***Private and Confidential
For Addressee Only***

[NAME]
[ADDRESS]

Dear [NAME],

Re: Update on Issues/Concerns Raised

I am writing to update you regarding the current position of the concern/issue you raised on (date concern raised) in line with the Trust's Speaking Up Policy regarding [ENTER ISSUES OF CONCERN].

Action to date summary:	[INSERT DETAIL OF WHAT HAS HAPPENED SINCE] e.g. an independent fact finding investigation has been commissioned / a series of investigation interviews / senior management involvement / Root Cause Analysis undertaken etc.
Current position:	[INSERT CURRENT POSITION OF THE CONCERN INVESTIGATION] e.g. the concern investigation remains on-going whilst further investigation interviews take place. Timely/monthly update will follow regards progress made in investigating the concern etc.

I would like to thank you for raising these issues and to reassure you that the aim is to complete a thorough fact finding investigation using the just and learning culture framework in as timely a manner as possible. The focus of this investigation will be to understand what has happened and learning and improving. In the event that the investigation has not concluded in 4 weeks' time I will again write to you in order to provide you with an update.

To ensure that any investigation can be conducted as fairly as possible it is requested that you keep the matter, and anything discussed at an investigation meeting confidential.

You will be informed once the concerns/issues have been investigated about any decision on further action that has been taken in addressing the issue. However, I would wish to make you aware that, for reasons of confidentiality, I may be unable to inform you of the all details of any action relating to individuals.

I acknowledge that this can be an anxious time for you and therefore I would like to remind you of the support available to you, including support from your line manager, the Occupational Health service, the Staff Support Service and Freedom to Speak Up Guardians and Employee Support Advisors.

[IF THE INDIVIDUAL WISHES THEIR IDENTITY TO REMAIN CONFIDENTIAL MAKE REFERENCE TO THIS HERE]

In the meantime, should you have any queries in relation to the investigation or the contents of this letter please do not hesitate to contact me on [INSERT CONTACT NUMBER]

Yours sincerely,
[NAME & JOB TITLE]

APPENDIX 5: FEEDBACK LETTER TEMPLATE (OUTCOME)



***Private and Confidential
For Addressee Only***

[NAME]
[ADDRESS]

Dear [NAME],

Re: Feedback on Issues/Concerns Raised

I am writing to advise you of the outcome of our fact finding investigations following the concerns/issues you raised on (date concern raised) in line with the Trust's Speaking Up Policy regarding [ENTER ISSUES OF CONCERN].

Whilst I will endeavour to share the full investigation report with you I may not be able to tell you about some specific actions that have been taken if this impacts upon the confidentiality of other individuals.

Action to date summary:	[INSERT DETAIL OF WHAT HAS HAPPENED TO INVESTIGATE THE CONCERN] e.g. a fact finding / series of investigation interviews / RCA / independent review / senior management involvement
Outcome	What has been found? What action will be taken as a result? How this will be shared to prevent recurrence / what learning or improvement is there?
Next Steps	Outline any training / change in processes etc. Does there need to be any mediation / team building etc.

I wish to thank you for raising your concerns/issues and to reiterate that we will not tolerate the victimisation of anyone that has spoken up under this policy and that you should escalate any issues that you feel are targeted towards you as a result of having raised concerns.

I would also like to take this opportunity to remind you of the variety of support mechanisms available to you, including support from your line manager, the Occupational Health service, the Staff Support Service and Freedom to Speak Up Guardians.

Should you have any queries in relation to the investigation or the contents of this letter please do not hesitate to contact me on [INSERT CONTACT NUMBER]

Yours sincerely,
[NAME & JOB TITLE]

APPENDIX 6: UHNM SPEAKING UP VISION & STRATEGY

Our Speaking Up Plan

Our Vision

We have an open and transparent culture that enables everyone to feel safe and confident to speak up about issues that they are concerned about

This plan outlines our Board’s commitment to ensuring that UHNM has a healthy speaking up culture, with effective speaking up arrangements that help to protect patients and improve the experience of NHS workers

- Patient care is a priority
- Our staff feel valued and respected and included in decisions
- We feel empowered to speak up about issues that concern us
- We learn when things don’t go as planned

.....We are



Our goals	How we will get there	How we can all be part of it
<ul style="list-style-type: none"> • Create a just and learning culture, where our staff are treated fairly and compassionately with the focus on learning when things haven’t gone as planned • Create an environment where speaking up about issues is business as usual • Increase confidence that people can speak up readily without fear of reprisal • Ensure we have a person centred approach that empowers individuals to make informed decisions about how they want to raise issues • Ensure when people speak up they receive a positive response • Ensure that matters are addressed in a timely manner and feedback is provided • Improve our staff survey results in relation to raising concerns and bullying and harassment 	<ul style="list-style-type: none"> • We will have clear policies that enable concerns to be raised through a variety of routes • We will provide training and resources for staff so they are clear about how to raise concerns and what they should expect to happen • We will ensure managers are clear about their roles and responsibilities when handling concerns are supported to do so effectively • We will provide regular communications to raise the profile and understanding of our speaking up arrangements • We will communicate key findings to staff about the level and type of concerns raised and any resultant actions taken, as appropriate under the scope of confidentiality • We will seek feedback from our staff to ensure our arrangements are effective based on staff experience and learning 	<ul style="list-style-type: none"> • Role model our Trust values in everything that we do • Create regular opportunities and ways to raise, discuss and resolve issues of concern • Speak up at the time to prevent things going wrong • Understand and follow our speaking up processes • Be open to challenge and value differences • Focus on what hasn’t gone as planned, and not on who is to blame • Focus on solutions and improving • Share feedback and outcomes so that others can learn • Know where to go for advice and support

A just culture guide

Supporting consistent, constructive and fair evaluation of the actions of staff involved in patient safety incidents

This guide supports a conversation between managers about whether a staff member involved in a patient safety incident requires specific individual support or intervention to work safely. Action singling out an individual is rarely appropriate - most patient safety issues have deeper causes and require wider action.

The actions of staff involved in an incident should **not** automatically be examined using this just culture guide, but it can be useful if the investigation of an incident begins to suggest a concern about an individual action. The guide highlights important principles that need to be considered before formal management action is directed at an individual staff member.

An important part of a just culture is being able to explain the approach that will be taken if an incident occurs. A just culture guide can be used by all parties to explain how they will respond to incidents, as a reference point for organisational HR and incident reporting policies, and as a communication tool to help staff, patients and families understand how the appropriate response to a member of staff involved in an incident can and should differ according to the circumstances in which an error was made. As well as protecting staff from unfair targeting, using the guide helps protect patients by removing the tendency to treat wider patient safety issues as individual issues.

Please note:

- **A just culture guide** is not a replacement for an investigation of a patient safety incident. Only a full investigation can identify the underlying causes that need to be acted on to reduce the risk of future incidents.
- **A just culture guide** can be used at any point of an investigation, but the guide may need to be revisited as more information becomes available.
- **A just culture guide** does not replace HR advice and should be used in conjunction with organisational policy.
- **The guide** can only be used to take one action (or failure to act) through the guide at a time. If multiple actions are involved in an incident they must be considered separately.

Start here - **Q1. deliberate harm test**

1a. Was there any intention to cause harm?



Yes

Recommendation: Follow organisational guidance for appropriate management action. This could involve: contact relevant regulatory bodies, suspension of staff, and referral to police and disciplinary processes. Wider investigation is still needed to understand how and why patients were not protected from the actions of the individual.

END HERE

No go to next question - **Q2. health test**

2a. Are there indications of substance abuse?



Yes

Recommendation: Follow organisational substance abuse at work guidance. Wider investigation is still needed to understand if substance abuse could have been recognised and addressed earlier.

END HERE

2b. Are there indications of physical ill health?



Yes

Recommendation: Follow organisational guidance for health issues affecting work, which is likely to include occupational health referral. Wider investigation is still needed to understand if health issues could have been recognised and addressed earlier.

END HERE

2c. Are there indications of mental ill health?

if **No** to all go to next question - **Q3. foresight test**

3a. Are there agreed protocols/accepted practice in place that apply to the action/omission in question?

3b. Were the protocols/accepted practice workable and in routine use?

3c. Did the individual knowingly depart from these protocols?



If No to any

Recommendation: Action singling out the individual is unlikely to be appropriate; the patient safety incident investigation should indicate the wider actions needed to improve safety for future patients. These actions may include, but not be limited to, the individual.

END HERE

if **Yes** to all go to next question - **Q4. substitution test**

4a. Are there indications that other individuals from the same peer group, with comparable experience and qualifications, would behave in the same way in similar circumstances?

4b. Was the individual missed out when relevant training was provided to their peer group?

4c. Did more senior members of the team fail to provide supervision that normally should be provided?



If Yes to any

Recommendation: Action singling out the individual is unlikely to be appropriate; the patient safety incident investigation should indicate the wider actions needed to improve safety for future patients. These actions may include, but not be limited to, the individual.

END HERE

if **No** to all go to next question - **Q5. mitigating circumstances**

5a. Were there any significant mitigating circumstances?



Yes

Recommendation: Action directed at the individual may not be appropriate; follow organisational guidance, which is likely to include senior HR advice on what degree of mitigation applies. The patient safety incident investigation should indicate the wider actions needed to improve safety for future patients.

END HERE

if **No**

Recommendation: Follow organisational guidance for appropriate management action. This could involve individual training, performance management, competency assessments, changes to role or increased supervision, and may require relevant regulatory bodies to be contacted, staff suspension and disciplinary processes. The patient safety incident investigation should indicate the wider actions needed to improve safety for future patients.

END HERE

Improvement.nhs.uk

Based on the work of Professor James Reason and the National Patient Safety Agency's Incident Decision Tree

Supported by:



collaboration trust respect innovation courage compassion