

Freedom to Speak Up Policy (Whistleblowing/Raising Concerns)

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CONSULTATION SCHEDULE

Name and Title of Individual	Groups consulted	Date Consulted
	Ethnic Diverse Group (EDG)	27/01/2023
	General Purpose Resources Group	13/02/2023
	Staff Engagement Group (SEG)	23/02/2023

RATIFICATION SCHEDULE

Name of Committee approving Policy	Date
People, Culture and Inclusion Committee for approval	13/09/2023
ICB Board for Ratification	18 th January 2024
Signed off by Exec team	August 2023

VERSION CONTROL

Version	Version/Description of amendments	Date	Author/amended by
1.0	First version	August 2022	MLCSU
1.1	Revised First version in line with National Guardian Framework	February 2023	T Revill
2.0	Final Approved Policy	July 2023	T Revill
3.0	Policy updated to include GP Practices	August 2023	C Nokes-Lawrence/T Revill
3.1	Policy updated by Internal Auditors, MIAA	26 January 2026	MIAA

IMPACT ASSESSMENT = available on request

	Stage	Complete	Comments
EIA	1	24/01/2024	Approved 21/2/2024

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1.0 Introduction

This policy is designed for all ICB employees and GP Practices, to raise any concerns they may have in a confidential and safe environment. The ICB welcomes individual concerns being raised so they can be addressed and enables the ICB the opportunity to make improvements.

The ICB is aware however, that some practices have their own FTSU arrangements, but this option is also open to all of our practices to ensure there is equal access for all.

The ICB will have a focus on how we can improve the culture and the experience of our staff and will adopt the National Guardian's values below:



2.0 Speak Up – we will listen

2.1 Speaking up about any concern you have at work is really important. A relevant concern can relate either within the workplace or externally, in relation to danger, risk, malpractice or wrongdoing which affects others.

2.2 This may be a specific concern regarding some danger, fraud or other illegal or unethical conduct that affects others, how the organisation delivers its services or how it affects patient services. Staff must familiarise themselves with the various Fraud and Bribery offences, as set out in the ICB's Anti-Fraud and Bribery Policy. It is vital that you know how to speak up as it will help us to keep improving the working environment for our staff and services for all patients.

2.3 You may feel worried about raising a concern and we understand this - but please don't be put off. In accordance with our duty of candour, the organisation is committed to an open and honest culture. We will look into what you say and you will always have access to the support you need.

3.0 What concerns can I raise?

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

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- unsafe working conditions
 - inadequate induction or training for staff
 - suspicions of fraud, bribery and corruption (which can also be reported to the counter-fraud team)
 - a bullying culture (across a team or organisation rather than individual instances of bullying).
 - failure to comply with legal obligations
 - damage to the environment
 - unsafe patient care
 - lack of, or poor, response to a reported patient safety incident

3.2 Remember that all employees and workers, including clinical and non-clinical registered professionals within the NHS have a duty to report a concern under the circumstances set out in this policy. If in doubt, please raise it.

3.3 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.

3.4 This policy should not be used to raise concerns of a personal nature for example complaints relating to a management decision or matters of individual conscience where there is no suggestion of wrongdoing, but an employee or worker is, for example, required to act in a way which conflicts with a deeply held belief. These matters should be dealt with using the relevant alternative procedure, for example, the Grievance Procedure.

There is not right or wrong way in which to raise a concern and staff are encouraged to raise their concern. It may be that the concern raised could be looked at under another process, this will be discussed with you at the time. You may wish to raise your concern in the first instance, with someone you have a trusted relationship with, e.g. your line manager or another colleague and ask them to raise it on your behalf as you may wish to remain anonymous going forward.

4.0 Feel safe to raise your concern

4.1 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, victimisation, ostracising or ignoring you as a result of raising a concern. Nor will we tolerate any attempt to bully you into not raising any such concern. If you think you are in this situation, seek advice and support. If your concerns remain unresolved, seek advice and escalate your concerns. Any such behaviour is a breach of our values as an organisation and, if upheld following investigation, could result in disciplinary action.

4.2 Provided you are acting honestly it does not matter if you are mistaken or if there is an innocent explanation for your concerns.

5.0 Confidentiality

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

example, by the police). 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.

All concerns raised regardless of whether open or anonymous will be treated confidentially and not discussed outside of the process or with anyone not involved in any necessary investigation.

6.0 Who can raise concerns?

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

7.0 Who should I raise my concern with?

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

7.2 If raising it with your line manager does not resolve matters, or you do not feel able to raise it with them, you can contact one of the following people:

- A member of the ICB Executive Team.
- The Freedom to Speak Up Guardian - this is an important role identified in the Freedom to Speak Up review to act as an independent and impartial source of advice to staff at any stage of raising a concern, with access to anyone in the organisation or if necessary, outside the organisation.

The ICB has two Guardians who are:

Tracey Revill, Governance Manager/IG Operational Lead;
tracey.revill@staffsstoke.icb.nhs.uk Guardian for the ICB and General Practice;
and

- Shabana Mahmood, Medicines Optimisation Pharmacist:
Shabana.mahmood@staffsstoke.icb.nhs.uk Guardian for the ICB
- Tracey Shewan, Director of Corporate Governance, is the ICB's Director for Freedom to Speak Up; tracey.shewan@staffsstoke.icb.nhs.uk and Shokat Lal is the ICB's Non-Executive Director for Freedom to Speak Up; shokat_lal@sandwell.gov.uk and you can also raise any concerns with either Tracey or Shokat.
- There is also a dedicated Freedom to Speak Up inbox where you can raise concerns; FTSUconfidential@staffsstoke.icb.nhs.uk
- If, as part of your role in the ICB, you have to visit another organisation across the system where you identify freedom to speak up concerns you can either, report these to the ICB Freedom to Speak Up Guardian or that organisation's own Freedom to Speak Up Guardian.

7.3 The ICB would welcome individual practices to have FTSU Champions to help support the FTSU Guardian and act as a channel for the practice to approach for support.

7.4 If you remain concerned after this, you can raise your concerns through the:

National Director: Transformation and Corporate Operations in the capacity of NHS England's appointed Freedom to Speak Up Guardian via the email: england.voicingyourconcerns@nhs.net

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

7.6 If for any reason you do not feel comfortable raising your concern internally, you may raise concerns with external bodies, listed on page 8.

8.0 Advice and support

8.1 Details of the local support available to you can be obtained by contacting MLCSU's People Services Team on mlcsu.people@nhs.net or contacting the Freedom to Speak Up Guardian.

8.2 However, you can also contact the Whistleblowing Helpline for the NHS and social care, your professional body or trade union representative.

9.0 How should I raise my concern?

9.1 You can raise your concerns with any of the people listed above in person, by phone or in writing (including email).

9.2 You can raise your concern anonymously via our E-form, see Appendix D, the link for the form; [Raising Concerns \(office.com\)](https://www.nhs.uk/raisingconcerns/office)

Anonymous concerns that are raised directly to the Freedom to Speak Up Guardian or Champion are required to be recorded for national monitoring and will be available on the Freedom to Speak Up section on the ICB intranet.

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

Please be aware that if you raise your concern anonymously, the ICB will not be able to provide you personally with any updates or outcomes. However, any anonymous concerns will be available on the ICB intranet.

10.0 What will we do?

10.1 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 (see Appendix B).

10.2 We are committed to listening to our staff, learning lessons and improving patient care and the services we commission. On receipt the concern will be recorded, and you will receive an acknowledgement within two working days. The central record will record the date the concern was received, whether you have requested confidentiality, a summary of the concerns and dates when we have given you updates or feedback.

If you raise a concern, you should expect to:

- Be treated fairly
- Feel listened to and have your concerns taken seriously
- Have access to incident reporting mechanisms such as Datix or other local system for reporting adverse events, or near misses

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- Receive timely and constructive feedback, including actions taken to resolve your concern.

The person you have spoken to:

- Should thank you for speaking up and listen carefully
- Maintain your confidentiality
- Tell you what they are going to do
- May need to investigate your concern
- Will decide on the most appropriate action to take
- Communicate what action has been taken maintaining confidentiality if required.

11.0 Investigation

11.1 Where you have been unable to resolve the matter quickly (usually within a few days) with your line manager, we will carry out a proportionate 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). Wherever possible we will carry out a single investigation (so, for example, where a concern is raised about a 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.

11.2 We may decide that your concern would be better looked at under another process; for example, our process for dealing with bullying and harassment. If so, we will discuss that with you.

11.3 If your concern suggests a Serious Incident has occurred, an investigation will be carried out in accordance with the Serious Incident Framework.

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

12.0 Communicating with you

12.1 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).

13.0 How will we learn from your concern?

13.1 The focus of the investigation will be on improving the service we provide for patients. 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.

13.2 Equally, concerns raised regarding the working environment, which has an impact on a member of staff will be looked into and where it identifies any issues these will also be monitored to ensure any necessary changes are made and lessons learnt will be shared.

14.0 Monitoring and Review

- 14.1 This policy and procedure will be reviewed annually by Human Resources in conjunction with operational managers and Trade Union representatives. Where review is necessary due to legislative change, this will happen immediately.
- 14.2 Implementation and operation of this policy will be monitored on an annual basis by the ICB Leadership Team and People Services.

15.0 Equality

- 15.1 In applying this policy, the organisation will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and provide for good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, sex, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation, in addition to offending background, trade union membership, or any other personal characteristic.

16.0 Data Protection

- 16.1 In applying this policy, the Organisation will have due regard for the Data Protection Act 2018 and the requirement to process personal data fairly and lawfully and in accordance with the data protection principles. Data Subject Rights and freedoms will be respected, and measures will be in place to enable employees to exercise those rights. Appropriate technical and organisational measures will be designed and implemented to ensure an appropriate level of security is applied to the processing of personal information. Employees will have access to a Data Protection Officer for advice in relation to the processing of their personal information and data protection issues.

17.0 Raising your concern with an outside body

- 17.1 Alternatively, you can raise your concern outside the organisation with:
- **NHS England (NHSE)** for concerns about:
 - i how NHS trusts and foundation trusts are being run
 - ii other providers with an NHS provider licence
 - iii NHS procurement, choice and competition
 - iv the national tariff
 - v primary medical services (general practice)
 - vi primary dental services
 - vii primary ophthalmic services
 - viii local pharmaceutical services
 - ix Education and training in the NHS.
 - **Care Quality Commission** for quality and safety concerns
 - **NHS Counter Fraud Authority** for concerns about fraud and corruption.

18.0 Making a 'protected disclosure'

- 18.1 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 on page 7 & 8, who you can make a protected disclosure to.

18.2 To help you consider whether you might meet these criteria, please seek independent advice from:

www.speakup.direct, which is free, independent and confidential advice service available to all staff and contracted workers within health and social care. While the helpline cannot investigate concerns, it can provide invaluable advice on whether your concern is indeed whistleblowing and talk you through the process to ensure it is followed correctly. The helpline is also able to advise on how you can escalate the concern with a prescribed body if needed.

Telephone: 08000 724 725.

Web: www.speakup.direct/contact-us/

Protect (formerly known as Public Concern at Work).

Protect is a charity that provides free, confidential legal advice to people who are concerned about wrongdoing at work and not sure whether, or how, to raise their concern.

Web: <https://protect-advice.org.uk/>

Email: <https://protect-advice.org.uk/contact-protect-advice-line/>

APPENDIX A - Process for Raising and Escalating a Concern

Step One

If you have a concern about a risk, malpractice, or wrongdoing at work, we hope you will feel able to raise it first with your line manager. This may be done verbally or in writing.

Step Two

If you feel unable to raise the matter with your line manager for whatever reason, please raise the matter with the local Freedom to Speak Up Guardian.

This person has been given special responsibility and training in dealing with whistleblowing 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.

Step Three

If these channels have been followed and you still have concerns, or if you feel that the matter is so serious that you cannot discuss it with any of the above, please contact an alternative member of the ICB Leadership Team.

Step Four

You can raise concerns formally with external bodies.

APPENDIX B – Route for raising a concern



You have a concern that you would like to raise

Speak to your line manager or senior manager for early resolution

You don't feel able to raise your concern with your line manager or senior manager

Raise concern via Freedom to Speak Up Guardian/Champion. Access the Freedom to Speak Up Policy

I want to raise my concern anonymously

Fill out the FTSU form, which can be obtained; [insert link]

Your concern is logged formally with details of the concern raised. You can request that your name is not used if you do not wish for it to be used during any investigations.

The concern is reviewed by the Guardian to determine action to be taken and with consultation with others as required.

An investigation is undertaken by a nominated appropriate person with involvement from the Guardian. Timescales will be agreed. You will be kept updated on progress.

If you are raising your concern anonymously, please be aware that it will not be possible to provide feedback to you, but data will be recorded to map any lessons learnt or areas of trends

The investigation report and findings are reviewed. An action plan will be put in place to address any actions identified in the report and feedback will be provided back to the person raising the concern.

The ICB encourages anyone with any concerns to report them, you will be thanked for raising your concern, it will be treated confidentially, unless otherwise agreed, your concern will be acted upon, you will be kept informed. You **will not** suffer any detriment as a result of raising your concern this will not be tolerated by the ICB.

APPENDIX C - Raising Concerns Record Form

The organisation is committed to achieving the highest possible standards of service for the benefit of patients, employees, service users and visitors. Where standards are not as expected, we want to learn and welcome the opportunity to address issues as early as possible and make improvements swiftly.

The organisation is committed to ensuring that, in accordance with the Public Interest Disclosure Act 1998, individuals raising concerns will be protected from detrimental or unfavourable treatment and victimisation.

Stage 1 – To be completed by the manager receiving the concern

Date concern raised / disclosed	
Recipient of concern: <ul style="list-style-type: none"> • Name • Job Title • Email address • Contact telephone number 	
Details of how the concern was received: (e.g. by email, call, meeting, letter etc.)	
Does the person(s) raising the concern agree to reveal their identity?	Yes / No
If Yes, person's / persons' details <ul style="list-style-type: none"> • Name • Job Title • Organisation • Department / Team • Email address • Contact telephone number 	
If Yes, obtain signature	<i>Signed:</i>
Nature and type of concern (the wording of which should be agreed by both the individual raising the concern and the manager receiving the concern)	
Outcome of initial discussion (to include details of triage and if required referral to alternative more appropriate policy or senior member of staff)	

Details of any relevant litigation relevant to this concern (e.g. breach of Data Protection Act)	
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Stage 2 – To be completed by the Investigating Officer

Investigating Officer's details: <ul style="list-style-type: none"> • Name • Job Title • Email address • Contact telephone number 	
Acknowledgement letter sent to the individual who raised the concern to include expected timescale for completion by the Investigating Officer	Yes / No
Case brought by professional/ worker group <i>e.g. Allied Health Professional, Medical, Registered Nurses, Administrative, Estates/Ancillary, other</i>	
Element of concern, <i>e.g. patient safety/ quality, worker safety/wellbeing, bullying/ harassment, inappropriate attitude/ behaviours, detrimental treatment as a result of speaking up</i>	
Details of agreed actions, including dates.	
<u>Findings</u> – what has been identified as the principal causes of the concern(s)?	
Is the concern(s) justified?	Yes / No
Suggestions for Improvements/Changes to Policy or Procedure, including the Freedom to Speak Up Policy and Procedure.	
Do you think improvements are justified?	Yes / No

If yes, how in your opinion may procedures /systems/ policies be reasonably amended?	
Are there changes that outside agencies/suppliers could make?	Yes / No
If Yes, what changes do you recommend/suggest?	
Results of investigation to person(s) raising concerns provided by letter	Date:
Outcome reported to FTSU Guardian	Date:
Any additional information/Lessons Learnt	

APPENDIX D – “E-Form” for raising an anonymous concern

If you wish to raise any concerns, but do not wish to be identified, you can raise your concerns anonymously.

We have created an E-Form to enable you to raise anything you think needs looking into, to do this please follow the link below

[Click Here](#)

Please note that raising a concern anonymously will mean that the ICB will be unable to provide any feedback or outcomes to you.