

# BrisDoc`s Freedom to Speak Up (Whistleblowing)

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# Freedom to Speak Up

## Equality Statement

Promoting equality and addressing health inequalities are at the heart of BrisDoc's values. Throughout the development of the policies and processes cited in this document; we have:

- Given due regard to the need to eliminate discrimination, harassment, and victimisation, to advance equality of opportunity, and to foster good relations between people who share a relevant protected characteristic (as cited under the Equality Act 2010) and those who do not share it.
- Given regard to the need to reduce inequalities between patients in access to, and outcomes from healthcare services and to ensure services are provided in an integrated way where this might reduce health inequalities.

## 1. Introduction

BrisDoc strives for a culture of openness and transparency involving all colleagues irrespective of role. BrisDoc recognises the utmost importance of enabling colleagues to safely raise concerns of malpractice, negligence, criminal activity, fraud, misconduct, or wrongdoing by anyone in the workforce. Those who do raise such concerns, known as “whistle-blowers” or “those speaking out”, are considered an asset to BrisDoc and not a threat.

It is the duty of every colleague to speak up about genuine concerns. BrisDoc is therefore committed to ensuring that any concerns of this nature will be taken seriously and investigated. A disclosure to BrisDoc will be protected if the member of staff has an honest and reasonable suspicion that malpractice has occurred, is occurring or is likely to occur. Colleagues who raise concerns reasonably and responsibly will not be penalised in any way.

## 2. Purpose

The purpose of this policy is to set out how concerns may be safely raised, who they can be raised with, and how they may be dealt with. In line with our core values BrisDoc will ensure that:

- You know it is safe to speak up.
- You feel confident in speaking up.
- Your concerns are investigated.
- Speaking up will make a difference.
- That all concerns are well received.

### 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.

# Freedom to Speak Up

This policy is for all our colleagues. BrisDoc commits to ensuring that we each have a voice that counts, that we all feel safe and confident to speak up and that time is taken 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 BrisDoc you work in. We know some groups in our workforce feel they are seldom heard or are reluctant to speak up. You could be a bank worker, locum, or volunteer. We also know that colleagues with disabilities, or from a minority ethnic background, or the LGBTQ+ community, do not always feel able to speak up. This policy is for everyone, and we want to hear all our colleagues' concerns.

We recommend all our colleagues complete the [online training](#) on speaking up. The online module on listening up is specifically for managers to complete and the module on following up is for senior leaders to complete.

You can find out more about what Freedom to Speak Up (FTSU) is in these [videos](#)

## This policy.

You will find a version of this policy in all NHS organisations and other organisations providing NHS healthcare services in primary and secondary care in England. Collectively we are adopting this policy as a national minimum standard to help normalise speaking up for the benefit of patients and workers. Its aim is to ensure all matters raised are captured and considered appropriately.

## What can I speak up about?

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

Speaking up, therefore, captures a range of issues, some of which may be appropriate for other existing processes (for example those captured by [Learning Events](#))

We will listen and work with you to identify the most appropriate way of responding to the issue you raise.

## Is it safe to speak up?

We want you to feel safe. By speaking up you are helping 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?

All BrisDoc colleagues, irrespective of contract type, or length of service, or role.

With a wider perspective it is anyone who works in NHS healthcare, including pharmacy, optometry, dentistry, and all NHS commissioned services. This encompasses all healthcare professionals, non-clinical workers, receptionists, directors, managers, contractors, volunteers, students, trainees, junior doctors, locum, bank and agency workers, and former workers.

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## Speaking up internally

Most speaking up happens through conversations with managers where challenges are raised and resolved quickly. We strive for a culture where that is normal, everyday practice, and we encourage you to explore this option – it may well be the easiest and simplest way of resolving matters.

However, you have other options in terms of who you can speak up to, depending on what feels most appropriate to you:

- Senior manager, or director with responsibility for the subject matter you are speaking up about.
- The governance team (where concerns relate to patient safety or wider quality)  
[brisdoc.governance@nhs.net](mailto:brisdoc.governance@nhs.net)
- Our People team [Workforcesupport@brisdoc.org](mailto:Workforcesupport@brisdoc.org)
- One of our Freedom to Speak Up Guardians [see below for contact details], who can support you to speak up if you feel unable to do so by other routes.
  - The guardian 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.
- Our senior lead responsible for Freedom to Speak Up who provides senior support to our Speak Up Guardians and who is responsible for reviewing the effectiveness of our FTSU arrangements. Our senior FTSU lead is:
  - Rhys Hancock, Director of Nursing, AHPs, and Governance  
[Rhys.Hancock@nhs.net](mailto:Rhys.Hancock@nhs.net)
- Contact details for our Freedom to Speak Up Guardians are shown below – this role provides independent support for those speaking up; providing a fresh pair of eyes to ensure that investigations are conducted with rigor; and they will help escalate issues, where needed.

## BrisDoc's Speak Up Guardians

Kelvin Blake (Non-Executive Director): [kelv.blake@gmail.com](mailto:kelv.blake@gmail.com)

Margaret Hickman (Non-Executive Director): [marghickman@me.com](mailto:marghickman@me.com)

## Speaking up externally

If you do not want to speak up to someone within BrisDoc, 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:

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- GP surgeries
- dental practices
- optometrists
- pharmacies
- how NHS trusts and foundation trusts are being run (this includes ambulance trusts and 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.

[NHS Counter Fraud Authority](#) for concerns about fraud and corruption, using the [online reporting form](#) or calling the 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.

### Making a protected disclosure

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.

### 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). The most important aspect of you 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. We can understand better and do so much more to improve, to resolve issues, and to solve problems the more open you are.

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- **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. We know speaking up may not be a comfortable thing to do and you may have struggled with it for a while. If you have concerns about being open, we will listen to those concerns.
- **Anonymously:** you do not want to reveal your identity to anyone. Given the opportunity we would prefer to be open so we are able to support you through the process and be better able to understand the issues and concerns more. However, we understand why you may feel you want to speak up anonymously, it might be about fear or lack of trust, or even of not being taken seriously. If you talk to us about those concerns, we will be able to reassure you.

In all circumstances, please give as much detail regarding the information and circumstances that prompted you to speak up. The more we have the better able we are to respond.

### What should you NOT do?

There is often a need for confidentiality and sensitivity when investigating issues raised so we ask that if you have raised a relevant matter of concern or are considering it, you should not do the following:

- Contact any person you believe is responsible for wrongdoing; do not go on a fact-finding mission.
- Discuss the matter with anyone outside of BrisDoc, other than the Freedom to Speak Up Guardian, including the media.
- Conduct your own investigations or enquiries without permission. This could seriously undermine BrisDoc's own enquiries and your integrity.

### Advice and support

You can find out about the support available to you by speaking to the People Team. Alternatively you can access a range of support through our Employee Assistance Programme on Freephone: 0800 083 3375 or via this [link https://www.lifeandprogress.co.uk/](https://www.lifeandprogress.co.uk/)

Support can also be obtained from 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.

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- [The Trades Union Congress](#) provides information on how to join a trade union.
- [ACAS](#) The Advisory, Conciliation and Arbitration Service 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 Learning Event process or 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 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 BrisDoc 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 always treat you with respect and will thank you for speaking up. We will discuss the issues with you to ensure we understand exactly what 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 staff 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 organisation, or more widely, as appropriate.

### Review

We will seek feedback from all colleagues about their experience of speaking up. We will review the effectiveness of this policy and our local process, with the outcome published and changes made as appropriate.



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## Senior leaders' oversight

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

BrisDoc's Chairman will be informed of all reported disclosures and the actions being taken. In the case of disclosures on alleged fraud and corruption, the companies' auditor will be informed by the Chairman.

## 3. Tables

Date	Reviewed and amended by	Revision details	Issue number
5.4.2017	CL Nicholls	Removal of previous change register. Inclusion of Freedom to Speak Up guidance and the work of Sir Robert Francis. Inclusion of BrisDoc's Freedom to Speak Up Guardian. Updated values slide.	5
16.3.2018	CL Nicholls	Change of the Freedom to Speak Up Guardian (at their request) to BrisDoc on Executive Directors.	6
6.3.2020	CL Nicholls	Map to new template, change references and contacts with Public Concern at Work to Protect, inclusion of links to the National Guardian's Office website, removal of AGPT and NFP, inclusion of CKMP, change commissioner to BNSSG CCG.	7
22.03.23	M. Duncan	Alignment and integration of Whistle Blowing Policy into Freedom to Speak Up policy	1
27/02/24	M Duncan	Owne changes	1.1