**Leicester, Leicestershire & Rutland Local Medical Committee**

**Freedom to speak up policy**

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Updates and changes:

INTRODUCTION

The LMC is the only independent body with a statutory duty to represent all general practitioners. We are a democratic organisation with a governing body of representatives, elected by our members.

LMCs were first established by the National Insurance Act 1911 and has been included in the various NHS Acts over the recent past and is included in the Health and Social Care Act. They are the oldest surviving organisation of the UK health system.

The LMC offers the role of Freedom to Speak Up Guardian (FTSU) to all the practices in LLR. This document sets out LLR LMC Policy and Procedure for Freedom to Speak Up Policy.

OVERVIEW

Speaking up about any concern you have at work is vital because it will help us to keep improving services for all patients and the working environment for our workforce.

You may feel worried about raising a concern, and we understand this. In accordance with our duty of candour, our senior leaders and entire board are committed to an open and honest culture and encourage, and value issues being raised. We will listen to what you say, and you will always have access to the support you need.

At LLR LMC we are committed to promoting an open, transparent, and supportive culture to ensure that everyone feels safe and confident to speak up about issues that concern them, and for you to know that we will act upon your concerns. We know that effective speaking up arrangements help to protect patients and improve the experience of our workers.

POLICY SCOPE

This policy applies to anyone who works or has worked for the LLR LMC (as an employee or governing body member) as well as anyone that is working or worked within General Practice in LLR. This includes all workers - permanent staff, temporary staff, and bank staff. It also applies to GP Partners, Salaried GPs, Sessional GPs, trainees, agency staff, students, those on work experience, volunteers, and those on an honorary contract or on secondment, contractors, suppliers and self-employed staff.

This policy should be used where staff want to discuss issues they are concerned about. These concerns may be about general risks, errors in practice, malpractice, or wrongdoing that they believe is harming the service we deliver.

For example, but not restricted to:

* unsafe patient care
* unsafe working conditions - inadequate induction or training to undertake their role.
* lack of, or poor response to a reported patient safety incident
* Suspicions of fraud (which should also be reported to local counter-fraud team).
* A bullying/harassing culture (across a team or organisation rather than individual instances of bullying).

This policy should also be used where staff want to raise a concern that falls under a Public Interest Disclosure and involves raising a concern (whistle blowing). The Public Interest Disclosure Act (1998),

which provides legal protection for employees (named above) who can raise a concern or make what is known as a ‘protected disclosure’ which, in the reasonable belief of the member of staff, refers to one of the following:

* That a criminal offence has been committed, is being committed or likely to be committed.
* That a person has failed, is failing or likely to fail to comply with any legal obligation to which he/she is subject.
* That a miscarriage of justice has occurred, is occurring or is likely to occur.
* That the health and safety of an individual has, may have been or is likely to be endangered; and or
* That the environment has been, is being or is likely to be damaged.
* Deliberate concealing of information about any of the above.

A ‘whistle blower’ is an employee who raises a concern relating to any of the above.

A ‘whistle blower’ is an employee who raises a concern relating to any of the above. If you as a member of staff working within General Practice in LLR, believe that any of the above has happened or is likely to happen you should raise it even if you think others may have done so already. This policy sets out how to raise a concern, but the protection applies for whistle blowers however protected disclosures are made.

You should not use this policy to settle a personal grievance or dispute. A grievance is a personal complaint about your own employment situation: for example, you may feel aggrieved that a management decision has affected you unfairly or that you are not being treated fairly.

It is not uncommon for staff to initially not be clear what their concern is about, they just know that they feel uncomfortable about what they have seen and or experienced. The Freedom to Speak Up Guardian can help you work through the information you have and where possible define the issues you want to raise and how best to do this.

ROLES & RESPONSIBILITIES

Responsibility of the Executive Chair:

The Executive Chair is ultimately accountable for ensuring that Freedom to Speak Up arrangements meets the needs of LLR LMC. The Executive Chair will:

* consider them fully and sympathetically.
* recognise that raising a concern can be a difficult experience for some staff.

The Executive Chair will be given high level information about all concerns raised to the LLR LMC through this policy and what we are doing to address any problems.

Freedom to Speak Up Guardian (F2SU)

The Freedom to Speak up Guardians role is to act in an independent capacity, to support General Practice to become a more open, transparent place, creating a culture based on learning and not blaming, and to listen and support all workers to raise concerns.

This role has been identified to act as an independent and impartial source of advice to you at any stage of raising a concern. The Freedom to Speak up Guardian has access to anyone in the organisation, or if necessary, outside the organisation.

F2SU Guardians do not get involved in investigations or complaints but help to facilitate the process needed; ensuring organisational policies in relation to speaking up are followed correctly.

The F2SU Guardian is a point of contact for anyone working within General Practice in LLR, if where appropriate dialogue with line manager has not been successful, and if it is felt that detriment has occurred then a further case of support from the Guardian can be obtained.

The F2SU Guardian will:

* Try and work with the person raising the concern to understand how this could be resolved to attain local resolution.
* Forward the concern for formal review if the issues cannot be locally resolved or the member of staff does not want to adopt a discursive process.
* Work with concerns that are given anonymously.
* Support staff who raise concerns by ‘walking along’ side them and advocating for them during any meetings or investigation process.
* Raise high risk concerns immediately with clinical managers or other appropriate senior/executive managers to ensure safety is always maintained.
* Monitor the outcome of the process to ensure that no negative effects are experienced by the staff member raising the concern.
* Share generic issues and concerns (where appropriate) with managers of the service so that they are aware of pressures within services and can instigate remedial action.
* Provide feedback to the staff member raising the concern and the findings to the LLR PCL Board via a report outlining issues raised causes and actions taken.

LLR LMC FTSU trained guardians are:

* Dr Fahreen Dhanji (LMC Deputy Chair & LLR LMC FTSU Guardian)
* Charlotte Woods (LMC Operations Manager & LLR LMC FTSU Guardian)

Responsibility of Individual Workers

It is the responsibility who is working in General Practice who have adopted this policy.

Be aware of this policy, and the other routes available to raise issues and concerns.

Act in accordance with the NHS Constitution to raise genuine concerns that you may have about a risk, malpractice or wrongdoing at work which may affect patients, the public, other staff or the organisation itself at the earliest reasonable opportunity.

RAISING CONCERNS

Feel Safe to Raise your Concern.

If you raise a genuine concern under this policy, you will not be at risk of losing your job or suffering any form of reprisal as a result.

LLR LMC aims, via this policy, to enable you to have the confidence to raise any suspected wrongdoing at an early stage (either informally or formally) and in the knowledge that your concerns will be taken seriously and investigated as appropriate, and respected.

LLR LMC will not tolerate the harassment or victimisation of anyone raising a concern. Nor will we tolerate any attempt to bully you into not raising any such concern. However, it is recognised that an individual may have good reasons to raise a concern in confidence and their identity will not be disclosed without their consent (unless disclosure is required by law).

Everyone who raises a concern/speak up (Whistle blowers) must not suffer any detrimental treatment because of raising a genuine concern. Detrimental treatment includes disciplinary action, dismissal, threats, or other unfavourable treatment, connected with raising a concern.

Provided an individual is acting in good faith with your concern, it does not matter if you are mistaken or if there is an innocent explanation for your concerns. These concerns may include (but are not limited to) the disclosure of information which relates to risk, malpractice or wrongdoing that may harm the service we are delivering. LLR PCL does not extend this assurance to someone who may maliciously raise a matter they know is untrue.

CONFIDENTIALITY & ANONYMITY

LLR LMC hopes you will feel comfortable raising your concern openly under this policy.

Consent will be obtained in the first instance on whether your details will be shared.

You can choose to raise your concern anonymously, without giving anyone your name to protect your identity. Anonymous concerns are treated just as seriously as those who disclose.

If the situation arises where a concern cannot be resolved without revealing an identity (for instance because evidence is needed in court), this will first be discussed with you, so that you are aware that your identity will be revealed.

WHO SHOULD I RAISE MY CONCERNS WITH INTERNALLY?

Raising issues and concerns at work should form part of business as usual, and the usual route for reporting a concern is through your line manager or lead clinician or tutor. If this is not appropriate escalation to another senior manager is recognised as a valid alternative.

If raising it with the line manager (or lead clinician or tutor) does not resolve matters or you do not feel able to raise it with them, consider if you can raise the matter with the LLR LMC Freedom to Speak Up Guardians:

By email: freedomtospeakup@llrlmc.co.uk

By phone: 0116 2962950

You can do this anonymously by withholding your number when you call – please note doing it anonymously, we will be unable to be proactive regarding feeding back and checking in.

WHAT WILL WE DO WHEN A CONCERN HAS BEEN RAISED?

How the concern is investigated may vary, dependent on the nature of the concern raised, and further information may be requested, (so, for example, where a concern is raised about a patient safety

incident, we will usually undertake a single investigation that looks at your concern and the wider circumstances of the incident).We may decide that your concern would be better looked at under another process.

We are committed to the principles of Freedom to Speak Up and its vision for raising concerns and will respond in line with them. We are committed to listening to the General Practice workforce, learning lessons and improving patient care. On receipt the concern will be recorded, you will receive an acknowledgement within two working days.

Wherever possible we will carry out a single investigation (so for example where a concern is raised about a patient safety incident, we will usually undertake a single investigation that looks at your concern and the wider circumstances of the incident). The investigation will be objective and evidence-based and will produce a report that focuses on identifying and rectifying any issues and learning lessons to prevent problems recurring in line with the principles of a just and learning culture. All parties will be offered support.

Any employment issues (that affect only you and not others) identified during the investigation will be considered separately. In some instances, it may be inappropriate to detail the precise action being taken. For example, where this would infringe a duty of confidence owed to someone else such as any disciplinary action taken as a result.

COMMUNICATING WITH YOU

We will always treat you with respect and will thank you for raising your concerns. We will discuss your concerns with you to ensure we understand exactly what you are worried about and the options available to ensure you are supported. We will tell you how long we expect any fact-finding investigation to take and keep you up to date with its progress.

It is important to note that if you choose to raise anything anonymously, we will not be able to feed back to you directly, but should remain assured we have listened and we will ensure we continue in line with the policy, where appropriate.

HOW WILL WE LEARN FROM YOUR CONCERN?

The focus of any investigation or issue raised will be on improving the service we provide for patients and improve the experiences of our workers. Where it identifies improvements that can be made, we will track them to ensure necessary changes are made and are working effectively. Lessons will be shared with teams across the organisation, or more widely, as appropriate.

OVERSIGHT

The FTSU guardians will meet with other FTSU guardians in LLR on quarterly basis to give high level information about all concerns raised by our workers through this policy and what we are doing to address any problems.

REFERENCES

Incident and Accident Reporting Policy

National Freedom to Speak Up: Raising Concerns (Whistleblowing) Policy.

NHSE/I <https://improvement.nhs.uk/documents/27/whistleblowing_policy_final.pdf>

The Public Interest Disclosure Act (1998)

www.legislation.gov.uk/ukpga/1998/2Freedom to Speak Up Review (2015) <http://freedomtospeakup.org.uk/wp-content/uploads/2014/07/F2SU_web.pdf>