

## Cover Sheet

Trust Board Meeting in Public: Wednesday 10 September 2025

TB2025.81

---

**Title:** Freedom to Speak Up Policy

---

---

**Status:** For Decision

**History:** People and Communications Committee 11 August 2025  
Trust Management Executive 28 August 2025

---

---

**Board Lead:** Chief People Officer

**Author:** Lindley Nevers, Lead Freedom to Speak Up Guardian  
Susan Polywka, Freedom to Speak Up Project Manager  
Beverley Hoskin, Assistant Director of Workforce – Pay, Policy  
and Reward

**Confidential:** No

**Key Purpose:** Policy

---

## Executive Summary

1. This paper presents the Freedom to Speak Up Policy for approval.
2. The updated Freedom to Speak Up Policy reflects the refresh of the Trust's Freedom to Speak Up (FTSU) service and incorporates national guidance on protecting staff who speak up from detriment, disadvantageous or demeaning treatment. WorkInConfidence, a third party platform that facilitates anonymous reporting, is introduced and clarification for staff on [Raising a concern](#) and on [Signposting for formal employee concerns](#) is also provided.
3. The policy makes reference to [The National Guardian's Office - Freedom to Speak Up](#) although, at the time of writing, [publication of the Government's 10 Year Plan for the NHS](#) (on Thursday 3 July, 2025), and of Dr Penny Dash's [Review of patient safety across the health and care landscape - GOV.UK](#) (on Monday 7 July), has signalled that the distinct role of a National Guardian for Freedom to Speak Up will no longer be required. No timeframe has yet been given for abolition of the role but once clarity is provided, the Chief People Officer will be responsible for ensuring that the policy is amended to reflect the new, alternative arrangements for external oversight of effective freedom to speak up functions within the Trust.
4. A more comprehensive breakdown of the updated policy can be found in the full document.

## Recommendations

5. The Trust Board is asked to approve the Freedom to Speak Up Policy.
6. The Trust Board is also asked to delegate authority to the People and Communications Committee to approve such updates that may be required to reflect changes in the mechanism for external oversight (once known), and to remove/amend terminology that consequently may be rendered obsolete.

## Freedom to Speak Up Policy

---

### 1. Purpose

- 1.1. This paper presents the Freedom to Speak Up Policy for approval.

### 2. Background

- 2.1. The current OUH FTSU Policy, approved by the Board in November 2022, is consistent with the national model policy published by NHS England in June 2022, which provides the minimum standard for local freedom to speak up policies across the NHS, so that those who work in the NHS know how to speak up and what will happen when they do. Adhering to the provisions and broader principles of the national model policy, the OUH FTSU Policy is designed to be inclusive and support resolution by managers wherever possible. (Refer to NHSE Model FTSU Policy ).
- 2.2. The OUH FTSU Policy presented here is the outcome of the 3-yearly review undertaken.

### 3. Freedom to Speak Up Policy

- 3.1. The updated Freedom to Speak Up Policy was circulated for consultation to staff side colleagues, staff network chairs (with a request to circulate the draft policy to their members), divisional management teams and HR colleagues between 20 May and 19 June 2025. A copy of the draft policy was also available in the 'Policy and Procedure Review' folder on the HR intranet site.
- 3.2. Following its review the key provisions of the policy, and its aims remain to ensure that all staff can speak up and that all matters raised as a concern are captured and considered appropriately.
- 3.3. The policy has been updated to reflect the refresh of the Trust's Freedom to Speak Up (FTSU) service, which includes the Chief People Officer as the Executive Lead, appointment of a new Deputy Lead Guardian and growth of the network of volunteer FTSU Champions.
- 3.4. The policy includes the introduction of WorkInConfidence, a third party platform that facilitates anonymous reporting, and sets out how to raise a concern anonymously via this independent platform.
- 3.5. Clarification for staff on [Raising a concern](#) and on [Signposting for formal employee concerns](#) is also included in the policy.

- 3.6. The policy also reflects developments nationally, including guidance on protecting staff who speak up from detriment, disadvantageous or demeaning treatment.
- 3.7. It is recognised that the Fit for the Future: 10 Year Health Plan for England identifies the National Guardian's work will align with other national staff voice functions, meaning the distinct role of the National Guardian will no longer be required. As and when further details of this change, and the timeline are known, the Freedom to Speak Up Policy will be updated accordingly.
- 3.8. The Chief People Officer will be responsible for ensuring that the policy is so updated, and it is recommended that authority to approve such updates to the Policy as may be required to reflect changes in the mechanism for external oversight (once known), and to remove/amend terminology that consequently may be rendered obsolete is delegated to People and Communications Committee by Trust Board.
- 3.9. There is a communication plan to support implementation of the updated OUH FTSU Policy, and the full policy is attached at Appendix 1.

#### **4. Conclusion**

- 4.1. The updates made to the Freedom to Speak Up Policy ensure it incorporate relevant national guidance, best practice and reflects current practices and processes.

#### **5. Recommendations**

- 5.1. The Trust Board is asked to approve the updated Freedom to Speak Up Policy.
- 5.2. The Trust Board is also asked to delegate authority to the People and Communications Committee to approve such updates that may be required to reflect changes in the mechanism for external oversight (once known), and to remove/amend terminology that consequently may be rendered obsolete.

#### **6. Appendices**

Appendix 1 – Freedom to Speak Up Policy

## Freedom to Speak Up Policy

<b>Category:</b>	Policy
<b>Summary:</b>	This document aims to outline the policy and procedure for employees and anyone working at the Trust to speak up to raise concerns (including concerns which may be considered as “whistleblowing”) and to explain the protection given by the Public Interest Disclosure Act 1998.
<b>Equality Analysis undertaken/reviewed:</b>	May 2025
<b>Valid From:</b>	
<b>Date of Next Review:</b>	Three years Until such time as the review is completed and the successor document approved by the relevant committee this policy will remain valid.
<b>Approval Date/ Via:</b>	
<b>Distribution:</b>	Trust-wide
<b>Related Documents:</b>	<p>Complaints Policy</p> <p>Counter Fraud Policies and Procedures</p> <p>Conduct and Expected Behaviours Procedure (including Sexual Misconduct)</p> <p>Incident Reporting, Investigation and Learning Procedure</p> <p><a href="#">Freedom to Speak Up - At a glance</a></p> <p>Resolution (Grievance and Collective Disputes) Procedure</p> <p><a href="#">NHS England » The national speak up policy</a> published June 2022</p> <p>Respect and Dignity at Work Procedure (including Sexual Safety at Work)</p> <p><a href="#">Signposting – Employee Concerns</a></p> <p>Managing Allegations against Staff and Persons in a Position of Trust Policy</p>
<b>Author(s):</b>	<p>Freedom to Speak Up Lead Guardian</p> <p>Freedom to Speak Up Project Officer</p> <p>HR Consultant</p>
<b>Further Information:</b>	<p>Freedom to Speak Up Lead Guardian</p> <p>Freedom to Speak Up Deputy Lead Guardian</p> <p>Freedom to Speak Up Champions</p>
<b>This Document replaces:</b>	Freedom to Speak Up Policy v6.0

**Lead Director:** Chief People Officer

**Issue Date:**

## Contents

Message from the Trust Chair and the Chief Executive Officer .....	4
Introduction .....	5
Policy Statement .....	5
Speak Up – We Will Listen .....	5
This Policy .....	6
We want you to feel safe to speak up .....	6
Scope .....	6
Who can raise concerns? .....	6
Aim .....	6
Definitions .....	6
Making a ‘protected disclosure’ (sometimes referred to as “whistleblowing”) .....	6
Protection from detriment, disadvantageous or demeaning treatment .....	7
Abbreviations .....	7
Responsibilities .....	7
What can I speak up about? .....	9
Who can I speak up to? .....	10
Speaking up internally .....	10
Escalating concerns internally .....	11
Speaking up externally .....	11
How should I speak up? .....	12
Confidentiality .....	12
Advice and Support .....	12
What will the Trust do? .....	13
Investigation, review, resolution .....	13
Communicating with you .....	13
How the Trust learns from your speaking up .....	14
Board Oversight .....	14
Failure to Comply .....	14
National Guardian Freedom to Speak Up .....	14
Training .....	14
Monitoring Compliance .....	15
Review .....	16
References .....	16
Equality Impact Assessment .....	16
Further Information .....	16
Document History .....	16
Appendix 1 – What will happen when I speak up? .....	18

Appendix 2 – Speaking Up to Raise Concerns at Work.....	19
Step One.....	19
Step Two.....	19
Step Three .....	20
Appendix 3 - Guidance for Managers to Whom a Concern has been reported or referred ..	21
Appendix 4 - A Vision for Raising Concerns in the NHS .....	23
Appendix 5 – Protection from detriment, disadvantageous or demeaning treatment .....	24
Appendix 6 - Equality Impact Assessment .....	25

## Message from the Trust Chair and the Chief Executive Officer

To All Oxford University Hospitals NHS Foundation Trust Staff,

We are delighted to support and endorse this policy as we continue to work toward an open, transparent and responsive culture across the Trust. We appreciate that supporting staff who wish to raise concerns is a very important cultural change across the NHS and one we support wholeheartedly.

We encourage those of you with any concerns to speak up, and to access advice and support as necessary, as detailed in this document.

Professor Sir Jonathan Montgomery  
Chair

Simon Crowther  
Interim Chief Executive Officer

The content of this policy incorporates the provisions of the [NHS England » The national speak up policy](#) published June 2022.



## Introduction

1. Oxford University Hospitals NHS Foundation Trust (the “Trust”) is committed to achieving the highest possible standards of service for the benefit of patients, employees, others working at Trust premises, service users and visitors. Where standards are not as would be expected, employees are expected to learn and make improvements to address issues.
2. The Trust is supportive of colleagues who have concerns over possible danger, risk, wrongdoing or malpractice and encourages all employees to act promptly and report their concern appropriately.
3. Any member of staff who identifies an issue has a duty to raise that matter appropriately so that it can be addressed, and improvements can be made.
4. Staff include anyone who works or has worked in the NHS or for an independent organisation including Retention of Employment (RoE) staff, bank and agency workers, temporary workers, students, volunteers, trainees, junior doctors, locums and governors.
5. All staff have the freedom to speak up about a genuine concern and should have confidence that their voice will be heard. No member of staff should suffer detrimental treatment or victimisation as a result of speaking up.
6. When a concern has been raised in good faith, the Trust must ensure it is addressed in line with the Trust values: excellence, compassion, respect, learning, delivery and improvement.
7. These Values are underpinned by Trust Behaviours. Following the Trust Values and Behaviours will enable concerns to be raised and addressed appropriately to the benefit of patients and employees.
8. Where a member of staff has a concern about their employment that only affects them, they should raise that concern through the Trust’s [Resolution \(Grievance and Collective Disputes\) Procedure](#).
9. Where a member of staff has a concern which affects not only them, but which they think does or could adversely affect patient care or adversely affect the working life of others within the Trust, there are many channels through which the concern can be raised. ‘[Signposting – Employee Concerns](#)’ provides further information about how different types of concerns can be raised and the process for resolving them.

## Policy Statement

### Speak Up – We Will Listen

10. The Trust welcomes speaking up and 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 staff.
11. This policy is for all our people. 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”*.
12. We want to hear about any concerns you have, whichever part of the organisation 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. **This policy is for all workers and we want to hear all our workers’ concerns.**

13. The Lead Freedom to Speak Up [FTSU] Guardian meets regularly with the Trust Chair and provides regular (anonymised) feedback on concerns raised to them and to the Non-Executive and Executive Directors with lead responsibility for FTSU.
14. We want strongly to encourage all our people to complete the [Speak Up](#) online training that is available. The [Listen Up](#) online module is specifically aimed at leaders (after completion of Module 1) and the [Follow Up](#) module is for senior leaders to complete. You can find out more about what Freedom to Speak Up (FTSU) is in these [videos](#).

### **This Policy**

15. This policy incorporates all the provisions of the updated [national Freedom to Speak Up Policy](#) which has been issued by NHS England/Improvement as a minimum standard to help normalise speaking up for the benefit of patients and workers. The **aim** of the policy is to ensure all matters raised are captured and considered appropriately.

### **We want you to feel safe to speak up**

16. By speaking up, staff may help the Trust to identify opportunities for improvement that we might not otherwise know about.
17. The Trust will not tolerate anyone being prevented or deterred from speaking up or being mistreated because they have spoken up.
18. Provided that a member of staff is acting honestly and in good faith, it does not matter if they are mistaken nor if upon explanation there transpires to be no grounds for concern.
19. No member of staff who speaks up in good faith to raise a concern should experience detriment, disadvantageous or demeaning treatment from colleagues, line managers or leaders as a result of the act of speaking up. (See further under paragraphs 25-30).

### **Scope**

#### **Who can raise concerns?**

20. Anyone who works (or has worked) in the NHS, or for an independent organisation that provides NHS services can raise concerns. This includes Retention of Employment (RoE) staff, agency workers, temporary workers, students, volunteers, trainees, junior doctors, locum, bank and agency workers and governors.
21. If a patient or other member of the public wishes to raise a concern that should be handled under the Trust's [Complaints Policy](#), overseen and administered by the Complaints Department.

### **Aim**

22. To promote a culture in which everyone has the freedom to speak up about any genuine concern.
23. To instil confidence that everyone's voice will be listened to, and follow-up action taken as appropriate.
24. To ensure all matters raised are captured and considered appropriately.

### **Definitions**

#### **Making a 'protected disclosure' (sometimes referred to as "whistleblowing")**

25. If a member of staff makes a 'protected disclosure' as defined under the [Public Interest Disclosure Act 1998](#), *amending the Employment Rights Act 1996* ["the 1998 Act"], it is unlawful to dismiss them or treat them detrimentally.

26. A “**disclosure qualifying for protection**” under the 1998 Act is a disclosure of information where the worker reasonably believes one or more of the following matters is happening, has taken place or is likely to happen in the future:
- 26.1. a danger to the health and safety of any individual, or group of individuals, whether employees, patients or anyone else on Trust premises;
  - 26.2. a criminal offence;
  - 26.3. a breach of a legal obligation;
  - 26.4. a miscarriage of justice;
  - 26.5. a damage to the environment; or
  - 26.6. the deliberate attempt to conceal any of the above
- and where the individual reasonably believes that the disclosure is in the public interest.
27. The legislation is complex and to have grounds for lodging a claim under the 1998 Act, 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.

## **Protection from detriment, disadvantageous or demeaning treatment**

28. Beyond the protection afforded by the [Public Interest Disclosure Act 1998](#), whenever a member of staff speaks up in good faith to raise a concern, the Trust is committed to protecting them from experiencing detriment, disadvantageous or demeaning treatment [hereafter referred to as “detriment”] as a result of having spoken up.
29. Detriment can be experienced as a deliberate act or a failure to act or omission. Sometimes detriment can be subtle and not always easy to recognise. While these behaviours might not be intentional, the impact can still be significant if a person believes they are being treated poorly or differently.
30. Further reference may be made to Detriment Guidance issued by the National Guardian – Freedom to Speak Up (see further in **Appendix 5**).

## **Abbreviations**

31. The following abbreviations are used within this policy:
- 31.1. **FTSU** – Freedom to Speak Up

## **Responsibilities**

32. The **Trust Board** has overall responsibility for ensuring that concerns raised in accordance with the Freedom to Speak Up Policy are dealt with appropriately within the Trust.
33. The **Senior Independent Director** is the designated **Non-Executive Director** at Step 3 of the procedure outlined at Appendix 2, to whom a concern may be escalated if it remains unresolved after exhausting all other internal channels. Details of the current Senior Independent Director are published on the [FTSU intranet site](#).
34. The **Executive Director with lead responsibility** for the Freedom to Speak Up Policy is the **Chief People Officer**, whose details are published on the [FTSU intranet site](#).
35. Details of the **Non-Executive Director with lead responsibility** for the Freedom to Speak Up Policy are published on the [FTSU intranet site](#).

36. The [Freedom to Speak Up Guardians](#) are **not** responsible for undertaking investigations. Importantly, they are independent of the executive team, so as to be able to challenge senior members of staff, and report to the Board or externally as required, and they are responsible for:
- 36.1. developing a range of mechanisms, in addition to established formal processes, which empower and encourage staff to speak up safely;
  - 36.2. ensuring the appropriate and confidential administration, recording, monitoring, analysis and reporting of concerns raised, including maintaining a central record of concerns raised with any of the FTSU Guardians, including:
    - 36.2.1. identification of concerns raised which meet the criteria for a 'disclosure qualifying for protection' under the Public Interest Disclosure Act 1998 ["the 1998 Act"]; and
    - 36.2.2. where a concern raised does meet the criteria for a 'disclosure qualifying for protection' under the 1998 Act, initiating an appropriate investigation and monitoring the preservation of protection afforded under the Act.
  - 36.3. acting as independent, impartial advisors and as the Trust experts on matters relating to raising concerns;
  - 36.4. developing and embedding a culture where staff feel confident and supported to raise a concern, and where appropriate signposting staff to the appropriate Trust policy/procedure/department to discuss an issue;
  - 36.5. overseeing initiation of an internal investigation process where required, ensuring investigations are properly undertaken, to focus on the issue that has been raised and achieve completion in a timely manner;
  - 36.6. ensuring that recommendations and lessons learnt arising from investigations are fully considered by the Trust and implemented where necessary;
  - 36.7. preparing regular raising concerns communications to staff, sharing non-confidential information and lessons learnt from concerns;
  - 36.8. maintaining a high level of visibility and ensuring that they spend the majority of working time making themselves available to all staff, providing expertise in developing a safe culture which supports and encourages staff to speak up, specifically providing support, guidance or advice to any member of staff who wishes to discuss or formally raise a concern, ensuring the individual raising the concern receives regular feedback on the progress and outcome of any associated investigations; and
  - 36.9. safeguarding the interests of the employee who legitimately raises a concern to ensure there are no repercussions for them either immediately or in the long term.
37. In addition to the Freedom to Speak Up Guardian responsibilities identified above, the **Freedom to Speak Up Lead Guardian** is also responsible for:
- 37.1. working with the Chief Executive Officer and Board to help promote an open culture which is based on listening and learning, not blaming;
  - 37.2. meeting regularly with the Trust Chair, providing (anonymised) feedback to them and to the Non-Executive and Executive Directors with lead responsibility for FTSU; and
  - 37.3. producing and presenting the FTSU Annual Report to the Board, including assurance as to the extent to which this policy remains in alignment with best practice at the time, and making recommendations of any amendments required.

38. The volunteer [Freedom to Speak Up Champions](#) are responsible for:
  - 38.1. working closely with the Freedom to Speak Up Guardians;
  - 38.2. encouraging staff to speak up if they have a concern; and
  - 38.3. improving the experience of staff by providing an access point for information on the channels for addressing concerns raised.
39. All **Directors and Senior Managers** with whom a concern is raised or to whom a concern is referred are required to:
  - 39.1. offer to meet with the individual to discuss the concerns where appropriate and determine whether further investigation or review is required;
  - 39.2. consider whether the concern raised does or may meet the criteria for a 'disclosure qualifying for protection' under the Public Interest Disclosure Act 1998 (see paragraph 25) and notify a Freedom to Speak Up Guardian accordingly, via email to [fts@ouh.nhs.uk](mailto:fts@ouh.nhs.uk);
  - 39.3. determine the process or procedure by which the concern should most appropriately be addressed, demonstrating the rationale for making that determination and communicating it clearly to the individual who has raised the concern;
  - 39.4. ensure that where further investigation into the concern and/or review of the issues raised is required this is undertaken in a timely fashion;
  - 39.5. ensure the Freedom to Speak Up Guardians receive regular updates on the progress of the investigation or review so that the central record of concerns can be updated;
  - 39.6. where appropriate, implement actions/recommendations resulting from the investigation or review in a timely manner and provide a report to the Freedom to Speak Up Guardian of completed actions/recommendations; and
  - 39.7. ensure that, where the person raising the concern is known (or where their identity is suspected), there is no victimisation of the complainant or suspected complainant.
40. All **members of staff**
  - 40.1. have a duty to raise concerns which impact on the treatment and care of patients and health and well-being of employees in accordance with this policy;
  - 40.2. must ensure that colleagues who have raised a concern are not victimised or otherwise suffer detriment for doing so; and
  - 40.3. if appropriate will be required to participate in any investigation or review.

## What can I speak up about?

41. 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.
42. If you have spoken up to raise a concern (or tried to do so), and feel that you have experienced detriment, disadvantageous or demeaning treatment as a result of speaking up (see paragraphs 25-30 above), then please do speak up about that.
43. Speaking up is about all of these things and it may therefore capture a range of issues, some of which may be appropriate for existing processes (for example, [HR Policies and Procedures](#) or [The Patient Safety Incident Response Framework \(PSIRF\)](#)). As is

expressly stated in the [national Freedom to Speak Up Policy](#), “It’s fine” that issues raised may be brought up through different channels, and addressed through a range of processes. As an organisation, we will listen and work with you to identify the most appropriate way of responding to the issue you raise.

44. The choice of process by which a concern should be addressed will depend upon the nature of the issue to which the concern relates. The following is not an exhaustive list but provides some examples.
  - 44.1. For example, a concern about employment that affects not only the individual raising the concern (e.g. concern that a bullying culture prevails across a team or department) may be addressed under [HR Policies and Procedures](#).
  - 44.2. A concern relating to sexual safety at work will be addressed under either the [Respect and Dignity at Work Procedure \(including Sexual Safety at Work\)](#) or the [Conduct and Expected Behaviours Procedure \(including Sexual Misconduct\)](#)
  - 44.3. Where a concern is raised about something that has been (or should be) reported as a patient safety incident, this will be investigated in accordance with [The Patient Safety Incident Response Framework \(PSIRF\)](#).
  - 44.4. Any concerns relating to safeguarding patients (children or vulnerable adults) will be handled in accordance with [OUH Safeguarding Policies and Procedures](#) and will - as necessary and where appropriate - follow the Trust’s policy for managing allegations of harm by staff and persons in a position of trust.
  - 44.5. Where a concern is raised which challenges a management decision, e.g. that a proposed reconfiguration of a service may lead to unsafe working conditions, this should first be addressed within the management structure and in accordance with relevant procedures. If it cannot thus be satisfactorily resolved then it may be referred to the Trust Chair who will ultimately be the arbiter of whether further objective scrutiny should be undertaken and if so by what process.
  - 44.6. If a member of staff is unsure what is the most appropriate route, advice can and should be sought from a Freedom to Speak Up Guardian, an HR Consultant or a Respect and Dignity Ambassador. ‘[Signposting – Employee Concerns](#)’ also provides further information about how different types of concerns can be raised and the process for resolving them.
45. Where there are concerns about the fitness of a director or equivalent, reference should be made to the Trust’s [Fit and Proper Persons Policy](#) and advice sought from the Chief People Officer or Director of Workforce.
46. All staff have the right and the duty to raise their concerns and staff who are healthcare professionals may also have a professional duty to report their concerns. If a member is in any doubt about a concern, they are asked to raise it.
47. Staff do not need to wait for proof. The Trust would like staff to raise any concerns at the earliest opportunity. It does not matter if they turn out to be mistaken. So long as the member of staff is genuinely troubled and there is no malicious intent, staff are encouraged to raise the concern.

## Who can I speak up to?

### Speaking up internally

48. Most speaking up happens through conversations with supervisors and line managers where challenges are raised and resolved quickly. The Trust strives 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.
49. However, you have other options in terms of who you can speak up to, depending on what feels most appropriate to you:



- 49.1. Senior manager, or director with responsibility for the subject matter you are speaking up about.
- 49.2. The Clinical Governance [team](#) on 01865 222566 or via an incident report form (where concerns relate to patient safety or wider quality).
- 49.3. Your Divisional Workforce Team or an HR Consultant, where concerns relate to any aspect of employment matters.
- 49.4. Where concerns relate to fraud these can be reported to the Trust's [Local Counter Fraud team](#) (also known as Anti-Crime Specialists).
- 49.5. Our Freedom to Speak Up Lead Guardian and team, whose details are published on the [FTSU intranet site](#). They can support you to speak up if you feel unable to do so by other routes. They will ensure that people who speak up are thanked for doing so, that the issues they raise are responded to, and that the person speaking up receives feedback on the actions taken. You can find out more about the guardian role on the [FTSU staff intranet pages](#) (and on the website of the [National Guardian's Office](#)).
- 49.6. You can also speak up by starting a conversation with any of the 'conversation recipients' designated on the [WorkInConfidence](#) platform (use registration code: **xxqqzz**); an independently run platform that the Trust has introduced for raising a concern with a **complete guarantee of anonymity**. The designated 'conversation recipients' include the FTSU Guardians and the Trust's Safeguarding Lead (for any concern relating to sexual safety at work), as well as the Chief Executive Officer and the Chief People Officer.
- 49.7. You can also speak up to your Trade Union representative.
- 49.8. You can speak up to our senior lead executive responsible for Freedom to Speak Up [currently, the Chief People Officer, whose details are published on the [FTSU intranet site](#)] - they provide senior support for our speaking-up guardian and are responsible for reviewing the effectiveness of our FTSU arrangements.
- 49.9. You can speak up to our non-executive director responsible for Freedom to Speak Up [whose details are published on the [FTSU intranet site](#)]

### **Escalating concerns internally**

50. If you still have concerns after exhausting the options outlined in paragraphs 48 and 49 that feel appropriate to you, then the matter may be escalated further either *via* the senior executive lead for FTSU or the non-executive lead for FTSU or *via* the Senior Independent Director or Chief Executive Officer (see Step 3, Appendix 2).

### **Speaking up externally**

51. If you do not want to speak up to someone within the Trust, you can speak up externally to:
  - 51.1. [Care Quality Commission](#) (CQC) for quality and safety concerns about the services it regulates – more information about how the CQC handles concerns is available from their [website](#);
  - 51.2. [NHS England](#) for concerns about:
    - 51.2.1. how the Trust is being run;
    - 51.2.2. NHS procurement and patient choice;
    - 51.2.3. the national tariff.
    - 51.2.4. 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.

- 51.3. 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.
- 51.4. [NHS Counter Fraud Agency](#) for concerns about fraud and corruption, using their [online reporting form](#) or calling their freephone line **0800 028 4060**.
52. 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.
53. Paragraphs 25 - 27 provide information about making a 'protected disclosure'.

## How should I speak up?

54. You can speak up to any of the people or organisations listed above in person, by phone or in writing (including email).
55. You can [make an appointment](#) to have a **confidential chat** with your FTSU Guardian.
56. You can also raise a concern with a **complete guarantee of anonymity** using the external [WorkInConfidence](#) platform (use registration code: **xxqqzz**).

## Confidentiality

57. The most important aspect of your speaking up is the information you can provide, not your identity.
58. You have a choice about how you speak up:
- 58.1. **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.
- 58.2. **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.
- 58.3. **Anonymously:** you do not want to reveal your identity to anyone. NB *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.*
59. 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

60. Details of the support available to staff can be found on the [FTSU staff intranet pages](#) and your local [Staff Networks](#) can be a valuable source of support. The [Raising a concern](#) website provides guidance to staff on how to navigate the various routes and channels available for raising concerns and at '[Signposting – Employee Concerns](#)' further information is provided about how different types of concerns can be raised and the process for resolving them.
61. Support may also be accessed through the Trust's [Employee Assistance Programme](#).
62. Staff can also contact:
- 62.1. their Trade Union representative or



- 62.2. their professional body (such as the Nursing and Midwifery Council, General Medical Council or Health and Care Professions Council).
- 63. Other sources of support include:
  - 63.1. NHS England
    - 63.1.1. [Support available for our NHS people.](#)
    - 63.1.2. [Speaking Up Support Scheme.](#)
  - 63.2. [Speak Up Direct](#) provides free, independent, confidential advice on the speaking up process.
  - 63.3. The charity [Protect](#) provides confidential and legal advice on speaking up.
  - 63.4. The [Trades Union Congress](#) provides information on how to join a trade union.
  - 63.5. [The Law Society](#) who may be able to provide signposting to other sources of advice and support.
  - 63.6. The [Advisory, Conciliation and Arbitration Service](#) gives advice and assistance, including on early conciliation regarding employment disputes.

## What will the Trust do?

- 64. The matter you are speaking up about may be best considered under a specific existing policy, process or procedure; for example, the Trust's [Respect and Dignity at Work Procedure \(including Sexual Safety at Work\)](#) for dealing with a prevailing culture of bullying and harassment in a team or department. We will discuss with you how best the matter that you are speaking up about should be considered. If you speak up about something that does not fall into an HR or patient safety incident process, the Trust will ensure that the matter is still addressed.

## Investigation, review, resolution

- 65. The Trust supports its managers/supervisors to listen to issues raised and take action to resolve them wherever possible. In most cases, it is important that this opportunity is fully explored, which may be with facilitated conversations and/or mediation.
- 66. Where an investigation or further review is needed, this will be objective and conducted by someone who is suitably independent (this might be someone outside your organisation or from a different part of the organisation) and appropriately trained. 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.
- 67. Where an investigation identifies any employment issues these will be addressed in line with the relevant Trust policy or procedure and in accordance with the just culture principles.

## Communicating with you

- 68. You will be treated with respect at all times and will be thanked for speaking up. Whoever you speak up to will discuss the issues with you to ensure that they understand exactly what you are worried about. If they propose to confer with anyone else then they will let you know, and they will check with you whether you are happy to reveal your identity to someone else. If it is decided to investigate or undertake further review, you will be told how long the investigation or review is expected to take, and how you will be kept up to date with its progress. Wherever possible, the full report of the investigation or review will be shared 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 the Trust learns from your speaking up**

69. The Trust wants speaking up to improve the services it provides for patients and the environment staff work in. Where it identifies improvements that can be made, the Trust will ensure necessary changes are made, and are working effectively. Lessons will be shared with teams across the organisation, or more widely, as appropriate.

### **Board Oversight**

70. The Board will receive an annual report providing a thematic overview of speaking up by our staff to the Trust's FTSU guardians.

### **Failure to Comply**

71. Where inappropriate behaviour or action, or failure of appropriate action, by an individual member of the workforce, has taken place in relation to any member(s) of staff speaking to raise concerns, this may be investigated and addressed using the Trust's Conduct and Expected Behaviours Procedure. External employers e.g. third-party contractors will be required to address such matters appropriately using their own internal procedures.

### **National Guardian Freedom to Speak Up**

72. Where NHS trusts and foundation trusts may have failed to follow good practice in the treatment of staff who speak up to raise concerns, the National Guardian can independently review how staff have been treated, working with some of the external bodies listed above to take action where needed.

### **Training**

73. There is no mandatory training associated with this policy but the following optional modules (which have been made available on the Trust's Learning Management System) will be promoted through the Divisional and Corporate management teams, with a particular emphasis on very strong encouragement for Senior leaders and managers to complete all 3 training modules (Speak Up, Listen Up, and Follow Up).
- 73.1. Module 1 "Speak Up" ([Speak Up](#)) is available to all staff and covers:
- What speaking up is and why it matters
  - How to speak up and confidentiality
  - Barriers to speaking up
  - The role of the guardian and the National Guardian's Office
  - Making a pledge.
- 73.2. Module 2 "Listen Up" ([Listen Up](#)), is aimed at leaders (after completion of Module 1) and covers:
- Fostering a speak up, listen up culture
  - Supporting speaking up and listening well
  - Perceptions of yourself and others and understanding conflicts of interest
  - Welcoming feedback as a gift.
- 73.3. Module 3, "Follow Up" ([Follow Up](#)), is aimed at senior leaders including executive and non-executive directors, and governors. It should be undertaken after completion of Modules 1 and 2 and aims to promote a consistent and effective Freedom to Speak Up culture across the system which will enable workers to speak up and have confidence that they will be listened to and action will be taken.

73.4. All staff are encouraged to complete Module 1: *Speak Up* and senior leaders are strongly encouraged to complete all three modules, *Speak Up*, *Listen Up* and *Follow Up* to ensure they have a full understanding of the speaking up process.

74. Anyone appointed to undertake an investigation or review to address any concern raised-may seek guidance from the Divisional HR Consultant or Freedom to Speak Up Lead Guardian.

## Monitoring Compliance

75. Uptake of the FTSU training modules will be monitored and reported in the FTSU Annual Report to the Board. Compliance with the policy will be monitored in the following ways. All reports will maintain confidentiality and will not report individual identifiable data.

Aspect of compliance or effectiveness being monitored	Monitoring method	Responsibility for monitoring (job title)	Frequency of monitoring	Group or Committee that will review the findings and monitor completion of any resulting action plan
Confidential database managed by FtSU Lead Guardian and FtSU Deputy Lead Guardian (Operational Manager)	Review of concerns Identification of themes Learning from concerns raised	FTSU Lead Guardian	Quarterly	FTSU
Patient safety concerns	Review of concerns Identification of themes Learning from concerns raised	FTSU Lead Guardian	6 monthly	TME Clinical Governance Committee
Staff concerns	Review of concerns Identification of themes Learning from concerns raised	FTSU Lead Guardian	6 monthly	TME People and Communications Heads of Service Quality Committee
Completion of data requests from the National Guardian office	Information submitted accurately and on time	FTSU Lead Guardian	Quarterly	National Guardian office

76. In addition to the monitoring arrangements described above, the Trust may undertake additional monitoring of this procedure as a response to the identification of any gaps or as a result of the identification of risks, arising from the procedure, prompted by incident review, external reviews, or other sources of information and advice. This monitoring could include:

- Commissioned audits and reviews
- Detailed data analysis
- Other focused studies

Results of this monitoring will be reported to the nominated Committee.

## Review

77. Feedback will be sought from workers about their experience of speaking up.
78. This policy and local process will be considered annually by the FTSU Lead Guardian, who will include in the FTSU Annual Report presented to the Board their recommendations for any amendments required to maintain alignment with best practice.
79. A full review of the effectiveness of this policy and local process will be undertaken at least every three years, with the outcome published and changes made as appropriate.
80. Until such time as the review is completed and the successor document approved by the Board this policy will remain valid.

## References

81. The [Public Interest Disclosure Act 1998 \(legislation.gov.uk\)](https://www.legislation.gov.uk), *amending the Employment Rights Act 1996*.
82. [Enterprise and Regulatory Reform Act 2013](#).
83. Health Service Circular 1999/198 - The Public Interest Disclosure Act 1998: Whistleblowing in the NHS.
84. [Department of Health and Social Care – The NHS Constitution for England \(Updated 17 August 2023\)](#)
85. [Freedom to Speak Up Report](#) by Sir Robert Francis QC (2015)
86. [NHS England » The national speak up policy](#) published June 2022

## Equality Impact Assessment

87. As part of its development, this procedure and its impact on equality has been reviewed. The purpose of the assessment is to minimise and if possible remove any disproportionate impact on the grounds of race, gender, disability, age, sexual orientation, religion or belief, gender reassignment, marriage and civil partnership and pregnancy and maternity. The completed Equality Impact Assessment can be found in Appendix 5.

## Further Information

88. Further information can be found on the Trust's intranet site under [Freedom to Speak Up](#) and on the OUH website at: [Raising a concern - Oxford University Hospitals](#), where staff can also refer to '[Signposting – Employee Concerns](#)' for further information about how different types of concerns can be raised and the process for resolving them.

## Document History

Date of revision	Version number	Reason for review or update
20 <sup>th</sup> August 2013	Version 2	Policy reviewed as planned.
	Version 3.1	Policy reviewed in line with 3 year review period and following publication of the Freedom to speak up: raising concerns (whistleblowing) policy for the NHS by NHS Improvement and NHS England.
July 2019	Version 3.2 Version 4.1	Updated following meeting with FTSU Lead Guardian Policy reviewed as planned

<b>Date of revision</b>	<b>Version number</b>	<b>Reason for review or update</b>
August 2019	Version 4.2	Second review
August 2019	Version 4.3	Review of Equality Impact Assessment
August 2019	Version 4.4	Signed off Equality Impact Assessment
September 2019	Version 5	Updated following feedback received during consultation
May 2022	Version 5.3	Policy reviewed to take into account key findings of the OUH Freedom to Speak Up Review 2021, and recommendations made in KPMG's internal audit report (July 2021) to ensure full alignment with best practice
June 2022	Version 5.13	Revised policy reviewed to incorporate the <a href="#">NHS England » The national speak up policy</a> published June 2022
July 2022	Version 5.14	Draft revised policy supported by HR Policy Development Group
August 2022	Version 5.16	Draft updated following feedback received during consultation.
November 2022	Version 6.0	Policy formally approved by OUH Trust Board
March 2025	Version 6.1	Review of Policy undertaken ahead of 3 year anniversary.
May 2025	Version 6.8	Policy revised to reflect feedback from HR Heads of Service, and to include approval of updated Equality Impact Assessment

## **Appendix 1 – What will happen when I speak up?**

### **The Trust will:**

- thank you for speaking up;
- help you identify the options for resolution;
- signpost you to health and wellbeing support;
- confirm what information you have provided consent to share; and
- support you with any further next steps and keep in touch with you.

### **Steps towards resolution:**

- engagement with relevant senior managers (where appropriate);
- referral to HR process;
- referral to patient safety process; and
- other appropriate steps - investigation, review, mediation etc.

### **Outcomes:**

- The outcomes will be shared with you wherever possible, along with learning and improvement identified.

### **Escalation**

- If resolution has not been achieved, or you are not satisfied with the outcome, you can escalate the matter further to the senior executive lead for FTSU or the non-executive lead for FTSU or to the Senior Independent Director or Chief Executive.
- Alternatively, if you think there are good reasons not to use internal routes, speak up to an external body such as the CQC or NHS England.

## Appendix 2 – Speaking Up to Raise Concerns at Work

1. You do not need to have firm evidence before raising a concern in good faith, however, we do ask that you explain as fully as you can the information or circumstances that gave rise to your concern, including:
  - 1.1. dates, times and location of the matter of concern;
  - 1.2. if the concern is about another person, (e.g. an employee) their name, job title, employee group, employer;
  - 1.3. details of other employees who were present and may have observed the situation giving rise to your concern; and
  - 1.4. how you think the matter might best be resolved.
2. There are a number of different people and ways of raising your concern which are outlined in the three steps below, and others who you may wish to contact with specific concerns.
3. Once you have raised a concern, a meeting will be offered for you to discuss your concern as soon as possible and if necessary, to advise on the process by which an investigation or review may follow.

### Step One

4. If you have concerns about issues at work, where the interests of others or the organisation are at risk, you should raise the matter first with your line manager or lead clinician or tutor (for students), where you feel able. This may be done verbally or in writing.
5. If you are a line manager with whom a concern has been raised, you should consider whether it meets the criteria of a “disclosure qualifying for protection” (see paragraphs 25-27 of the Policy) and notify one of the Freedom to Speak Up Guardians accordingly. In all cases, you should keep in mind that the Trust is committed to protecting anyone who speaks up in good faith to raise a concern from experiencing detriment, disadvantageous or demeaning treatment as a result of having spoken up. You should also refer to the guidance available in Appendices 3 and 5.

### Step Two

6. If you wish to raise a concern but feel unable, for whatever reason, to do so with your line manager or lead clinician, paragraph 48 of the policy sets out other options in terms of who you can speak up to, depending on what feels most appropriate to you. The options include the Freedom to Speak Up Guardians via [fts@ouh.nhs.uk](mailto:fts@ouh.nhs.uk) or otherwise using full contact details provided in the [FtSU staff intranet pages](#). Alternatively, you may raise a concern directly and anonymously with one of the ‘conversation recipients’ designated on the [WorkInConfidence platform](#) (use registration code: **xxqqzz**). The designated ‘conversation recipients’ include the FTSU Guardians and the Trust’s Safeguarding Lead (for any concern relating to sexual safety at work), as well as the Chief Executive Officer and the Chief People Officer. Or you may wish to speak to your Trade Union Representative to discuss your concern.
7. The Freedom to Speak Up Guardians have been given special responsibility and training in dealing with concerns and will:
  - 7.1. treat your concern confidentially, unless otherwise agreed;
  - 7.2. ensure you receive timely support to progress your concern;
  - 7.3. escalate to the board any indications that you are being subjected to detriment for raising your concern so that appropriate steps may be taken;
  - 7.4. remind the Trust of the need to give you timely feedback on how your concern is being dealt with; and

- 7.5. ensure you have access to personal support to assist you, for example to manage any situations which may be stressful.
- 8. If you want to raise the matter in confidence, please say so at the outset so that appropriate arrangements can be made.

### **Step Three**

- 9. If you still have concerns after pursuing options outlined in Step 2 then, if you haven't already done so, you may contact:
  - 9.1. Our senior lead executive responsible for Freedom to Speak Up [currently, the Chief People Officer, whose details are published on the [FTSU intranet site](#)]
  - 9.2. Our non-executive director responsible for Freedom to Speak Up [whose details are published on the [FTSU intranet site](#)]
- 10. If you feel that you have exhausted the options that feel appropriate to you (options are outlined in paragraphs 43 and 44 of the policy), or you feel that the matter is so serious that you cannot discuss it with any of the above, please contact
  - 10.1. Chief Executive Officer; or
  - 10.2. The Senior Independent Director as identified amongst the [OUH Trust Board Directors](#) , whose contact details are provided on the [FTSU staff intranet pages](#).

### **Step 4**

- 11. You can raise concerns formally with external bodies (see paragraph 51 of the policy for details of external bodies) or with '[prescribed persons](#)'.



## **Appendix 3 - Guidance for Managers to Whom a Concern has been reported or referred**

1. As a manager, employees may approach you directly to raise concerns or you may be approached about concerns that were first raised through other channels. In some cases, the concerns raised may relate to suspected malpractice or wrongdoing or may otherwise amount to “disclosures qualifying for protection” under the [Public Interest Disclosure Act 1998 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/1998/24/section/1), *amending the Employment Rights Act 1996* [“the 1998 Act”] (see paragraphs 25-30 of the policy). Any such qualifying disclosures should be notified to one of the Freedom to Speak Up Guardians who will record the disclosure and monitor its investigation to ensure that the individual who has raised the concern is afforded the protection conferred by the 1998 Act.
2. In all cases, you should keep in mind that the Trust is committed to protecting anyone who speaks up in good faith to raise a concern from experiencing detriment, disadvantageous or demeaning treatment as a result of having spoken up.
3. Below are some tips to help you deal with handling the situation whenever a concern has been raised. In all situations you should:
  - 3.1. Thank the employee for speaking to you and raising the matter.
  - 3.2. Take the employee’s concerns seriously and where applicable, aim to meet with them as soon as possible.
  - 3.3. Recognise that raising a concern can be a difficult experience for employees and offer them appropriate support as they may be feeling nervous or stressed.
  - 3.4. Ensure that the concern is being reported and addressed under the correct policy or procedure.
  - 3.5. Inform the employee how you will progress their concern and discuss reasonable timeframes for feedback.
  - 3.6. Respect the confidentiality of the individual if they have requested this.
  - 3.7. Where there are serious grounds for concern, or where further information is required, then the matter should be investigated or reviewed as soon as possible and within the given timeframe of one month wherever possible.
  - 3.8. Consider whether further investigation or review is required and, if so, under what process or procedure any investigation or review should be pursued, bearing in mind also the need to adhere to process/procedure when determining whether to commission an investigation or review (e.g. the Trust’s [Conduct and Expected Behaviours Procedure \(including Sexual Misconduct\)](#) specifies the pre-assessment process to be completed before commissioning an investigation). If the concern raises issues that are very serious or wide-reaching you should ensure an appropriate level of seniority for the Investigating Officer or Reviewer. It may be appropriate to ask a senior member of staff from another Division to ensure impartiality.
  - 3.9. Ask for help or advice from your own management structure or the HR Department.
  - 3.10. Take prompt action to resolve the concern or refer it on to the appropriate person for action.
  - 3.11. Inform the Freedom to Speak Up Lead Guardian by sending a copy of the relevant documentation.
  - 3.12. Keep the employee informed of progress.
  - 3.13. Monitor and review the situation.

- 3.14. Ensure appropriate feedback is given to the employee raising the concern, with due care not to infringe the rights or duties owed to other parties i.e. by having regard to confidentiality of other individuals.
- 3.15. Ensure employees reporting genuine concerns are not penalised, suffer retaliation or are subjected to any detriment as a result of raising concerns and advice should be sought from the HR Department where applicable.
- 3.16. Consider reporting to the Trust Board and/or an appropriate regulator the outcome of any genuine concern where malpractice or a serious safety risk was identified and addressed.
- 3.17. Provide a record of the concern raised and actions taken to address the concern to the Freedom to Speak Up Lead Guardian so that the central record of concerns raised under the Freedom to Speak Up Policy can be updated. A form is available for this purpose on the [FTSU staff intranet pages](#).

## **Appendix 4 - A Vision for Raising Concerns in the NHS<sup>1</sup>**

### **1. Identifying that something might be wrong**

I know that it is right to speak up.

My organisation is a supportive place to work.

I am regularly asked for my views.

I know how to raise concerns and have had training which explained what to do.

I know that I will not be bullied, victimised or harassed as a result of speaking up.

### **2. Raising a concern**

My colleagues and managers are approachable and trained in how to receive concerns.

My organisation has a clear and positive procedure in place.

I know where to go for support and advice.

Concerns are taken seriously and clear records are kept.

Managers always explain what will happen and keep me informed.

### **3. Examining the facts**

An independent, fair and objective investigation into the facts will take place promptly and without the purpose of finding someone to blame.

The investigation will be given the necessary resource and scope.

I am confident that any recommendations made will be based on the facts and designed primarily to promote safety and learning.

I will be kept informed of developments.

The process is kept separate from any disciplinary or performance management action.

### **4. Outcomes and feedback**

Where there are lessons to be learned they will be identified and acted on.

I will be satisfied the outcome is fair and reasonable, even if I do not agree with it.

I will be told what was found out and what action is being taken.

A plan to monitor the situation will be put in place.

I feel confident that patients are safe and that my team remains a supportive place to work.

### **5. Reflecting and moving forward**

I will be thanked for speaking up.

I will speak up again in future if the need arises.

I know that my concerns will be taken seriously and actioned as appropriate.

Lessons learnt will be shared and acted on by me and my colleagues.

I will advise and support others to speak up in future.

---


<sup>1</sup> Source: The [review by Sir Robert Francis QC \(2015\)](#) *Freedom to Speak Up: an independent report into creating an open and honest reporting culture in the NHS*

## Appendix 5 – Protection from detriment, disadvantageous or demeaning treatment

1. As well as honouring the protection afforded by the [Public Interest Disclosure Act 1998](#), (see paragraphs 25-27 of the Policy), the Trust is committed to protecting any member of staff who speaks up in good faith to raise a concern; specifically to protect them from experiencing detriment, disadvantageous or demeaning treatment [hereafter referred to as “detriment”] as a result of having spoken up.
2. [Detriment Guidance has been issued by The National Guardian – Freedom to Speak Up](#), aimed at ensuring that those who have spoken up are supported, and to encourage trusts to do more to remove the barrier of fear of detriment that may prevent speaking up.
3. As is made clear in the Guidance, detriment can be experienced as a deliberate act or a failure to act or omission. Sometimes detriment can be subtle and not always easy to recognise. While these behaviours might not be intentional, the impact can still be significant if a person believes they are being treated poorly or differently.
4. The Guidance includes some examples of what may lead to an individual feeling that they have experienced detriment as a result of speaking up:
  - Experiencing poor behaviours not in line with the organisational values such as being ostracised, gaslighting, gossiping, incivility
  - Being given unfavourable shifts; repeated denial of overtime/bank shifts; being denied shifts in a certain area/department without good reason; changes to shifts at short notice with no apparent reason
  - Being repeatedly denied annual leave; failure on a regular basis to approve leave in reasonable time; or leave cancelled without good reason
  - Micro-managing; excessive scrutiny
  - Sudden and unexplained changes to work responsibilities, or not being given adequate support
  - Being moved from a team or inexplicable management of change without clear rationale
  - Being denied access to development opportunities, training or study leave without good reason
  - Being overlooked for promotion
  - Receiving a negative performance appraisal or disciplinary action.
5. **NB** A proven instance of any of the examples given will not in and of itself necessarily amount to proof of detriment (e.g. there may have been just cause for disciplinary action, or for a negative performance appraisal).
6. When someone speaks up and voices a fear of perceived detriment, FTSU Guardians will consider completing a detriment risk assessment, exploring:
  - History of individual speaking up
  - Nature of issue being spoken up about
  - Vulnerability of individual
  - Risk of identification
  - Risks relating to origin of individual’s concerns
  - Previous raising of issue
  - Perspective of individual
  - Suggestions from the individual to help support or protect them
  - Action to take.

## Appendix 6 - Equality Impact Assessment

### 1. Information about the policy, service or function

<b>What is being assessed</b>	Existing Policy / Procedure
<b>Job title of staff member completing assessment</b>	Freedom to Speak Up Project Manager, Freedom to Speak Up Guardian
<b>Name of policy / service / function:</b>	Freedom to Speak Up Policy
<b>Details about the policy / service / function</b>	<p>This policy incorporates the 'standard integrated policy' first developed and published in June 2022 by NHS Improvement and NHS England in response to the review by Sir Robert Francis QC into whistleblowing in the NHS. It aims to:</p> <ul style="list-style-type: none"> <li>• Set out the Trust's commitment to ensuring staff feel confident to speak up about any concerns they have relating to a risk, malpractice or wrongdoing that they believe is harming the service the Trust delivers to patients.</li> <li>• Set out clear pathways for employees to raise concerns, making a range of multiple channels available so that there is equitable access for all.</li> <li>• Provide information regarding sources of support for staff in relation to raising concerns.</li> </ul> <p>Changes made as a result of reviewing the policy have only further strengthened equitable access, experience and outcomes for all staff in relation to their freedom to speak up. It has been in direct response to feedback from staff in the annual Staff Survey and at People Plan Listening Events that the Trust has introduced an independent 3<sup>rd</sup> party platform (<a href="#">WorkInConfidence</a>) for the <a href="#">anonymous reporting of</a> concerns. The revised policy also reflects a strengthened commitment to protect all staff from any detriment as a result of speaking up, in compliance with Detriment Guidance issued by the National Guardian's Office.</p>
<b>Is this document compliant with the <a href="#">Web Content Accessibility Guidelines</a>?</b>	Yes
<b>Review Date</b>	Three years
<b>Date assessment completed</b>	May 2025
<b>Signature of staff member completing assessment</b>	Susan Polywka Rebekah Menon
<b>Signature of staff member approving assessment</b>	

## **2. Screening Stage**

**Who benefits from this policy, service or function? Who is the target audience?**

- Staff

**Does the policy, service or function involve direct engagement with the target audience?**

Yes

### 3. Research Stage

#### Notes:

- If there is a neutral impact for a particular group or characteristic, mention this in the 'Reasoning' column and refer to evidence where applicable.
- Where there may be more than one impact for a characteristic (e.g. both positive and negative impact), identify this in the relevant columns and explain why in the 'Reasoning' column.
- The Characteristics include a wide range of groupings and the breakdown within characteristics is not exhaustive, but is used to give an indication of groups that should be considered. Where applicable please detail in the 'Reasoning' column where specific groups within categories are affected, for example, under Race the impact may only be upon certain ethnic groups.

#### Impact Assessment

Characteristic	Positive Impact	Negative Impact	Neutral Impact	Not enough information	Reasoning
<b>Sex</b>			X		The Policy sets out the process and options available to any member of staff who wishes to raise a concern and sets out a clear process that should be followed and routes for escalation if concerns are not addressed.
<b>Gender Re-assignment</b>			X		The Policy sets out the process and options available to any member of staff who wishes to raise a concern and sets out a clear process that should be followed and routes for escalation if concerns are not addressed.
<b>Race</b> - Asian or Asian British; Black or Black British; Mixed Race; White British; White Other; and Other			X		The Trust is cognisant of the particular barriers to speaking up reported by Black and minority ethnic staff across the NHS (as reflected in responses received to the national <a href="#">NHS Staff Survey</a> , and explored in research undertaken by the equalities charity <b>brap</b> <sup>i</sup> and Roger Kline OBE <a href="#">Difference Matters: The impact of ethnicity on speaking up</a> as well as in the <a href="#">Too Hot To Handle</a> report and the <a href="#">Response to Too Hot to Handle - National Guardian's Office</a> )

Characteristic	Positive Impact	Negative Impact	Neutral Impact	Not enough information	Reasoning
					<p>It is recognised that FTSU Guardians have a particular role to break down barriers to speaking up that are interlinked with racism. As part of their role FTSU Guardians are focused on encouraging the Trust to remove the barriers which all workers face in speaking up – particularly Black and minoritised workers.</p> <p>The mandatory annual refresher training delivered by the National Guardian's Office for FTSU Guardians - and a mandatory part of foundation training going forward - is focused on equity, diversity and belonging in order to give all FTSU Guardians an understanding of discrimination.</p> <p>The barriers to speaking up having been explored in a detailed review and OUH trust-wide survey undertaken in 2021, the Trust continues to take into account feedback in each of the annual national NHS Staff Surveys and at OUH People Plan Listening Events</p> <p>All NHS trusts are required to adhere to the national model policy for Freedom to Speak Up – the tenets of which are very much aimed at ensuring that everyone will have equitable access, experience and outcomes in relation to the freedom to speak up - and local adaptations have been made specifically to further lower barriers to speaking up for all.</p> <p>Notably at OUH, this has included the launch of the <a href="#">WorkInConfidence anonymous reporting platform</a> which is now available for use by all staff.</p>



Characteristic	Positive Impact	Negative Impact	Neutral Impact	Not enough information	Reasoning
					FTSU at OUH has been developed to enhance accessibility to advice and support for all members of staff.
<b>Disability</b> - disabled people and carers			X		The Policy sets out the process and options available to any member of staff who wishes to raise a concern and sets out a clear process that should be followed and routes for escalation if concerns are not addressed.
<b>Age</b>			X		The Policy sets out the process and options available to any member of staff who wishes to raise a concern and sets out a clear process that should be followed and routes for escalation if concerns are not addressed.
<b>Sexual Orientation</b>			X		The Policy sets out the process and options available to any member of staff who wishes to raise a concern and sets out a clear process that should be followed and routes for escalation if concerns are not addressed.
<b>Religion or Belief</b>			X		The Policy sets out the process and options available to any member of staff who wishes to raise a concern and sets out a clear process that should be followed and routes for escalation if concerns are not addressed.
<b>Pregnancy and Maternity</b>			X		The Policy sets out the process and options available to any member of staff who wishes to raise a concern and sets out a clear process that should be followed and routes for escalation if concerns are not addressed.
<b>Marriage or Civil Partnership</b>			X		The Policy sets out the process and options available to any member of staff who wishes to

Characteristic	Positive Impact	Negative Impact	Neutral Impact	Not enough information	Reasoning
					raise a concern and sets out a clear process that should be followed and routes for escalation if concerns are not addressed.
<b>Other Groups / Characteristics</b> - for example, homeless people, sex workers, rural isolation.			X		The Policy sets out the process and options available to any member of staff who wishes to raise a concern and sets out a clear process that should be followed and routes for escalation if concerns are not addressed.

## Sources of information

Results of the [NHS Staff Survey](#)

Research undertaken by the equalities charity **brap** and Roger Kline OBE [Difference Matters: The impact of ethnicity on speaking up](#) which explored particular barriers to speaking up that have been reported by Black and minority ethnic staff across the NHS.

[Too Hot to Handle?](#) and [Response to Too Hot to Handle - National Guardian's Office](#)

Report on Key Findings of OUH FTSU Review 2021

OUH Freedom to Speak Up Survey 2021: Summary analysis of responses

KPMG Internal Audit Report on Freedom to Speak Up (July 2021) – providing ‘significant assurance with minor improvement opportunities’.

## Consultation with protected groups

The following groups were targeted for staff engagement and participation in the OUH FTSU Review 2021 and during annual Speak Up Months in October of each year, and their feedback has been taken into account in revising the policy:

- Black Asian and Minority Ethnic (BAME) Staff Network
- LGBT Staff Network
- Disability & Accessibility Staff Network
- Women’s Network
- Respect and Dignity Ambassadors

## Consultation with others

All staff had the opportunity to provide feedback during the OUH FTSU Review 2021, key findings of which were taken into account when first developing the OUH FTSU Policy in 2022 (aligning with the national model policy’ first developed and published in June 2022 by NHS Improvement and NHS England in response to the review by Sir Robert Francis QC into whistleblowing in the NHS). Consultation also occurred with staff side colleagues during this time and all staff had the opportunity to comment on the draft policy as part of the consultation process. All staff will again have the opportunity to comment on the draft revised policy as part of the consultation process.

## 4. Summary stage

### Outcome Measures

The key benefits of this Policy are:

- To support every member of staff to speak up freely, and ensure staff feel safe and supported to speak up.
- To ensure no one suffers any victimisation as a result of speaking up.
- To ensure issues highlighted as a result of staff speaking up are dealt with appropriately and lessons learnt.

The Policy will be available to all staff online, in a format that is compliant with accessibility requirements, ensuring that it will be compatible with ‘text to speech’ facilities. Upon request, it can be made available in large print hard copy.

### Positive Impact

Through the raising of concerns about unsafe patient care; unsafe working conditions; inadequate induction or training of staff; lack of, or poor, responses to a reported patient safety incident there should be improved patient outcomes for diverse patient groups.

There may be a positive impact in particular for staff with protected characteristics if other policies/procedures have failed and the issue can be raised under this Policy (e.g. cases of a bullying culture across teams/departments).

An open and transparent culture will improve the work environment, including team dynamics, for all staff, including those with protected characteristics.

### Unjustifiable Adverse Effects

*List any identified unjustifiable adverse effects on protected groups along with actions that will be taken to rectify or mitigate them.*

Data on the incidence of concerns raised by protected groups (which the Trust is required to submit as part of its data submission to the National Guardian's Office) will be kept under review to evaluate if there are any adverse effects.

### Justifiable Adverse Effects

*List any identified unjustifiable adverse effects on protected groups along with justifications and any actions that will be taken to mitigate them.*

None identified.

### Equality Impact Assessment Action Plan

Complete this action plan template with actions identified during the Research and Summary Stages

Identified risk	Recommended actions	Lead	Resource implications	Review date	Completion date
<b>Failure to disseminate knowledge and awareness of the Policy and process to be followed</b>	Introduction of new Policy to build on the OUH FTSU Review 2021 which was supported by a comprehensive internal communications and engagement plan, developed with support of the Director of Communications, to include a series of staff engagement events, liaison with Staff Networks, and a trust-wide online Freedom to	FtSU Lead Guardian and Exec Director Lead for FtSU	None	12 months	

Identified risk	Recommended actions	Lead	Resource implications	Review date	Completion date
	Speak Up Survey 2021				
<b>Failure to ensure that all staff can have confidence and feel secure to raise concerns</b>	To implement comprehensive FtSU Action Plan, developed to address key findings of the OUH FTSU Review 2021 as well as recommendations made in Internal Audit Report on FtSU (July 2021), and any outstanding actions from implementation plan associated with OUH FtSU Strategy.	FtSU Lead Guardian and Exec Director Lead for FtSU	A revised operational model has been developed to support implementation of the FtSU Action Plan, funded via a release of funds from the Chief Finance Officer's and Chief Operating Officer's budgets with the remaining budget being released from a reprofile of the Chief Assurance Officer's budget.	12 months	

---

<sup>i</sup> [brap | equality](#) charity: transforming the way we think and do equality