

# Meeting of BNSSG ICB Board

**Date:** 2<sup>nd</sup> November 2023

**Time:** 12.00 – 15.20

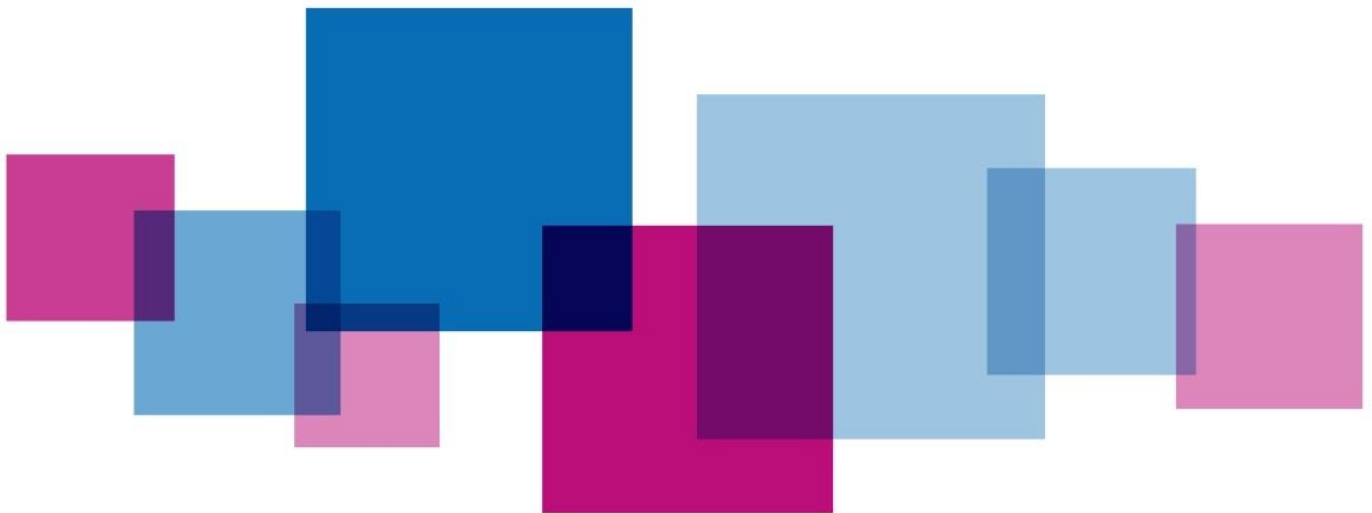
**Location:** Somerset Hall, The Precinct, Portishead, BS20 6AH

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| <b>Agenda Number :</b>   | 6.4   |
| <b>Title:</b>  | Freedom to Speak Up Policy Review   |
| <b>Purpose: Decision</b>   |   |
| <b>Key Points for Discussion: Decision</b>   |   |
| <p>The Freedom to Speak Up Policy has been amended to bring up to date in line with national NHSE policy, Guardians Office recommendations and within correspondence related to the verdict in the case of Lucy Letby.</p> <p>Key changes to previous policy:</p> <ul style="list-style-type: none"> <li>• Policy moved to new ICB Template and section positioning adjusted in line with this.</li> <li>• Previous policy reviewed against national FTSU policy and additions included where required.</li> <li>• Information related to protected disclosure added.</li> <li>• Responsibilities section updated to reflect national requirements, including INEM oversight and executive level guardians.</li> <li>• Contacts updated to enhance in line with national policy.</li> <li>• Training information added re Speak Up, Listen Up &amp; Follow Up – to note this will become part of mandatory training requirements, implementation over the next 6 months.</li> <li>• Countering Fraud, Bribery and Corruption updated in line with standard policy information.</li> <li>• 19.1 Flowchart added in</li> </ul> |   |
| <b>Recommendation:</b>   | To approve updated policy   |
| <b>Previously Considered By and feedback:</b>  | Corporate Policy Review Group, Staff Partnership Forum, ICB People Committee  |
| <b>Management of Declared Interest:</b>  | N/A   |
| <b>Risk and Assurance:</b>   | N/A   |
| <b>Financial / Resource Implications:</b>  | Training will be included in additional statutory and mandatory training role out as mentioned above in line with national expectations. Freedom to Speak up Champions will be ‘recruited’ within each Directorate. |



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| <b>Legal, Policy and Regulatory Requirements:</b>            | Policy reviewed in line with current legal requirements.   |
| <b>How does this reduce Health Inequalities:</b>             | N/A  |
| <b>How does this impact on Equality &amp; diversity</b>      | An Equality Impact Assessment has been completed.  |
| <b>Patient and Public Involvement:</b>                       | N/A  |
| <b>Communications and Engagement:</b>                        | The policy will have an implementation plan that outlines communication and engagement with staff. |
| <b>Author(s):</b>  | Samantha Hill  |
| <b>Sponsoring Director / Non-Executive / Partner Member:</b> | Jo Hicks – Chief People Officer  |

# Freedom to Speak Up



***Please complete the table below:***

*To be added by corporate team once policy approved and before placing on website*

|  |  |
|--|--|
| <b>Policy ref no:</b>                  | To be filled in by Corporate Services  |
| <b>Responsible Executive Director:</b> | Jo Hicks, Chief People Officer         |
| <b>Author and Job Title:</b>           | Samantha Hill, People Business Partner |
| <b>Date Approved:</b>                  | To be filled in by Corporate Services  |
| <b>Approved by:</b>                    | To be filled in by Corporate Services  |
| <b>Date of next review:</b>            |  |

### Policy Review Checklist

|   | Yes/ No/NA | Supporting information  |
|---|------------|---|
| Has an Equality Impact Assessment Screening been completed?   | Yes        | Within Appendix   |
| Has the review taken account of latest Guidance/Legislation?  | Yes        | Updated national FTSU policy, Review of National Guardians Office guidelines. |
| Has legal advice been sought?                                 | No         |   |
| Has HR been consulted?  | Yes        |   |
| Have training issues been addressed?                          | Yes        |   |
| Are there other HR related issues that need to be considered? | Yes        | Links to alternative policies as listed in section 18.                        |
| Has the policy been reviewed by Staff Partnership Forum?      |            | Due 10/10/2023  |

|  | <b>Yes/ No/NA</b> | <b>Supporting information</b>  |
|--|-------------------|--|
| Are there financial issues and have they been addressed?   | No                |  |
| What engagement has there been with patients/members of the public in preparing this policy?     | N/A               |  |
| Are there linked policies and procedures?  | Yes               | As listed in section 18  |
| Has the lead Executive Director approved the policy?   | Yes               |  |
| Which Committees have assured the policy?  |                   | ICB People Committee, will go to Board   |
| Has an implementation plan been provided?  | Yes               |  |
| How will the policy be shared with   |                   | Via Consult HR, information on the Hub and HWGNFY  |
| Will an audit trail demonstrating receipt of policy by staff be required; how will this be done? | No                |  |
| Has a DPIA been considered in regards to this policy?  | No                |  |
| Have Data Protection implications have been considered?  | Yes               | Information related to cases will be held by People Directorate in line with other confidential information. |

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# Freedom to speak up

## 1 Introduction

BNSSG ICB is committed to conducting its business with honesty and integrity in an open and honest culture in line with our values. We welcome speaking up and we will listen and look into what you say and provide access to the support you need.

We will foster a culture of safety and learning in which all staff feel safe to raise concerns and we will continue to develop and maintain a culture of openness and accountability, creating a supportive environment in which staff can raise any issues or concerns.

Our investigations into concerns 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.

If you have a reasonable belief that it would be in the public interest to raise a concern, you should do so using this policy.

### 1.1 BNSSG ICB Values

This policy supports the ICB values, particularly that we act with integrity, we do the right thing, support each other, we work better together, and we strive for excellence. By speaking up, you will play a vital role in helping us to improve our services for all patients and the working environment for our staff.

## 2 Purpose and scope

The aims of this policy are:

- To encourage and support staff to raise any concerns and to report any suspected wrongdoing regarding the ICB's obligations as soon as possible.
- To assure staff that their concerns will be taken seriously and thoroughly investigated as appropriate and that their confidentiality will be maintained.
- To assure staff that they will be supported and will not suffer any detriment as a result of raising a concern in good faith.
- To reassure staff that if they raise any concerns, which they reasonably believe to be in the public interest, they will be protected from reprisals or victimisation.
- To provide staff with a framework as to how to raise any concerns.



- To ensure that staff receive a response to their concerns within an appropriate timeframe and know what to do if they are not satisfied with any action.

This policy applies to all executive and non-executive board members, employees, workers, trainees, agency, bank staff, contractors, students, and volunteers within the ICB. 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 sets out the framework in which concerns can be raised.

This policy is not intended to cover members of the public or staff from other bodies and organisations who wish to raise concerns, and this includes ICB board members who are not directly employed by the ICB. When members of the public or staff from other bodies and organisations wish to raise concerns, these will be investigated through the ICBs complaints process or other appropriate channel depending on the circumstances. The principles of confidentiality expressed in this policy will extend to these occasions. Where necessary these concerns will be shared with other relevant organisations to enable an investigation to take place.

There may be times when concerns are better processed in line with another ICB policy. Where a concern affects one individual it is expected that this will be addressed through the Grievance Policy. If an individual has concerns that they are subject to personal bullying and harassment this should be addressed through the ICBs Bullying and Harassment Policy. There may be instances where personal issues are raised through such policies that are recognised to have a wider impact and this will be dealt with in parallel to this policy.

The ICB is clear that any bullying and oppressive behaviour is unacceptable and will not be tolerated. All members of staff are valued by the ICB, and no one should feel discriminated or penalised for raising concerns.

### **3 Duties – legal framework for this policy**

This policy reflects the recommendation made in the Francis Report that the reporting of incidents of concern relevant to patient safety, compliance with fundamental standards or some higher requirement of the employer needs to be not only encouraged but insisted upon. The policy also reflects the principles and recommendations made in the Freedom to Speak Up Review that the purpose of all that we do must be to protect patients and the public interest and takes account of correspondence received from NHSE following the verdict in the trial of Lucy Letby. All NHS organisations and others providing NHS healthcare services in primary and secondary care in England are required to adopt a Freedom to speak up policy in line with the 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.

The ICB recognises that settlement agreements containing clauses that seek to prevent disclosures protected under the Public Interest Disclosure Act 1998 are unacceptable. 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 [Protect](#) or a legal representative.

## 4 Responsibilities and Accountabilities

### The Board

The Chair of the Board is expected to appoint a non executive postholder to be responsible for Freedom to Speak up.

### Non-Executive Director (NED) responsible for Freedom to Speak Up

The NED responsible for Freedom to Speak Up is a senior, independent, lead role; predominantly a support to the Freedom to Speak Up Guardian, a fresh pair of eyes to ensure that investigations are conducted with rigor. The NED will also challenge senior leaders to ensure there is a healthy speaking up culture, including constructively raising awareness about poor behaviours if required.

### Freedom to Speak Up Guardian

The Freedom to Speak Up Guardian is responsible for a number of areas;

- Responding to workers who speak up, including managing each case or assigning as required for appropriate investigation and by acting as an independent and impartial source of advice to staff at any stage of raising a concern.
- Helping to nurture a culture of openness, looking at barriers to speaking up and working in partnership to reduce them.
- Fulfilling the expectations of the National Guardians Office.

### Freedom to Speak Up Champions

The Freedom to Speak Up Champions support the ICB and the Freedom to Speak Up Guardian in nurturing a culture of openness and honesty. They will promote Freedom to Speak Up and look to build trust with colleagues that may have barriers to speaking up.

## **People Directorate**

Provide support, guidance, training and advice to managers, employees and workers in line with this policy for any concerns raised, as well as to individuals considering raising a concern under this policy.

Maintain the serious concerns log.

## **Executive Team**

The Executive Team are responsible for reviewing all concerns escalated to them in accordance with this policy. As recommended by the independent freedom to speak up review, the best evidence suggests that a good safety culture is most successfully embedded in organisations where responsibility and accountability for local policy and procedures for raising concerns, sit with the executive team. The Executive Team is therefore responsible for ensuring this policy is properly applied and for deploying appropriate resources eg for investigations.

## **All managers/clinical leaders**

Managers and clinical leaders are key to developing a culture of safety and learning in which all staff feel safe to raise a concern about anything they believe is harming the services we deliver. Managers and clinical leaders hold a responsibility to process and investigate all such concerns effectively in line with this policy and to disseminate information to staff.

## **All staff**

All staff have a responsibility to read and understand this policy and to support the principles set out within it.

## **5 Definitions / explanations of terms used**

Speaking up, also known as raising a concern (formerly known as whistle blowing) is the disclosure of information which relates to any suspected or likely wrongdoing or dangers at work. Individuals may, at any point, be concerned about raising issues that they may see or hear about during the course of their employment.

A concern under this policy is any concern which is honestly believed will harm the service we deliver.

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.

## **6 What can I speak up / raise a concern about?**

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.

You can speak up about anything that gets in the way of patient care or affects your working life. That could be something which doesn't feel right to you: for example, a way of working or a process that isn't being followed; you feel you are being discriminated against; or you feel the behaviours of others is affecting your wellbeing, or that of your colleagues or patients. Speaking up is about all of these things.

Speaking up, therefore, captures a range of issues, some of which may be appropriate for other existing processes. That's fine. As an organisation, we will listen and work with you to identify the most appropriate way of responding to the issue you raise. There may be times when the ICB decides that the concern would be better looked at under another process; for example, bullying and harassment or through the Staff Partnership Forum, or line management route. If so, this will be discussed with the individual raising the concerns. Any employment issues that affect only the member of staff who raised the concern will be addressed through the ICBs Grievance Policy where appropriate.

The ICB treats confidentiality in the highest regard, and we hope staff will feel comfortable in speaking up openly. The ICB recognises however that individuals may want to raise concerns confidentially and will respect your wishes at all times unless disclosure is required by law for example to the Police. You can also choose to raise a concern anonymously without sharing your name or contact details with anyone, including the person you are raising your concern with. Please note that in these circumstances this may make it more difficult for the ICB to undertake a thorough investigation and to give you feedback on the outcome.

You can speak up about risk, malpractice or wrongdoing you think is taking place in the ICB or that is harming a service within the wider ICS. 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.
- A bullying culture (across a team or the ICB rather than individual instances).
- A criminal offence has or is likely to be committed.
- A miscarriage of justice.
- A person or the organisation has failed, is failing or is likely to fail to comply with any legal obligation(s) i.e. breaking the law.
- Poor clinical practice, a breach of the professional codes of conduct, is putting patients at risk.
- A system failure likely to impact patient care has not been identified or resolved by a person or the organisation.

- Poor financial malpractice has, is or is likely to take place including financial fraud or mismanagement.
- There is a risk or danger of damage to the environment.
- The health and safety of any individual (including mental and/or physical issues) has been, is being or is likely to be endangered in any way.
- The unauthorised disclosure of confidential information.
- There is a breach of the ICB's internal policies or procedures.
- There is conduct taking place that is likely to damage our reputation and/or the public perception of the integrity of the ICB has been, is or is likely to be undermined in any way.
- The actions of the ICB are creating a risk or danger to patients, the public and employees.
- The deliberate concealment of any of the above matters.

Individuals are encouraged to speak up about issues that may appear on the surface to be inconsequential or unimportant or isolated incidents. This is because these concerns may, when considered alongside other information, be a critical part of a wider problem that needs to be tackled. The ICB encourages individuals to raise any matters at the earliest opportunity rather than wait for proof or further incidences to take place. This supports the ICB in taking action whilst the matter is still a concern rather than when it has escalated further. It doesn't matter if you turn out to be mistaken as long as you are genuinely troubled.

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 speaking up. Nor will we tolerate any attempt to bully you into not raising any concerns. Any such behaviour is a breach of our values as an organisation and, if upheld following investigation, could result in disciplinary action. Provided you are acting honestly, it does not matter if you are mistaken or if there is an innocent explanation for your concerns. It should be noted however, that abuse of this process through the raising of unfounded malicious allegations will also be regarded as a disciplinary matter.

Staff may want to take independent advice before raising a concern. For advice and guidance at any stage of the process employees can also contact Human Resources, a Staff Partnership representative, a Trade Union representative, an appropriate professional regulatory body, or refer to guidance issued by any of them. Staff can get free, independent and confidential advice using the contact details listed in section 13 of this policy.

## **7 How Do I speak Up and who do I talk to?**

Employees should raise concerns in line with the following procedure.

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. We will tell you how long we expect the 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).

The People Directorate will maintain a Serious Concerns Log and hold a record of all investigations and their outcomes.

### **Stage 1 (Informal)**

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 – it may well be the easiest and simplest way of resolving matters. Therefore, wherever possible, concerns should be discussed and resolved informally.

Any staff (including workers, agency staff and contractors) who have concerns about any wrongdoing within the ICB, should, in the first instance, raise their concerns with their line manager.

If your concern is about your line manager, you should take the matter up with the next line of management.

A number of processes exist for concerns to be discussed in a positive way as part of everyday practice this includes, team meetings, regular 1:1's and performance development reviews and this is encouraged by the ICB to ensure any concerns are dealt with as early as possible.

Where a concern is raised informally you will be asked to complete a Raising Concerns Form to submit to your line manager.

Your manager will then investigate the concerns and provide the Freedom to Speak up Guardian with a copy of the Raising Concerns Form detailing the outcomes of the investigation. They will also, taking into account confidentiality, share the outcome with the individual who raised the concerns.

Concerns raised with a manager are not expected to be complex and it is expected investigations would be completed within 20 working days with responses available in 5 working days. If you request a formal response to your concerns this can be provided by the manager investigating but they may initially take a less formal approach and verbally confirm you of the outcome.

Where informal mechanisms do not resolve the concern, the further stages listed below provide a formal procedure within which to address the concerns.

### **Stage 2 (Formal Concerns)**



There may be times when it may be more appropriate to raise your concern directly with the Freedom to Speak Up Guardian or, where you have exhausted stage 1 of this policy and are not satisfied with the response you have received.

Your issue will be acknowledged by the Freedom to Speak up Guardian within 3 working days.

The Freedom to Speak up Guardian will, through the Executive Team ensure an individual at the appropriate level investigates the concerns raised.

Where the concern relates to the Chief Executive or Chair the Freedom to Speak up Guardian will work with the other party to investigate the concerns raised.

Where the concern relates to both the Chief Executive and Chair the Freedom to Speak up Guardian will liaise with another ICB Board member who together, will be responsible for identifying an appropriate route for investigation. This can include making a request for an independent investigation.

The ICB expects to complete investigations within 20 working days. If the issue is complex and more than 20 working days is needed to investigate the matter, you will be informed of this. Please note you may also at any point be asked to attend additional meetings to support further investigation.

Following completion of the investigation the outcome will be reported to the Freedom to Speak up Guardian. They will then, where possible taking account of confidentiality, ensure you are notified of the outcome of the investigation including what action has been taken as a result of your concerns. Where action is not considered practicable or appropriate, you will be advised of the reasons for this. This response will normally be available 5 working days following the completion of an investigation.

Any individuals who are involved in the investigation must treat all matters as strictly confidential. The outcomes of investigations will be recorded on the Serious Concern Log.

### **Stage 3 (Internal Review)**

If for any reason you are dissatisfied with the outcome of stages 1 and 2 of this process the Freedom to Speak up Guardian, through the Executive Team, will initiate an internal review. In doing this the matter will be raised with the Chief Executive and/or Chair (unless the matter of the investigation affects either) who will review the circumstances surrounding the concern/s and determine if any further action is required or possible. The review will be completed within 20 working days and where appropriate taking into account confidentiality the outcome of this review will be reported back to you within 5 working days.

The outcomes of internal reviews will be recorded on the Serious Concern Log.

In the event that the Internal Review involves the Chief Executive and/or Chair, alternative arrangements will be made with the Freedom to Speak up Guardian and with another ICB Board member who together, will be responsible for identifying an appropriate route for investigation

#### **Stage 4 (Independent External Review)**

If the investigation finds the allegations unsubstantiated and all internal procedures have been exhausted, but the member of staff raising a concern is not satisfied with the outcome of the investigation, the ICB recognises the lawful rights of employees and ex-employees to make disclosures to prescribed bodies (such as the Health and Safety Executive, relevant audit body, or the regulators), or, where justified, elsewhere.

### **8 Procedure in Relation to Adult and Childrens Safeguarding**

If you have a concern about an Adult and Child Safeguarding issue you should seek advice from the Designated Safeguarding Lead Nurse, a senior manager, a director, or the Freedom to Speak up Guardian and follow the procedure set out in the appropriate Safeguarding Policy

### **9 Procedure in Relation to Suspected Fraud**

All instances of suspected or actual fraud should be reported to the Local Counter Fraud Specialist (LCFS) or the Chief Financial Officer. Employees can also call the NHS Counter Fraud Authority Fraud and Corruption Reporting Line, powered by Crimestoppers, 24/7 on free phone 0800 028 4060 or use the online reporting tool at [cfa.nhs.uk/reportfraud](http://cfa.nhs.uk/reportfraud). This allows staff who are unsure of internal reporting procedures to report their concerns in the strictest confidence. Any caller who wishes to remain anonymous may do so.

### **10 Representation**

Employees (including workers, agency staff and contractors) raising a concern under this policy may choose to be represented or supported by either an employee of the ICB or a Trade Union Representative.

### **11 Independent Advice**

If you are unsure whether to use this procedure or if you want independent advice at any stage you may want to consider contacting the Human Resource Service, your Trade Union Representative or a contact as listed within section 13.

### **12 Promoting Learning**

The ICB promotes a learning culture and will insure learning form concerns raised will be used to drive forward a process of improvement. The ICB will ensure that staff



are not inappropriately penalised for any mistakes. A summary of learning arising from concerns will be documented on the serious concerns log. Actions to take forward will be monitored by the Chief of Staff and Freedom to Speak Up Guardian. This may mean changes need to be made to the way a team or an individual works and where this is the case the team and/or individual will be involved in this process of change and overseen by the relevant director to ensure the change is embedded.

## 13 Contacts

- ICB
  - Freedom to Speak Up Guardian – Can be found on the Hub
  - Freedom to Speak Up Champions – Can be found on the Hub
  - Human Resources – People Support, [scw.peoplesupport@nhs.net](mailto:scw.peoplesupport@nhs.net), 0300 561 0200, option 2
  - Local Counter Fraud Specialist – Can be found on the [Hub](#)
  - Wellbeing support including the Employee Assistance Program can be found on the [Hub](#)
- Wider NHS
  - Speaking up to [NHSE](#), [england.speakup1@nhs.net](mailto:england.speakup1@nhs.net), 0300 311 2233
  - [NHSE Speak Up Support Scheme](#)
  - [NHS Counter Fraud Authority](#) – 0800 028 4060
- Other Organisations
  - [Protect](#) – charity providing confidential and legal advice on speaking up, 020 3117 2520
  - [Speak up Direct](#) – free, independent, confidential advice on the speaking up process, 08000 724 725
  - The [Trade 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
  - [ACAS](#) gives advice and assistance, including on early conciliation regarding employment disputes.

## 14 Training requirements

Freedom to Speak up information is included within the corporate induction. Support will be available to all staff in the application of this policy.

Additional information regarding Freedom to Speak up can be found in these [videos](#). In addition there are three e-learning training sessions which will be available to staff via the Consult OD training platform:

- **Speak Up:** Core training is for all workers including volunteers, students and those in training, regardless of their contract terms and covers what speaking up is and why it matters. It will help learners understand how to speak up and what to expect when they do.
- **Listen Up:** This training for all line and middle managers and is focussed more on listening up and the barriers that can get in the way of speaking up.
- **Follow Up:** This training is aimed at all senior leaders including executive board members (and equivalents) and Non-Executive Directors to help them understand their role in setting the tone for a good speaking up culture and how speaking up can promote organisational learning and improvement.

## **15 Equality Impact Assessment**

This can be found in Appendix 1.

## **16 Implementation and Monitoring Compliance and Effectiveness**

This policy will be reviewed every 3 years but can be reviewed at any time if the ICB deems it necessary to do so or a review is requested by management or staff.

An Implementation plan is included within Appendix 2.

## **17 Countering Fraud, Bribery and Corruption**

The ICB is committed to reducing and preventing fraud, bribery and corruption in the NHS and ensuring that funds stolen by these means are put back into patient care. During the development of this policy document, we have given consideration to how fraud, bribery or corruption may occur in this area. We have ensured that our processes will assist in preventing, detecting and deterring fraud, bribery and corruption and considered what our responses to allegation of incidents of any such acts would be.

In the event that fraud, bribery or corruption is reasonably suspected, and in accordance with the Local Counter Fraud, Bribery and Corruption Policy, the Team will refer the matter to the ICB's Local Counter Fraud Specialist for investigation and reserve the right to prosecute where fraud, bribery or corruption is suspected to have taken place. In cases involving any type of loss (financial or other), the ICB will take action to recover those losses by working with law enforcement agencies and investigators in both criminal and/or civil courts.

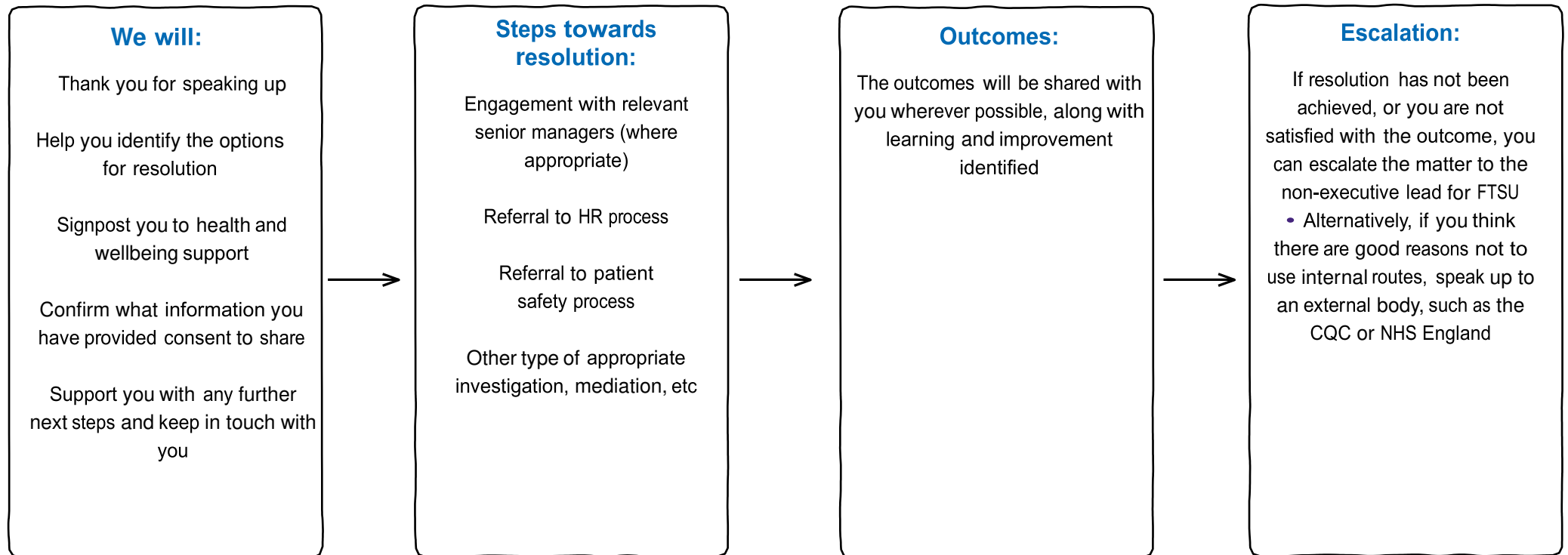
## **18 References, acknowledgements and associated documents**

- Freedom to Speak Up, A guide for leaders in the NHS and organisations delivering NHS services.  
[B1245 ii NHS-freedom-to-speak-up-guide-eBook.pdf \(england.nhs.uk\)](#)

- Freedom to Speak Up, National Policy e-book  
[PAR1245i-NHS-freedom-to-speak-up-national-Policy-eBook.pdf](#)  
[\(england.nhs.uk\)](#)
- BNSSG ICB Grievance Policy
- BNSSG ICB Bullying & Harassment Policy
- Child Safeguarding Policy
- Adult Safeguarding Policy
- Fraud and Bribery Policy

## 19 Appendices

## 19.1 What happens when I speak up?



## 19.2 Equality Impact Assessment

Other documents required to complete the Equality & Health Inequality Impact Assessment:

- [Equality & Health Inequality Impact Assessment Guidance](#)
- [Equality & Health Inequality Impact Assessment Resources](#)

*Please ensure you read the guidance and resources in full before attempting to complete this template.*

|   |  |   |   |   |
|---|--|---|---|---|
| Title of proposal: Freedom to Speak Up Policy   |  |   |   | Date: 21/09/2023  |
| <input checked="" type="checkbox"/> Policy  | <input type="checkbox"/> Strategy                  | <input type="checkbox"/> Service        | <input type="checkbox"/> Function                       | <input type="checkbox"/> Other ( <i>please state</i> )  |
| EHIA type:  | Screening EHIA <input checked="" type="checkbox"/> | Full EHIA <input type="checkbox"/>      | HEAT in progress/<br>completed <input type="checkbox"/> | Has an EHIA been previously undertaken?<br><br>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> EIA under taken on previous policy version |
| Is the policy under:  | Development <input type="checkbox"/>               | Implementation <input type="checkbox"/> | Review <input checked="" type="checkbox"/>              |   |
| Which groups will this service/proposal impact (e.g. patients, service users, carers/family, staff, general public, partner organisations)? |  |   |   |   |
| Employees and workers within the BNSSG ICB.   |  |   |   |   |
| Lead person(s) completing this assessment: Samantha Hill  |  |   |   |   |
| Lead person job title(s) and service area: People Business Partner  |  |   |   |   |

### Briefly describe the proposal

*Give a brief description of the context, purpose, aims and objectives of the proposal. Describe what services are currently being provided. Describe the intended outcomes and benefits and who these might impact. Include whether it is a new proposal or change to an existing one and the key decision that will be informed by the EHIA (e.g. whether or not to proceed with the proposal to publish an employee handbook)*



|  |
|--|
| <p>This is an update to the current Freedom to speak up policy in line with best practice and national guidance. The aim is to ensure that all employees and workers are clear that speaking up is actively encouraged and a culture is embedded to support this. This policy aims to provide clear guidance in relation to how to speak up and the procedures that will be followed when individuals do.</p>  |
| <p>Health inequalities (HI) are systematic, avoidable and unjust differences in health and wellbeing between different groups of people. Reducing health inequalities improves life expectancy and reduces disability across the social gradient. What health inequalities have or might emerge and what actions can you take to reduce or eliminate them? Include details of any evidence, research or data used to support your work, e.g. JSNA, ward data, meeting papers, NICE etc below. You can also consider completing the <a href="#">HEAT tool</a> to support summarising key issues, this can help to systematically evaluate HI:</p> |
| <p>This policy will not directly impact Health Inequalities, however will promote speaking up which may include issues related to health inequalities.</p>   |
| <p>Give details of any relevant patient experience data or engagement that supports your work and where there is significant impact and major change how have patients, carers or members of the public been involved in shaping the proposal. Note, where the proposed change results in significant variation public consultation is required, seek advice from your PPI team. If you have not undertaken any engagement, state how you will involve people with protected characteristics or vulnerable groups in the project or explain why there is not likely to be any involvement.</p>   |
| <p>N/A for this policy</p>   |
| <p>Has the project/service ensured that they have/will comply with the Accessible Information Standards (AIS)? Yes or No</p> <p>Describe how the project/service will ensure staff are in compliance and have a consistent approach to identifying, recording, flagging, sharing and meeting the information and communication support needs of patients, service users, carers and parents, where those needs relate to a disability, impairment or sensory loss.</p> <p>For more information on AIS please refer to and <a href="#">NHS England » Accessible Information Standard</a> and <a href="#">AIS at NBT - YouTube</a>.</p>            |
| <p>The policy has been written with a view to be accessible to all employees and workers within the ICB. Additional information will also be provided on the Hub and the HR team will be available to support as required.</p>   |

## 2.1 Could the proposal have a positive or negative impact on any of the protected characteristic groups or other relevant groups?

Although some of your conclusions will be widely known and accepted (e.g. need for accessible information), your analysis should include evidence to support your statements to aid the decision-maker – references and links to documents can be listed in section 4.1. Evidence might include insights from your engagement, focus groups, stakeholder meeting notes, surveys, research paper, national directives, expert opinion etc. If there is insufficient evidence, state



this and include an action to find out more in the action plan in Step 3. In addition to having due regard for the Equality Act 2010 Public Sector Equality Duty to eliminate unlawful discrimination, advance equality and foster good relationship between protected groups; you must also have due regard to the principles of the Armed Forces Act 2021 including regarding the unique obligations and sacrifices they make, removing disadvantage and making special provision to ensure services and employment opportunities are accessible.

| Positive Impact:   |  |   |  |   |
|--|--|---|--|---|
| <input type="checkbox"/> Sex   | <input type="checkbox"/> Race                  | <input type="checkbox"/> Disability                     | <input type="checkbox"/> Religion & Belief   | <input type="checkbox"/> Sexual Orientation   |
| <input type="checkbox"/> Age   | <input type="checkbox"/> Pregnancy & Maternity | <input type="checkbox"/> Marriage & Civil Partnership   | <input type="checkbox"/> Gender Reassignment | <input type="checkbox"/> Armed Forces<br><input type="checkbox"/> Other<br>health inequality (please state below) |
| Provide a narrative about the benefits including benefits to any of the protected characteristic groups plus health inequality groups (such as digital exclusion). Also include intersectional impact where possible here:<br><br>The policy will support a culture of speaking up and provides guidance on how this may be done, the intention is for a positive impact to all. It must be noted that often workers with protected characteristics disabilities do not always feel able to speak up. This policy is for all workers and sets out the framework in which concerns can be raised. |  |   |  |   |
| Negative Impact  |  |   |  |   |
| <input type="checkbox"/> Sex   | <input type="checkbox"/> Race                  | <input type="checkbox"/> Disability                     | <input type="checkbox"/> Religion & Belief   | <input type="checkbox"/> Sexual Orientation   |
| <input type="checkbox"/> Age   | <input type="checkbox"/> Pregnancy & Maternity | <input type="checkbox"/> Marriage and Civil Partnership | <input type="checkbox"/> Gender Reassignment | <input type="checkbox"/> Armed Forces<br><input type="checkbox"/> Other<br>health inequality (please state below) |

Provide a narrative about the negative impact for any of the protected characteristic groups plus health inequality groups (such as digital exclusion). Also include intersectional impact where possible here:

While it is not believed that this policy would directly have a negative impact for those holding protected characteristics it must be recognised that systemic inequalities within society and our organisation mean that those with protected characteristics may be less likely to speak up. It should also be noted that those with non-permanent contract types (FTC and agency workers) may also be less inclined to speak up as they may feel less protected by employment legislation.

(you can share further details and mitigations below in 2.2)

**No Effect**

Your policy might not have a positive or negative impact, or it might maintain a status quo – complete this section if ‘not applicable’

As noted above

**2.2 Outline any negative impacts of the proposal on people based on their protected characteristic or other relevant characteristic. Consider how you might level the ‘playing field’ for all people**

| Protected Characteristic(s) | Details of negative impact (e.g. access to service, health outcome, experience, workforce exclusion)                                   | Identify any mitigations that would help to reduce or eliminate the negative impact   |
|-----------------------------|--|---|
| All                         | While the policy itself should not have a direct negative impact, those with protected characteristics may feel less able to speak up. | Senior support and promotion of the policy, champions being initiated at a directorate level, centralised serious concerns log to assess trends in relation which may relate to protected characteristics or employment type. |

**2.3 Outline any benefits of the proposal for people based on their protected or other relevant characteristics?**

*Outline any potential benefits of the proposal and how they can be maximised. Identify how the proposal will support our Public Sector Equality Duty to:*



|  |           |                                     |
|--|-----------|-------------------------------------|
| To eliminating discrimination, harassment and victimisation.   | Positive  | <input checked="" type="checkbox"/> |
|  | Negative  | <input type="checkbox"/>            |
|  | No effect | <input type="checkbox"/>            |
| Please describe:<br>Promotion and embedding of a speaking up culture will support the elimination of discrimination, harassment and victimisation by allowing concerns to be raised and addressed. |           |                                     |

|  |           |                                     |
|--|-----------|-------------------------------------|
| To advance equality of opportunity between people who share a protected characteristic and those who don't   | Positive  | <input checked="" type="checkbox"/> |
|  | Negative  | <input type="checkbox"/>            |
|  | No effect | <input type="checkbox"/>            |
| Please describe:<br>Promotion and embedding of a speaking up culture will support the equality of opportunity by allowing concerns to be raised and addressed. |           |                                     |

|  |           |                                     |
|--|-----------|-------------------------------------|
| To foster good relations between people who share a protected characteristic and those who don't (e.g. does the project raise any issues for community cohesion, or linked to current topics that are contentious in society; will it affect relationships between any groups) | Positive  | <input type="checkbox"/>            |
|  | Negative  | <input type="checkbox"/>            |
|  | No effect | <input checked="" type="checkbox"/> |
| Please describe:<br><br>Add comments here  |           |                                     |

### Step 3: Action Plan

#### 3.1 What actions will you take to mitigate the negative impact outlined above?

| Action | Timeframe | Success Measure | Lead |
|--------|-----------|-----------------|------|
|--------|-----------|-----------------|------|

|  |                     |   |    |
|--|---------------------|---|----|
| Senior support and promotion of the policy,  | October 23 onwards  | Inclusion at HWGNFY, SPF, SDF etc. INEM lead review of process. | SH |
| Champions being initiated at a directorate level,  | November 23 onwards | Champions within each directorate promoting speaking up.        | SH |
| Centralised serious concerns log reviewed to assess trends in relation which may relate to protected characteristics and employment types. | November 23 onwards | Log created and reviewed regularly by NEM                       | SH |

### 3.2 How and when will you review the action plan (include specific dates)?

As part of quarterly HR data review

### 4.1 What are the main conclusions of this Equality & Health Inequality Impact Assessment?

Share a brief summary of the positive impact the project will make and any negative impact and mitigations, e.g. what steps you have been taken to improve accessibility, and what recommendations you are making to the decision maker.

Explain how the EHIA has informed, influenced or changed the proposal and include a recommendation for the decision maker

While the policy itself is for all employees and workers and can be viewed as a positive impact, it is recognised that there may be individuals with protected characteristics that feel less open to speaking up due to their lived experience to date. The EHIA has highlighted the importance of promotion of the policy and an improved culture of speaking up across the organisation for all, including those with protected characteristics.

| Select a recommended course of action:   |   |
|--|---|
| <b>Outcome 1:</b> Proceed – no potential for unlawful discrimination or adverse impact or breach of human rights articles has been identified. E.g. proposal is not likely to have any detrimental impact on any group | x |

|  |                          |
|--|--------------------------|
| <b>Outcome 2:</b> Proceed with adjustments to remove barriers identified for discrimination, advancement of equality of opportunity and fostering good relations or breach of human rights articles. E.g. arrangements put in place to produce a BSL video to promote changes to a service   | <input type="checkbox"/> |
| Outcome 3: Continue despite having identified some potential for adverse impact or missed opportunity to advance equality and human rights (justification to be clearly set out). E.g. pilot benefits one neighbourhood due to funding restrictions  | <input type="checkbox"/> |
| <b>Outcome 4:</b> Stop and rethink as actual or potential unlawful discrimination or breach of human rights articles has been identified. E.g. dress code policy discriminates against people who practice particular religions; new service that proposes to detain patient but insufficient evidence of safeguarding or human rights considerations in place | <input type="checkbox"/> |

*All Equality & Health Inequality Impact Assessments should be reviewed internally and obtain sign off to show an organisational commitment.*

|   |
|---|
| <b>Reviewer's Feedback (this document should be reviewed by an equality officer or trained project lead/senior manager)</b> |
|   |
| <b>Equality Officer Name:</b> Samantha Hill – People Business Partner   |
| <b>Equality and Inclusion Team Signature:</b>   |
| Date: 01/10/2023  |

**Equality Delivery System 2022**



Equality, Diversity & Inclusion is an evidence-based practice, Healthier Together partners are committed to demonstrating how we have taken steps to improve patient and service user access, experience and outcomes and how we have created an inclusive working environment for our staff, including supporting our workforce to have healthy and fulfilled lives. Please indicate which Domain your project will deliver against:

#### Domain 1 – Commissioned & Provided services

- 1A: People can readily access the service.
- 1B: Individual people's health needs are met
- 1C: When people use the service, they are free from harm.
- 1D: People report positive experiences of the service.

#### Domain 2 – Workforce health and wellbeing

- 2A: When at work, staff are provided with support to promote healthy lifestyles and manage their long term conditions
- 2B: When at work, staff are free from abuse, harassment, bullying and physical violence from any source.
- 2C: Staff have access to independent support and advice when suffering from stress, abuse, bullying harassment and physical violence from any source (response to Covid-19)
- 2D: Staff recommend the organisation as a place to work

#### Domain 3 – Inclusive Leadership

- 3A: Board members and senior leaders (Band 9 and VSM) routinely demonstrate their commitment to equality.
- 3B: Board/Committee papers (including minutes) identify equality related impacts and risks and how they will be mitigated and managed
- 3C: Board members, system and senior leaders (Band 9 and VSM) ensure levers are in place to manage performance and monitor progress with staff and patients

A healthy and supported speaking up culture with NEM oversight links to all three domains.

### 19.3 Implementation Plan

| Target Group | Implementation or Training objective           | Method  | Lead | Target start date | Target End date | Resources Required |
|--------------|--|---|------|-------------------|-----------------|--------------------|
|              | Review & approval of policy:                   | Corporate Policy Group<br>SPF<br>ICB People Committee                                 | SH   | 1/10/23           | 17/10/23        |                    |
|              | Agreement by ICB Board                         | Board meeting agenda  | JH   | 2/11/23           | 2/11/23         | Time on agenda     |
|              | HWGNFY Slots                                   | Initial to coincide with FTSU month.<br>Policy Implementation and launch of FTSU Form | SH   | 1/10/23           | 1/11/23         |                    |
|              | HWGNFY Slots                                   | Promote FTSU training when included on ConsultOD as part of statutory training        | CB   | 1/11/23           | 1/1/24          |                    |
|              | Implementation of FTSU Champions               | Discussion at Exec, SDF & Directorate meetings  | SH   | 1/11/23           | 31/3/24         |                    |
|              | Continued Inclusion in the Corporate Induction | HR induction slot   | HR   | November 23       | Ongoing         | Time on agenda     |