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External freedom to speak up policy for NHS workers

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Speak up – we will listen

This policy outlines how we will respond to and support workers who speak up to NHS England.

Its aim is to ensure all matters are captured and considered appropriately.

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

What can I speak up to NHS England about?

You can speak up about anything you think is harming the NHS healthcare service your organisation delivers or commissions, to the extent that relates to NHS England's role (outlined below). You can also find further [details of our role on our website here](https://www.england.nhs.uk/ourwork/) (<https://www.england.nhs.uk/ourwork/>).

This might include matters relating to (but by no means restricted to):

- unsafe patient care
- unsafe working conditions
- a bullying culture (across a team or organisation rather than individual instances of bullying)
- financial irregularities (suspicions of fraud can also be reported to your organisation's counter-fraud team)
- conduct of senior leaders
- poor governance of an organisation.

If in doubt, please speak up. It does not matter if you are mistaken or if there is an innocent explanation for the matters you raise.

If the matter you are raising is a personal complaint about your employment that only affects you, we cannot get involved. These are private matters between an employee and employer.

However, we will consider whether employment matters could indicate wider problems with how an NHS organisation is being run.

NHS England's role

NHS England uses its statutory functions to support and oversee:

- Providers of NHS services: NHS England exercises its functions to support these providers with the objective of giving patients consistently safe, high-quality, compassionate care within local health systems that are financially sustainable. By holding providers to account and, where necessary, intervening, we help the NHS to meet its short-term challenges and secure its future). These providers include:
 - GP (general practitioners) surgeries
 - dental practices
 - pharmacies,
 - optometrists
 - mental health and community healthcare services
 - ambulance trusts
 - NHS trusts and foundation trusts
 - some independent providers
 - some specialised services, such as healthcare in prisons, detention centres and the military
- Commissioners of NHS services, specifically with regard to:
 - our role in ensuring that procurement and patient choice operate in the best interests of patients and work with commissioners (or purchasers) of NHS services to deliver this.

Feel safe to speak up

It is important to hear from people who want to speak up, as what they have to say is often linked to safety and other risks. If we do not know about these risks and have the opportunity to address them, this could have serious implications. Therefore, we see your speaking up to us as a gift which helps us identify opportunities for improvement within the NHS.

If we hear of anything which indicates that you may be experiencing a disadvantage because of speaking up to us, we will carefully consider whether this indicates a wider issue about how the organisation is being run and consider what action we might need to take to address that.

Who can speak up?

This policy is for **all** NHS workers.

Anyone who works in NHS healthcare, including pharmacy, optometry and dentistry. This encompasses any healthcare professionals, non-clinical workers, administrative workers, directors, managers, contractors, volunteers, students, trainees, junior doctors, locum, bank and agency workers and former workers.

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

We hope this policy will encourage all workers to speak up.

How to speak up

Where you work

In most circumstances, the best way to resolve matters is to raise them within your organisation. If you need further support with this, the organisation where you work should have details of how you can speak up.

Typically, these may be on your intranet, in your organisation's Freedom to Speak Up policy, in your staff handbook or your line or practice manager should have details.

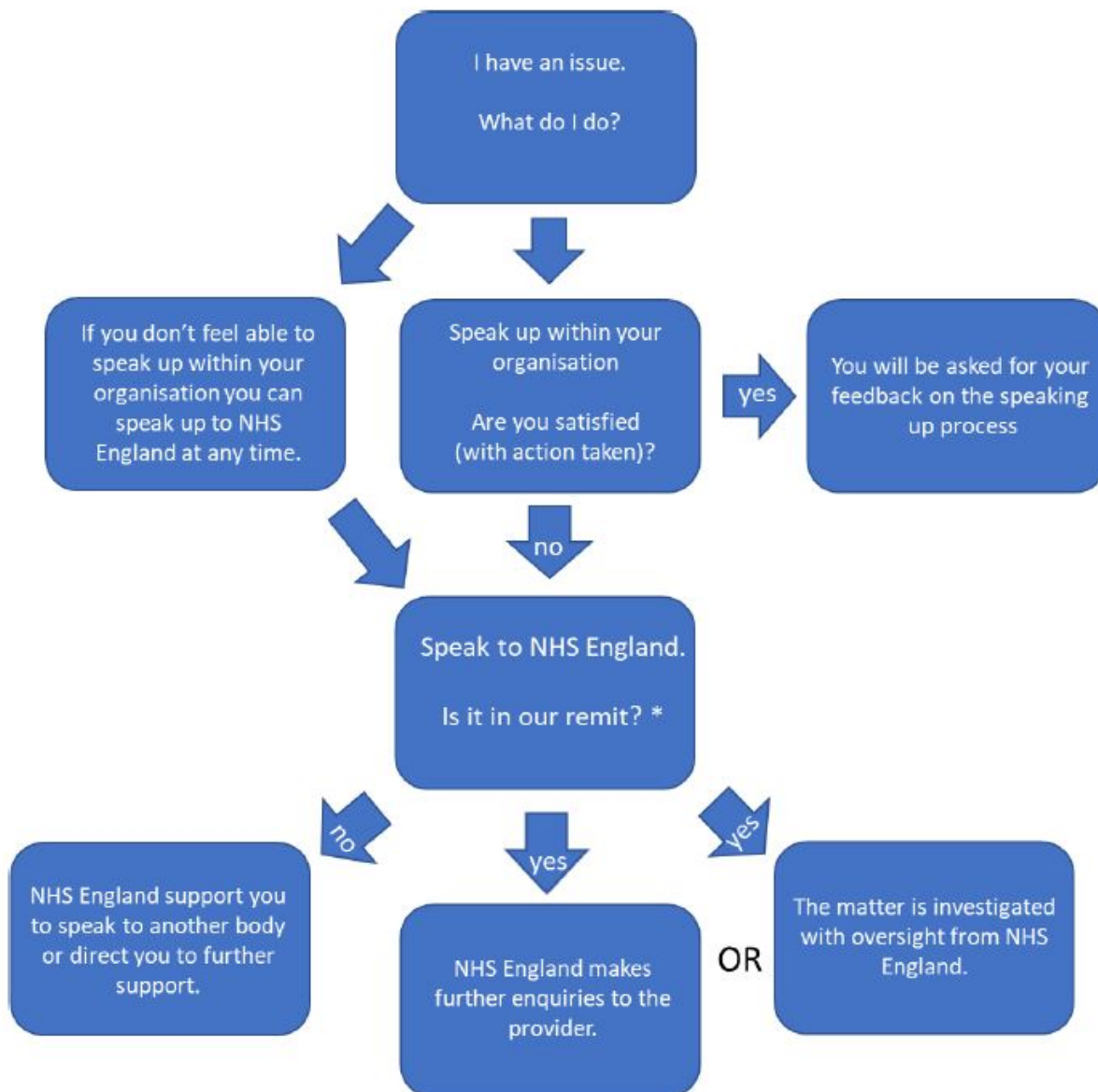
Alternatively, where you have access to a Freedom to Speak Up guardian, you can approach them. Freedom to Speak Up guardians support workers to speak up and work in partnership with others in their organisation to tackle barriers to speaking up.

We hope that doing this will give you confidence that the matter will be, or has been, looked into properly. However, we appreciate there may be times when you will want to raise matters outside your organisation – for example, if you consider it may not be effectively managed or if you remain concerned having previously raised it internally.

Speaking up to NHS England

If you do not want to speak up within your organisation (for example, you do not feel able to speak up to your organisation), you can speak up to NHS England.

Speak up process



(<https://www.england.nhs.uk/wp-content/uploads/2022/10/speak-up-process.jpg>)

Text alternative:

I have an issue. What do I do?

- Speak up within your organisation. Are you satisfied (with the action taken)? No – Speak to NHS England.
- Speak up within your organisation. Are you satisfied (with the action taken)? Yes – You will be asked for your feedback on the speaking up process.

- If you don't feel able to speak up within your organisation you can speak up to NHS England at any time.
- Speak to NHS England. Is it in our remit? Our remit includes primary and secondary care providers of NHS services and relates to organisational and financial governance and leadership.
- Is it in our remit? Yes – NHS England makes further enquires to the provider or the matter is investigated with oversight from NHS England.
- Is it in our remit? No – NHS England support you to speak to another body or direct you to further support.

How should I speak up?

How do I speak up?

You can contact our customer contact centre via telephone or in writing to provide details of the matters you are raising.

Colleagues in our customer contact centre will listen to workers' concerns confidentially and will direct you to the correct team. If you prefer, you can also email the NHS England national Freedom to Speak Up team directly.

You can speak up:

- by phone: 0300 311 22 33
- in writing (including email): england.speakup1@nhs.net
(<mailto:england.speakup1@nhs.net>).

NHS England
PO Box 16738
Redditch
B97 9PT.

Whichever route you choose, please be ready to explain as fully as you can the information and circumstances that gave rise to your speaking up.

If you require additional support to speak to us, please let us know at any stage and we will do our best to make alternative suitable arrangements.

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 we know your identity and we can share this with anyone else involved in responding.
- **Confidentially:** you are happy for your identity to be known to us, but you do not want this to be shared with anyone else. In this situation, all reasonable steps will be taken to keep your identity confidential, unless required to disclose it by law (for example, in response to a police warrant or court order). In these situations, we would discuss this with you.
- **Anonymously:** you do not want to reveal your identity to anyone. This may make it difficult for us 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 we might not be able to advise on further support you can access, and we may be limited in our ability to provide feedback.

We will take your concerns seriously whether you choose to speak up openly, confidentially or anonymously.

What will we do?

Making a decision

We will gather any relevant information we hold on the organisation. We will discuss this information confidentially with colleagues in the relevant NHS England regional team to decide what we need to do, having received that information.

Enquiries and investigation

We may decide we need to make enquiries of the organisation (in some cases, we may need to take immediate steps before we are able to discuss this further with you).

Making enquiries enables us to decide what action, if any, is needed to address any issues of concern.

If the matters require specific investigation, examples of how we do this include (but are not limited to):

- approaching the relevant organisation for further information

- asking the relevant integrated care board (<https://www.england.nhs.uk/publication/integrated-care-boards-in-england/>), to investigate
- asking the relevant organisation to investigate the issues, often with our input
- sending the matters for review to the ‘responsible officer’ who manages performance concerns (<https://www.england.nhs.uk/contact-us/privacy-notice/how-we-use-your-information/health-care-professionals/managing-performance-concerns/>). (for concerns relating to individual GPs (general practitioners), dentists or optometrists).

In exceptional circumstances, we may investigate the issue(s) ourselves. We will take the following factors into account:

- the potential impact of the issues raised on patient safety
- whether the matter has already been looked at, or investigated, by another appropriate organisation (for example, the trust) and how effective its response has been
- our confidence in the ability of the organisation’s senior leadership to respond and investigate effectively
- the potential learning available to the wider system because of an investigation
- how long ago the events in question occurred.

Communicating with you

We will always treat you with respect and will thank you for speaking up. We will discuss the issues with you to ensure we understand exactly what is worrying you.

Where it is appropriate for us to look into it further, we will tell you how long we expect this to take, whether we are doing an investigation or making enquiries to the provider.

In all cases, we will tell you how we plan to use the information you have given us.

We will agree with you how you would like to be kept updated on progress.

Wherever possible we will share the feedback or 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).

Where we decide not to pursue the matter further, we will explain why.

How we learn from your speaking up

We want speaking up to improve the services the NHS provides and the environments our staff work in. Where speaking up has identified improvements that can be made, we will support providers to make those improvements.

Lessons will be shared either within organisations or more widely across systems or the wider NHS as appropriate.

Advice and support

We know that speaking up can be daunting. However, you are not alone as support is available.

You can find out about the local support available to you either on your staff intranet, staff handbook, from your line manager, the practice manager, occupational health department or HR (human resources) team. Where you have them, staff networks can also be a valuable source of support.

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

- [Support available for our NHS people \(https://www.england.nhs.uk/supporting-our-nhs-people/support-now/\)](https://www.england.nhs.uk/supporting-our-nhs-people/support-now/).
- [Looking after you: confidential coaching and support for the primary care workforce \(https://www.england.nhs.uk/supporting-our-nhs-people/support-now/looking-after-you-confidential-coaching-and-support-for-the-primary-care-workforce/\)](https://www.england.nhs.uk/supporting-our-nhs-people/support-now/looking-after-you-confidential-coaching-and-support-for-the-primary-care-workforce/).

NHS England also has a [Speaking Up support scheme \(https://www.england.nhs.uk/ourwork/whistleblowing/whistleblowers-support-scheme/\)](https://www.england.nhs.uk/ourwork/whistleblowing/whistleblowers-support-scheme/) that you can apply to if you have encountered disadvantage for speaking up.

You can also contact the following organisations:

- [Speak Up Direct \(https://speakup.direct/\)](https://speakup.direct/) provides free, independent, confidential advice on the speaking up process
- the charity [Protect \(https://protect-advice.org.uk/\)](https://protect-advice.org.uk/) provides confidential and legal advice on speaking up
- the [Trades Union Congress \(https://www.tuc.org.uk/joinunion\)](https://www.tuc.org.uk/joinunion) provides information on how to join a trade union

- [the Law Society \(https://www.lawsociety.org.uk/for-the-public/\)](https://www.lawsociety.org.uk/for-the-public/), may be able to point you to other sources of advice and support
- [the Advisory, Conciliation and Arbitration Service \(https://www.acas.org.uk/\)](https://www.acas.org.uk/), gives advice and assistance, including on early conciliation regarding employment disputes.

Learning and improvement

We will regularly monitor the effectiveness of this policy and our speaking up arrangements, using all feedback as an opportunity to improve.

Impact assessments

Policy impact assessment

As part of the development of this policy, its impact on the business has been assessed.

No detrimental issues were identified.

Equality and health inequality analysis

As part of the development of this policy, its impact on equality has been analysed and no detriment identified.

No detrimental issues were identified.

Appendix 1

Making a 'protected disclosure'

NHS England is a prescribed body to which you can make a 'protected disclosure' where those disclosures are relevant to our role.

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 because of speaking up. The legislation is complex and to qualify for protection under it, 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 Protect or a legal representative

There is a defined list of other 'prescribed persons' to whom you may also make a protected disclosure.

This policy replaces the previous NHS Improvement and NHS England freedom to speak up policies for NHS workers.

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