

Freedom to Speak Up

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Kindness, Respect, Teamwork
Everyone, Every day

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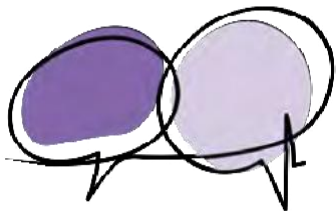
People Impact Assessment

People policies at Somerset NHS Foundation Trust are designed to bring our values of Kindness, Respect, and Teamwork to life.

Our policies are underpinned by our ambitions for a Just and Learning culture, and we strive to ensure each one promotes and progresses inclusive workplace practice. To do this we always complete a people impact assessment to ensure we:

- collect and consider evidence/data to tell us how the policy works in reality;
- have honest conversations to hear colleague feedback, so that we can learn from what works well, and what doesn't.
- design policies with impact at the front of our minds, always aiming to enable a culture of Kindness, Respect, and Teamwork.

When we review our policies we will repeat this work to ensure we continuously improve how our policies support and affect our people.



Speak up – we will listen

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

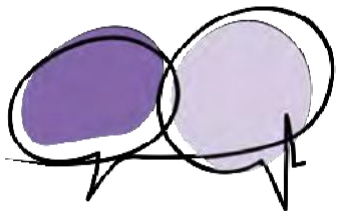
The [NHS People Promise](#) commits to ensuring that “we each have a voice that counts, that we all feel safe and confident to speak up, and take the time to really listen to understand the hopes and fears that lie behind the words”.

We want to hear about any concerns you have, whichever part of Somerset NHS Foundation Trust (to be known as the ‘Trust’) you work in. 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. Within the Trust we work proactively to address potential barriers to speaking up and utilise metrics, such as staff survey results, retention / recruitment information and other workforce data, to identify potential gaps and areas for improvement.

This policy is for all colleagues and we want to hear all of your concerns.

We ask all our colleagues to complete the mandatory [online training](#) on speaking up. The online module on listening up is specifically for anyone with a line management responsibility to complete and the module on following up is for senior leaders (band 8a and above).

You can find out more about what Freedom to Speak Up (FTSU) is in these NHS England [videos](#) and what the Trust does locally on the [intranet page](#).



This policy

All NHS organisations and others providing NHS healthcare services in primary and secondary care in England are required to adopt this national policy as a minimum standard to help normalise speaking up for the benefit of patients and colleagues. Its aim is to ensure all matters raised are captured and considered appropriately.

What can I speak up about?

You can speak up about anything that gets in the way of patient care or affects your experience at work. This 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 (e.g. on ground of race, sex or religion); 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 more appropriate for other existing processes and that's fine (for example, HR or patient safety/quality). All Trust policies and procedures can be found [here](#).

As an organisation, in line with our values of Kindness, Respect and Team Working; Everyone, Everyday we will listen and work with you to identify the most appropriate way of responding to the issue you raise.

We want you to feel safe to speak up

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.

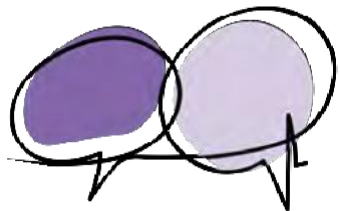
Who can speak up?

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

Who can I speak up to?

Speaking up internally

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 and encourage you to explore this option – it may well be the easiest and simplest way of resolving matters. However, in addition to the roles and responsibilities of line management, there are other options in terms of who you can speak up to, depending on what feels most appropriate and on the size of the team you work in.



Within Somerset NHS Foundation Trust the routes to speaking up include:

- Our **Freedom to Speak Up Guardians** - *Caroline Sealey and Sarah Kerrigan*, can support you to speak up in confidence if you feel unable to do so by other routes. They will ensure you are thanked for doing so, that the issues you raise are responded to, and that you receive feedback on the actions taken. Please contact them on **0300 124 5015**, freedomtospeakup@somersetft.nhs.uk or anonymously via <https://freedomtospeakup.somersetft.nhs.uk/> You can find out more about the guardian role [here](#).
- **Senior managers, or directors** with responsibility for the subject matter you are speaking up about.
- The **patient safety team** (safetyteam@somersetft.nhs.uk) or **Governance support team** (incidentlead@somersetft.nhs.uk) (where concerns relate to patient safety or wider quality).
- **Local counter fraud team** (where concerns relate to fraud). (aimee.newton@somersetft.nhs.uk)
- Our **HR Advisory Service** (human.resources@somersetft.nhs.uk)
- Our **Staff Governors** (staffgovernors@somersetft.nhs.uk)
- Our **staff side** representatives.
- Our **senior lead responsible for Freedom to Speak Up**, Isobel Clements, (isobel.clements@somersetft.nhs.uk), who provides senior leadership and

support for our FTSU guardians and is responsible for reviewing the effectiveness of our FTSU arrangements.

- Our **non-executive director responsible for Freedom to Speak Up**, Rosie Benneyworth, (Rosie.Benneyworth@somersetft.nhs.uk), can provide more independent support for the guardians; provide a fresh pair of eyes to ensure that investigations are conducted appropriately; and help escalate issues, where needed.

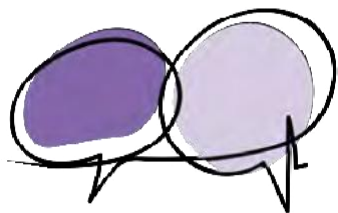
Speaking up Externally

Speaking up internally is the route we would always encourage first but, should you not want to speak up to someone within the Trust you can speak up externally to:

[Care Quality Commission \(CQC\)](#) for quality and safety concerns about the services it regulates – you can find out more about how the CQC handles concerns [here](#).

[NHS England](#) for concerns about: GP Surgeries, Dental Practices, Optometrists, Pharmacies, How NHS Trusts and Foundation Trusts are being run (including ambulance, community and mental health Trusts), NHS procurement and patient choice, the national tariff

NHS England may decide to investigate your concern themselves, ask your employer or another appropriate organisation to investigate (usually with their oversight) and/or use the information you provide to inform their oversight of the relevant organisation. The precise action they take will depend on the nature of your concern and how it relates to their various roles.



Please note that neither the Care Quality Commission nor NHS England can get involved in individual employment matters, such as a concern from an individual about feeling bullied but, they would for example, review concerns about poor care or safety.

[NHS Counter Fraud Authority](#) for concerns about fraud and corruption, using their [online reporting form](#) or calling their freephone line 0800 028 4060.

If you would like to speak up about the conduct of a member of staff, you can do this by contacting the relevant professional body such as the General Medical Council, Nursing and Midwifery Council, Health & Care Professions Council, General Dental Council, General Optical Council or General Pharmaceutical Council.

Appendix B contains information about making a ‘protected disclosure’.

How should I speak up?

You can speak up to any of the people or organisations listed above in person, by phone or in writing (including email).

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 the person you speak up to knows your identity and that they can share this with anyone else involved in responding.

- **Confidentially:** you are happy to reveal your identity to the person you choose to speak up to on the condition that they will not share this without your consent.
- **Anonymously:** you do not want to reveal your identity to anyone. This can make it difficult for others 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 you might not be able to access any extra support you need and receive any feedback on the outcome.

In all circumstances, please be ready to explain as fully as you can the information and circumstances that prompted you to speak up.

Advice and support

You can find out about our local wellbeing and colleague support available [here](#). Our local [Inclusion and Colleague Networks](#) can be a valuable source of support too.

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

- [Support available for our NHS people.](#)
- [Looking after you: confidential coaching and support for the primary care workforce.](#)

NHS England has a [Speak Up Support Scheme](#) that you can apply to for support. You can also contact the following organisations:

- [Speak Up Direct](#) provides free, independent, confidential advice on the speaking up process.

- The charity [Protect](#) provides confidential and legal advice on speaking up.
- The [Trades 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.
- [The Advisory, Conciliation and Arbitration Service](#) (ASAS) gives advice and assistance, including on early conciliation regarding employment disputes.

What will we do?

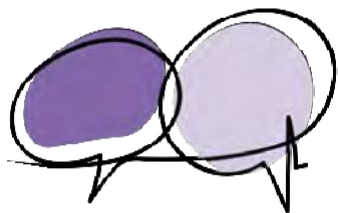
The matter you are speaking up about may be best considered under a specific existing policy/process; for example, our process for dealing with bullying and harassment. If so, we will discuss that with you. If you speak up about something that does not fall into an HR or patient safety incident process, this policy ensures that the matter is still addressed.

What you can expect to happen after speaking up is shown in Appendix A.

Resolution and investigation

We support our managers/supervisors to listen to the issue you raise and take action to resolve it wherever possible. In most cases, it's important that this opportunity is fully explored, which may be with facilitated conversations and/or [mediation](#).

Where an investigation is needed, this will be objective and conducted by someone who is suitably independent (this might be someone outside the



Trust or from a different part of the organisation) and trained in investigations. It will reach a conclusion within a reasonable timescale (which we will notify you of), and a report will be produced that identifies any issues to prevent problems recurring.

Any employment issues that have implications for you/your capability or conduct identified during the investigation will be considered separately.

Communicating with you

We will treat you with respect at all times and will thank you for speaking up. We will discuss the issues with you to ensure we understand exactly what you are worried about. If we decide to investigate, we will tell you how long we expect the investigation to take and agree with you how to 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 and recognising that some matters may be strictly confidential; as such it may be that we cannot even share the outcome with you).

How we learn from your speaking up

We want speaking up to improve the services we provide for patients and the environment our colleagues work in. Where it identifies improvements that can be made, we will ensure necessary changes are made, and are working effectively. Lessons will be shared with teams across the Trust, or more widely, as appropriate.

Review

We will seek feedback from colleagues about their experience of speaking up including any perception of detriment. We will analyse our data by demographics, identify themes and address any claims of detriment. We

will review the effectiveness of this policy and our local process annually, with the outcome published and changes made as appropriate.

Senior leaders' oversight

Our most senior leaders will receive a report at least annually providing a thematic overview of speaking up by our colleagues to our FTSU guardian(s).



References

NHS England: Freedom to Speak Up Policy for the NHS, June 2022. [PAR1245i-Freedom-to-speak-up-policy-for-the-NHS-June-2022-.docx \(live.com\)](#)

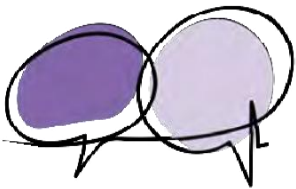
NHS England: Freedom to Speak Up: A guide for leaders in the NHS and organisations delivering NHS services, June 2022. [B1245 ii NHS-freedom-to-speak-up-guide-eBook.pdf \(england.nhs.uk\)](#)

Read the Agenda for Change Terms and Conditions Handbook [here](#)

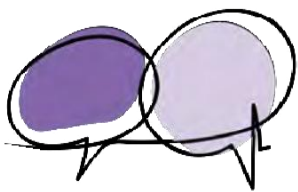
Monitoring

Monitoring ensures we collect evidence to demonstrate how effective our people policies are, it is therefore a vital element of all policies and will be used every year to review and understand the impact, and areas for improvement. The following table sets out how we will monitor this policy:

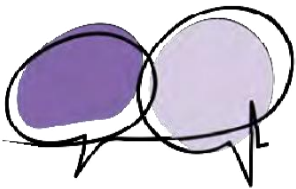
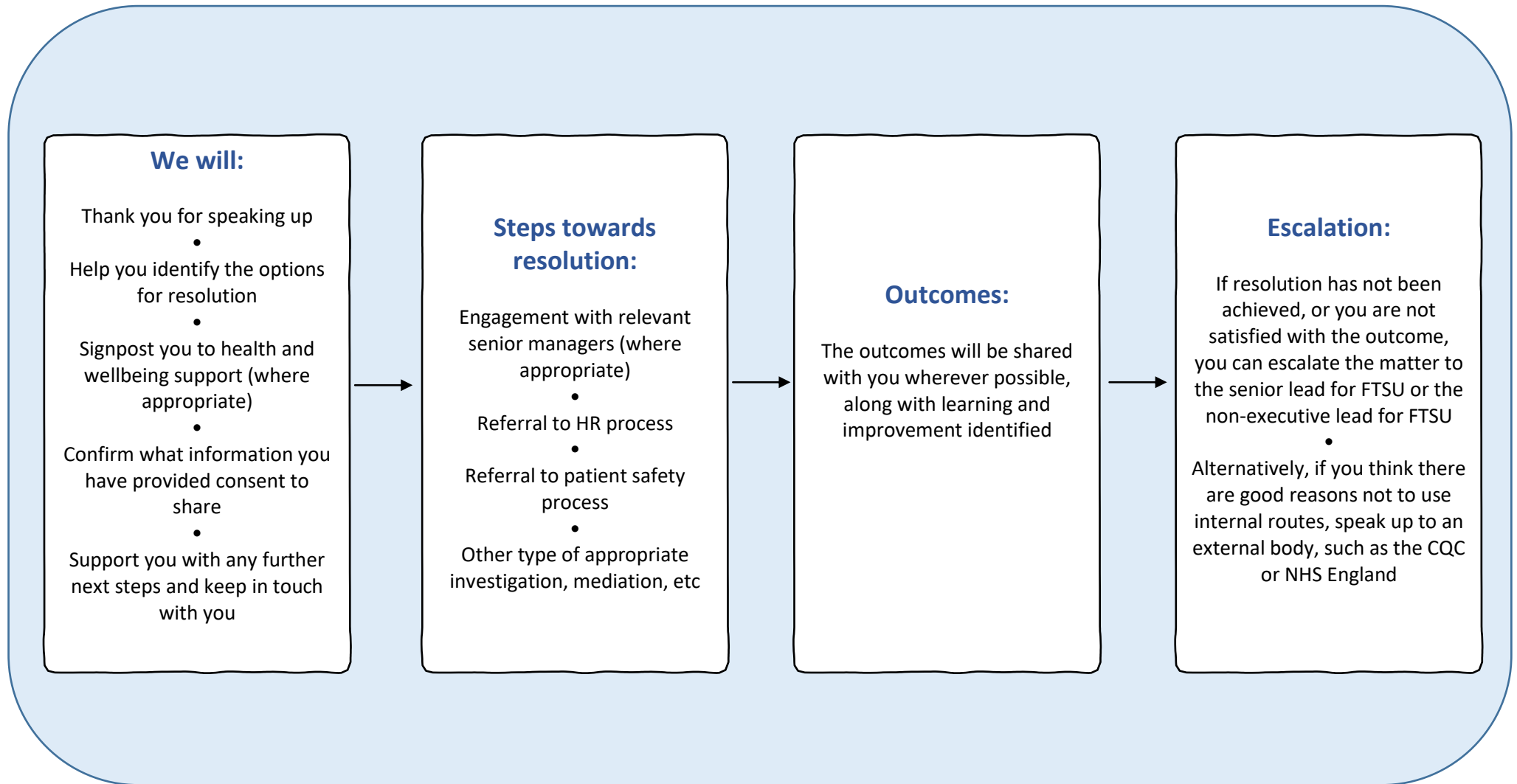
Element of policy for monitoring	Monitoring method - Information source (e.g. audit)/ Measure / performance standard	Item Lead	Monitoring frequency /reporting frequency and route	Arrangements for responding to shortcomings and tracking delivery of planned actions
What will we do? Communicating with you	Audit of cases to assess response time from point of first contact.	Caroline Sealey, Lead FTSU Guardian	Quarterly. Data to be contained in board and / or assurance report(s). All monitoring reported via People services governance structure	Lead to be responsible for ensuring response time of 3 working days is met and agreeing actions required if deemed insufficient. Delivery of all actions tracked via People services governance structure.
What will we do? Review.	Audit of all feedback received from colleagues, analysing the data by demographics, identifying themes and addressing claims of detriment	Caroline Sealey, Lead FTSU Guardian	Quarterly. Detriment data to be included in Board reports and NGO data returns.	Lead and Exec Lead to agree any actions related to detriment.



Element of policy for monitoring	Monitoring method - Information source (e.g. audit)/ Measure / performance standard	Item Lead	Monitoring frequency /reporting frequency and route	Arrangements for responding to shortcomings and tracking delivery of planned actions
What will we do? Review.	Audit of all feedback received from colleagues regarding how satisfied they were with the service. Aim is for a minimum score of 7 out of 9.	Caroline Sealey, Lead FTSU Guardian	Quarterly. Data to be contained in board and / or assurance report(s).	Lead to be responsible for ensuring service satisfaction levels are met and agreeing actions required if deemed insufficient.



What will happen when I speak up?



Making a protected disclosure

Making a 'protected disclosure' - Whistleblowing

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.

All 'protected disclosures' meeting the criteria need to be made, in writing, to the CEO, Peter Lewis (peter.lewis@somersetft.nhs.uk)

