

Freedom to Speak Up Policy, Raising Concerns (Whistleblowing) Policy

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1. Document summary

Everyone has a voice that counts. Speaking up helps improve patient care, staff experience, safety and organisational learning, and staff should feel confident that concerns can be raised without fear of reprisal.

1.1 What can be raised?

Any work-related concern can be raised that affects:

- Patient safety or quality of care
- Staff safety or wellbeing
- Professional conduct or behaviour
- Fraud, bribery or corruption
- Breaches of policy, procedure or law
- Any issue preventing the delivery of safe, effective and compassionate care.

You do not need proof. You only need to tell us what you have seen, heard or experienced.

1.2 Who can I tell?

Workers can raise concerns through their manager, senior leaders, the Freedom to Speak Up Guardian, the People Experience team or other designated contacts. Concerns will be treated seriously, considered promptly and handled confidentially wherever possible. Individuals who speak up will be offered appropriate support throughout the process.

1.3 What Happens When a Concern is Raised?

Anyone receiving a concern should listen, thank the individual for speaking up, clarify the issue and agree how feedback will be provided. The trust will assess any immediate risks, ensure concerns are directed to the most appropriate process and keep the individual informed wherever possible. Concerns will be handled confidentially and recorded securely.

1.4 Confidentiality and Support

The trust will respect confidentiality wherever possible and will only share information when necessary to investigate concerns, protect people from harm or fulfil legal obligations. Individuals who speak up can access support from managers, the Freedom to Speak Up Guardian, People Experience, occupational health, staff wellbeing services, trade unions and professional bodies.

1.5 Protection from Negative Impact

The trust has a zero-tolerance approach to negative treatment because someone has spoken up. Examples include victimisation, exclusion, unfair criticism, denial of opportunities or inappropriate monitoring. Any reported negative impact will be investigated independently, with wellbeing support offered throughout the process. The trust will aim to provide an initial response within 20 working days.

2. Introduction and aim

Rotherham, Doncaster and South Humber NHS Foundation Trust is committed to making speaking up a normal part of everyday work. Speaking up helps us improve patient safety, service quality, staff experience and organisational learning.

This policy is based on the national Freedom to Speak Up policy for the NHS and includes local arrangements for the trust. It explains how workers can raise concerns, what support is available, how concerns will be considered, and how learning will be shared wherever possible.

Speaking up is not limited to formal whistleblowing. It includes any work-related concern that gets in the way of providing safe, effective, compassionate care or affects a person's working life. The trust will thank people who speak up, listen to what they say, take proportionate action, and use learning to improve.

The trust recognises Freedom to Speak Up as an important source of patient safety intelligence. Where a concern relates to actual or potential patient harm, it will be considered in alignment with the Patient Safety Incident Response Framework, including compassionate engagement, proportionate response, systems-based learning and supportive oversight. FTSU does not replace mandatory reporting through RADAR Healthcare but provides an additional confidential and supportive route where staff are unsure how to raise a concern, do not feel able to use established routes, or believe that a concern has not been appropriately addressed. Relevant anonymised themes may be triangulated with incidents, complaints, workforce, equality, risk and patient experience information to identify emerging risks and support learning and improvement. Any sharing or escalation will take account of confidentiality, consent, information governance and the need to act where there is an immediate or significant safety risk. Responses should focus on understanding contributing system factors, supporting those involved, preventing adverse treatment and demonstrating how speaking up has resulted in learning and action.

2.1 Key Contacts

Colleagues may raise concerns with any of the following:

- a senior manager, partner, or director responsible for the relevant area
- Chief Nurse: steve.forsyth1@nhs.net
- Deputy Patient Experience and Involvement Director: p.rylatt@nhs.net
- Reducing Restrictive Interventions Lead: chris.pym@nhs.net
- Local Counter Fraud Specialist: 07990 084824, matt.treharne-clarke@nhs.net
- Director of Finance and Estates: simon.sheppard@nhs.net
- Counter Fraud Champion: p.gowland@nhs.net

The Freedom to Speak Up Guardian (James Hatfield, 07836 680975, james.hatfield@nhs.net) provides confidential support to colleagues who feel unable to speak up through other routes. The Guardian ensures that individuals who raise concerns are thanked, that their concerns are appropriately addressed, and that they receive feedback on actions taken.

The People Experience team can be contacted at rdash.askhr@nhs.net.

The Chief Executive (tobylewis@nhs.net) is the senior lead responsible for Freedom to Speak Up and provides executive oversight of arrangements. The Non-Executive Director responsible for Freedom to Speak Up (dave.vallance@nhs.net) provides independent support and ensures appropriate escalation to Board level where required.

3. Procedure

Colleagues can speak up about any issue that affects patient care or their working life. Any work-related concern can be raised through Freedom to Speak Up. Please also refer to the freedom to speak up leaflet:

[Freedom to speak up leaflet \(opens in new window\)](#)

3.1 Speak up, we will listen

We welcome speaking up. By speaking up, workers help the trust improve care, reduce risk and create a better working environment.

The NHS People Promise says that we each have a voice that counts, that we should feel safe and confident to speak up, and that we should take time to listen and understand the hopes and fears behind the words. This policy supports that promise.

The trust recognises that some people may face additional barriers to speaking up or may have had previous experiences that make speaking up feel difficult. This may include workers who are disabled, from ethnic minority backgrounds, LGBTQ+, temporary workers, students, junior colleagues, people working remotely, people without regular IT access, or people who are no longer employed by the trust. The trust will work to make speaking up routes visible, accessible and inclusive.

3.2 What will happen when I speak up

When you speak up, the person receiving the concern should thank you, listen carefully, clarify the concern, discuss what outcome you are seeking, explain the available routes, and agree how you will be kept informed.

The trust will consider whether there is any immediate safety risk and take urgent action where needed. The concern will then be directed to the most appropriate person or process. The person speaking up should be told who is dealing with the concern, what information can be shared, and any expected next steps.

The trust will record and handle concerns securely. Records should be factual, proportionate and limited to the information needed to manage the concern and support learning. Where the Freedom to Speak Up Guardian is involved, cases should be recorded securely and reported in anonymised form for organisational and national learning as required.

The person speaking up should be offered signposting to health and wellbeing support, staff support services, trade union support, professional advice or other support as appropriate.

3.3 Confidentiality, anonymity and information sharing

Confidentiality is central to trust in the speaking up process. The trust will respect confidentiality wherever possible and will only share information where this is needed to respond to the concern, protect people from harm, comply with the law or support a fair process.

Before information is shared, the person speaking up should normally be told what will be shared, with whom and why. If information has to be shared without consent because of an immediate risk of serious harm, a legal requirement or another strong public interest reason, the decision should be documented and only the minimum necessary information should be shared.

Freedom to Speak Up records must be held securely with access limited to those who need it. Records should not include patient-identifiable information unless this is necessary and justified. Data collection and reporting should be anonymised wherever possible so that individuals cannot be identified.

3.4 Advice and support

Confidentiality is central to trust in the speaking up process. The trust will respect You may seek advice and support before, during or after speaking up. Support may be available from your line manager, another manager, the Freedom to Speak Up Guardian, People Experience team, occupational health, staff wellbeing services, a trade union representative, professional body, counter fraud specialist, safeguarding lead or another appropriate senior leader.

Independent advice may also be available from Protect, the whistleblowing charity, or from a legal representative. The trust cannot provide legal advice about whether a disclosure qualifies for statutory protection.

3.5 Escalation and external routes

If a concern has not been resolved, if you are not satisfied with the response, or if you feel unable to use the usual internal routes, you can escalate the matter to the senior lead for Freedom to Speak Up or the non-executive lead for Freedom to Speak Up.

You may also speak up to an external prescribed body where appropriate. This may include the Care Quality Commission, NHS England, a professional regulator, or another prescribed person depending on the subject of the concern. If the concern relates to fraud, bribery or corruption, the Local Counter Fraud Specialist should be contacted.

3.6 Making a protected disclosure

A protected disclosure is a specific legal term under the Public Interest Disclosure Act 1998 and Part IVA of the Employment Rights Act 1996. It gives certain workers protection from detriment or dismissal where they make a qualifying disclosure in the public interest and meet the legal requirements about what is disclosed and to whom.

A qualifying disclosure may relate to information that, in the worker's reasonable belief, tends to show a criminal offence, breach of a legal obligation, miscarriage of justice, danger to health and safety, damage to the environment, or deliberate concealment of any of these matters.

The legal tests are specific and can be complex. Workers who want to understand whether their concern may be protected should seek independent advice from Protect, a trade union, professional body or legal representative.

3.7 Adverse effects or negative impact from speaking up

A negative impact is any unfair or unfavourable treatment experienced because someone has raised a concern, spoken up, or made a protected disclosure.

Examples may include:

- being denied training, development or career opportunities.
- being allocated less favourable work duties.
- being subjected to demeaning, humiliating or inappropriate comments.
- excessive monitoring, scrutiny or micromanagement.
- unfair criticism or disproportionate focus on minor conduct issues.
- concerns, grievances or disciplinary matters not being managed appropriately.
- a reference being withheld or negatively influenced.

To avoid confusion, the trust will use the term negative impact as it would be within the power of an employment tribunal to determine detriment.

Under whistleblowing legislation, where a worker believes they have experienced a negative impact because they raised a concern, the employer must be able to demonstrate that any treatment was for a legitimate and unrelated reason. If no reasonable explanation can be provided, an Employment Tribunal may conclude that the treatment occurred because the individual made a protected disclosure.

3.7.1 Who can claim Reported Negative Impact

Any worker who believes they have experienced a negative impact after raising a concern may report this to the trust.

The concern does not have to have been raised through the Freedom to Speak Up (FTSU) Guardian. Workers raise concerns through a variety of routes and may experience negative impacts regardless of the reporting method used.

All reports of negative impact will be investigated promptly, fairly and independently.

Where a negative impact is reported:

- the individual must be listened to and treated with dignity and respect.
- appropriate wellbeing and pastoral support must be offered throughout the process.
- support may include a nominated keeping-in-touch contact, the FTSU Guardian, Occupational Health, staff support services or support available through the Healthy Workplaces: Staff Support and Stress at Work Policy.
- the type of support offered should be guided by the wishes and needs of the individual.

The trust will aim to provide an initial response within 20 working days, including feedback on the next steps and an indicative timetable for the investigation.

To ensure independence and fairness, the trust will appoint an Independent Case Manager who is not connected to the service or department involved. The investigation may involve Human Resources and, where appropriate, Trade Union representatives, staff networks or other relevant specialists.

The Freedom to Speak Up Guardian must report all allegations of negative impact to the Board and the National Guardian's Office in accordance with national guidance. However, the Guardian must not lead, manage or participate in the investigation to maintain independence and impartiality.

The Freedom to Speak Up Non-Executive Director (NED) Lead will be informed of all reported negative impacts and will receive regular updates from the Independent Case Manager to ensure appropriate Board oversight.

The individual who has reported a negative impact will contribute evidence and participate in interviews as required but will not be involved in the investigation's decision-making process.

3.7.2 Protect Risk assessment

When a colleague reports a concern and believes they may have experienced a negative impact as a result of speaking up, the Freedom to Speak Up Guardian must complete the PROTECT Detriment Risk Assessment (Appendix 3). The purpose of the assessment is to:

- identify actual or potential risks to the individual.
- consider any immediate protective measures required.
- ensure appropriate support arrangements are in place.
- inform escalation and oversight arrangements.

The risk assessment should be reviewed throughout the process if circumstances change.

3.7.3 Role of the Freedom to Speak Up Guardian in detriment concerns

The Freedom to Speak Up Guardian has a support, escalation and oversight role and must remain independent of any formal investigation. The Guardian's responsibilities are to:

1. receive and record concerns relating to negative impact.
2. complete or arrange completion of the PROTECT Detriment Risk Assessment.
3. escalate concerns to an appropriate senior leader for consideration and investigation.
4. escalate concerns to the Freedom to Speak Up Non-Executive Director Lead.
5. support the individual throughout the process and signpost them to available wellbeing and support services.
6. monitor progress and ensure the concern is progressing appropriately.

The Guardian must not:

- investigate allegations of negative impact.

- determine findings.
- decide outcomes or actions.
- influence decision-making.

Responsibility for implementing any protective measures, workplace adjustments or organisational actions rests with the relevant service, department or manager.

3.7.4 Outcomes and Actions

Following completion of the investigation, the Independent Case Manager will prepare a report setting out the evidence considered, findings and recommendations.

The outcome will be shared with the individual in their preferred communication format and reported to the Board through the Freedom to Speak Up Non-Executive Director Lead.

Where a negative impact is identified, the trust will consider appropriate restorative actions, which may include:

- **Acknowledgement:** the trust will acknowledge the findings and communicate them clearly and sensitively to the individual, taking account of any communication needs, reasonable adjustments or wellbeing considerations.
- **Apology:** where a negative impact is found to have occurred, an appropriate formal apology will be offered.
- **Restorative Support:** the trust will agree appropriate measures to support the individual's ongoing wellbeing, confidence and professional development. Depending on the circumstances, this may include:
 - coaching, mentoring or development opportunities.
 - wellbeing support.
 - workplace adjustments.
 - support to rebuild working relationships.
 - other restorative actions identified through the investigation process.

Where the concern was supported by the Freedom to Speak Up Guardian, follow-up contact will be offered at 3, 6 and 12 months to identify any ongoing concerns and ensure appropriate support remains available.

3.7.5 Appeal

If the individual remains dissatisfied with the outcome of the investigation, they may submit an appeal. The appeal must:

- be submitted in writing within 10 working days of the date of the outcome letter.
- clearly explain the grounds of appeal.
- not introduce entirely new matters that were not available during the original investigation unless there are exceptional circumstances.

The appeal will be heard by a manager who has had no previous involvement in the case.

The trust will normally arrange the appeal meeting within 30 working days of receiving the appeal.

The appeal manager will be supported by:

- a Human Resources adviser who has not been involved in the original investigation.
- an accredited Trade Union representative nominated by the Staff Side Council.
- any specialist adviser considered necessary to advise on technical or professional matters.

Whilst advice may be sought, responsibility for the final decision rests with the appeal manager.

Those attending the appeal may include:

- the employee.
their representative or companion.
- the Independent Case Manager who completed the original investigation.

The employee may present their appeal in writing, verbally, through sign language, or with support from an interpreter, advocate or other communication professional.

Reasonable adjustments will be considered to enable full participation in the appeal process and may include communication support, alternative formats, remote attendance, additional breaks, flexible scheduling, accessibility arrangements, advocacy support, trauma-informed approaches or other adjustments based on individual need.

Any documents relied upon by either party should normally be submitted at least 10 working days before the appeal hearing.

Following the appeal, the appeal manager will provide a written outcome within 10 working days, confirming:

- the findings of fact.
- the decision reached.
- the reasons for the decision.
- any actions to be taken.

The appeal decision is final and concludes the trust's internal process. The outcome of the appeal will be reported to the Board through the Freedom to Speak Up Non-Executive Director Lead, in line with National Guardian's Office guidance.

Following closure of the process, the Freedom to Speak Up Guardian will offer follow-up contact at 3, 6 and 12 months to provide an opportunity for the individual to raise any ongoing concerns and access additional support if required.

4. Responsibilities

Most speaking up takes place through discussions with supervisors or line managers, where concerns can often be resolved quickly. The trust promotes a culture where this is routine practice and encourages colleagues to consider this as a first step where appropriate.

The trust is responsible for maintaining policies and procedures that support best practice, effective management, service delivery, and risk management, while ensuring compliance with national and local requirements. Systems must be in place that do not obstruct individuals from speaking up. The trust is committed to the Freedom to Speak Up Guardian role and will review its effectiveness periodically.

4.1 Colleagues and others

Workers are encouraged to raise honest and genuine concerns about risk, wrongdoing, malpractice, patient safety, staff safety, behaviour or systems. Workers should share the information needed to allow the concern to be considered and should use urgent routes where immediate safety action is required.

4.2 Managers or leaders

Managers and leaders must know how to respond when concerns are raised, thank and listen to workers, take proportionate action, document decisions, protect confidentiality, prevent detriment and encourage open discussion as part of everyday work.

4.3 Care Group Directors, Nurse Directors, Service Managers and Modern Matrons

Senior operational leaders are responsible for embedding this policy in their services, making speaking up visible, responding to concerns promptly, acting on learning, and ensuring workers do not experience detriment for speaking up.

4.4 Trade unions

Trade unions and staff representatives support workers to raise concerns, advise and represent members where appropriate, and support the trust in promoting a positive speaking up culture.

4.5 Freedom to Speak Up Guardian

The Guardian supports workers to speak up, advises on routes available, helps ensure people are thanked and listened to, promotes a healthy speaking up culture, records cases securely, and reports themes to senior leaders and the Board in anonymised form.

4.6 Non-Executive Director responsible for Freedom to Speak Up

The non-executive lead provides independent Board-level challenge and support. They should help ensure speaking up arrangements are effective, concerns are escalated where appropriate, and the Board understands speaking up themes and learning.

4.7 Executive Director with lead responsibility

The executive lead is responsible for ensuring that the policy is implemented, reviewed and aligned with national expectations. They must ensure appropriate

systems exist for concerns to be raised, considered confidentially and responded to within reasonable timescales.

5. Training

There are no specific training needs in relation to this policy, but staff will need to be familiar with its contents: and any other individual or group with a responsibility for implementing the contents of this policy.

6. Monitoring Arrangements

This section is about how we will know that the policy is working effectively.

6.1 Concerns raised; themes, breakdowns of concerns raised, open concerns

How and who by: SBAR report, POD report, board report by the FTSU support and FTSU guardian.

Reported to: executive director of people and organisational development, director of quality, safety and improvement, deputy director of nursing, chief nurse

Frequency: monthly, bimonthly and annually

6.2 Concerns raised, profession of people making concerns, themes

How and who by: NGO data added to NGO website by FTSU support and FTSU guardian.

Reported to: National Guardian office (NGO)

Frequency: Quarterly

7. Related documents and references

- Civility, respect and resolution policy
- Grievance and dispute policy
- NGO guidance on detriment (<https://nationalguardian.org.uk/wp-content/uploads/2025/03/Detriment-guidance.pdf>)
- Regional Network (May 2022), Recording Cases and Reporting Data (nationalguardian.org.uk) (2022), NHSE guidance (2022)

8. Appendices

8.1 Appendix 1 In cases of detriment what to do flow chart

Developed from: A Best Practice Guide developed by representatives in the Freedom to Speak Up Midlands

Route 1: I or my colleague spoke up and now I believe I am or my colleague is experiencing disadvantage or demeaning treatment as a result.

Speak to a manager or the Freedom to Speak Up Guardian as soon as possible (or see FTSU policy for other options of who to speak to):

- your concern will be taken seriously
- you will be supported whilst your concern is reviewed
- you will be kept informed and provided with feedback
- you will be signposted to wellbeing support if needed
- the matter will be looked into by their manager or someone more independent, or through your formal grievance procedure

Route 2: A colleague reports (or thinks they are seeing) disadvantageous or demeaning treatment after speaking up to a manager or the Freedom to Speak Up (FTSU) Guardian.

1. Manager to inform FTSU Guardian

- Issue reported to FTSU Guardian
 - clarify matters of confidentiality, what information will be shared and with whom
 - FTSU Guardian will undertake a (Protect) risk assessment
 - FTSU Guardian will record on the central FTSU database

2. Within 72 hours (or immediately if significant risks identified)

- FTSUG to inform Non-executive lead Chief executive officer Executive lead for speaking up
 - consider if any immediate action is required to protect the worker from disadvantageous or demeaning treatment. (particularly important in the case of perceived bullying and or harassment)
 - consider any potential patient safety issues and immediate action required
 - receive assurance line management arrangements are in place to support anyone who might be affected
 - responsible executive to co-ordinate discussion involving FTSU Guardian and appropriate colleagues, for example. Operational colleagues, HR, Patient Safety, Safeguarding, Staff Side

3. Follow your organisations speak up process

- clarify matters of confidentiality
- agree how and what to be explored (terms of reference), and timescales for completion
- identify independent lead for any review and or investigation
- agree arrangements for monitoring and feedback
- share and record key actions, outcomes, learning and recommendations.
- share wider learning across the organisation

- consider signposting the worker to NHS England's Speaking Up Support Scheme

If the investigation reveals any unresolved issues relating to individual performance or conduct, consult with Human Resources colleagues according to local policies and process.

8.2 Appendix 2 Glossary of poor behaviours

Poor Behaviour	Plain-Language Meaning	What it Might Look Like
Ostracising	Deliberately leaving someone out or making them feel unwelcome	Not inviting someone to meetings, conversations or team interactions that affect their work
Gaslighting	Making someone doubt their own experience or understanding	Denying things were said, twisting events, or suggesting someone is overreacting when they raise concerns
Gossiping	Talking about someone in a harmful or inappropriate way behind their back	Spreading rumours, sharing private information, encouraging others to take sides
Incivility	Low-level rude or disrespectful behaviour	Eyeroiling, dismissive tone, interrupting, ignoring colleagues, abrupt communication
Bullying	Repeated behaviour intended to intimidate, control or undermine	Shouting, belittling, setting unrealistic expectations, public criticism
Exclusion	Unfairly leaving someone out of information or decisions	Not sharing key updates, excluding from meetings, withholding information needed to do the role
Micromanaging	Excessively controlling how someone completes their work	Constant checking, limiting autonomy, not allowing professional judgement
Excessive Scrutiny	Singling someone out for disproportionate monitoring or criticism	Over-checking work, focusing on minor issues, treating one person differently to others
Retaliation	Treating someone unfairly because they have spoken up	Changing shifts unfairly, blocking leave, negative appraisals after raising concerns
Undermining	Weakening someone's confidence, authority or credibility	Dismissing ideas, contradicting unnecessarily, criticising in front of others
Blocking Development	Preventing fair access to opportunities for growth	Refusing training, study leave or progression opportunities without clear reason
Unreasonable Work Allocation	Assigning work in an unfair or punitive way	Allocating undesirable tasks, sudden role changes, unrealistic workloads
Isolation	Leaving someone unsupported or disconnected from the team	Lack of communication, not offering help, excluding from informal support networks
Victimisation	Treating someone badly because they raised or supported a concern	Labelling as a troublemaker, excluding from opportunities, targeting after speaking up

8.3 Appendix 3 Adverse effects or negative impact from speaking up risk assessment

<https://intranet.rdash.nhs.uk/policy-appendices/corporate-appendices/freedom-to-speak-up-policy-raising-concerns-whistleblowing-policy/>