

FREEDOM TO SPEAK UP POLICY

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Policy Number	ACG/Group/C&L09
Version Number	01
Purpose	This policy: <ul style="list-style-type: none"> Is intended to be a workplace guide advising all colleagues how they can gain support to raise concerns about a genuine issue of safety or quality in their workplace.
Scope	<ul style="list-style-type: none"> All colleagues across the Active Care Group (ACG) Sites and services in England, Scotland and Wales
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1 INTRODUCTION

- 1.1 This policy is intended as a workplace guide for managers and colleagues and covers all aspects of raising concerns and whistleblowing.
- 1.2 Speaking up about any concern you have at work is really important. In fact, it's vital because it will help us to keep improving our services for the people we care for, their families and our colleagues.
- 1.3 You may feel worried about raising a concern and we understand this, but please do not let this put you off. We are entirely committed to an open and honest culture. We will look into what you say and you will always have access to the support you need.
- 1.4 Active Care Group (ACG) celebrates those who speak up about their concerns in the workplace. We encourage you to share information about errors in practice and failings in the provision of care/support to you and your colleagues in the workplace. The aim is to learn from experiences and improve the experiences of patients, their families and our colleagues. ACG wants to create an open and just culture to reassure colleagues that concerns raised under this policy will be listened to and acted on appropriately.
- 1.5 It is the mechanism for:
- (a) Reporting, investigating and remedying any wrongdoing in the workplace.
 - (b) Continuously improving services for all the people in our care, colleagues and the organisation especially in areas such as safety, protecting others, quality and effectiveness.
 - (c) Being accountable for our practice, respecting each other and being enthusiastic about what we do and why we do it.

2 SCOPE

- 2.1 This policy is applicable to all colleagues across ACG; it covers all brands within the ACG Group. This includes bank and agency workers, visitors and volunteers and anyone else engaged to work, whether by direct contract or otherwise by ACG.
- 2.2 This policy should be used where colleagues 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 or the people we employ or those we provide care for. For example, but not restricted to:
- (a) Unsafe patient care.
 - (b) Unsafe working conditions.
 - (c) Inadequate induction or training to undertake their role.
 - (d) Lack of, or poor response to a reported patient safety incident.
 - (e) Suspicions of fraud.
 - (f) A bullying/harassing culture (across a team or organisation rather than individual instances of bullying).
- 2.3 We have a separate policy if your issue is about your treatment in the workplace; this is the Grievance policy.
- 2.4 This policy should also be used where colleagues want to raise a concern that falls under a Public Interest Disclosure (see Section 3) and involves raising a concern (whistleblowing) that a criminal offence has been committed, is being committed or is likely to be committed:
- (a) That a person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subject.
 - (b) That a miscarriage of justice has occurred, is occurring or is likely to occur.

- (c) That the health and safety of an individual has, may have been or is likely to be endangered and / or
 - (d) That the environment has been, is being or is likely to be damaged.
 - (e) Deliberate concealing of information about any of the above.
- 2.5 Raising concerns about issues in your workplace is different to making a personal complaint about how your employer treats you. You should raise a “concern” when it falls into one of the categories above, it may be something that affects others and you are acting to protect them.
- 2.6 It is not uncommon for colleagues to initially not be totally clear how to articulate 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 (FTSUG) can help you to work through the information and where possible help define or clarify the issues you want to raise and how best to do this.

3 DEFINITIONS

- 3.1 **What is whistleblowing?** Although there is no legal definition, “whistleblowing” has come to be accepted as the disclosure by a colleague of confidential information which relates to some danger, fraud or other illegal or unethical conduct connected with the workplace, be it of the employer or of his / her fellow colleagues. Therefore a ‘whistle blower’ is someone who discovers something is wrong or amiss and alerts their employer or the relevant authorities to what is going on. The law protects whistle blowers from their employer subjecting them to detriment or dismissal by reason of their having ‘blown the whistle’ and from detrimental treatment by their colleagues.
- 3.2 **Making a ‘Protected Disclosure:’** In law there are very specific criteria that need to be met for an individual to be covered by the whistleblowing law when they raise a concern (to be able to claim the protection that accompanies it).
- 3.3 There is also a defined list of ‘prescribed persons’, who you can make a protected disclosure to, see paragraph 5.1.
- 3.4 **Public Interest Disclosure Act 1998.** We want you to know that colleagues who raise concerns that they reasonably believe are in the public interest are protected from adverse treatment by ACG, or from suffering a detriment, such as bullying or harassment from colleagues.
- 3.5 To qualify for protection for disclosure under the Public Interest Disclosure Act 1998, the worker must:
- (a) Be acting in the public interest; (this means raising a concern that would be of interest and potentially affect members of the general public).
 - (b) Have reasonable grounds for believing that the information disclosed indicates the existence of one of the problems listed below.
 - (c) Believe a person has failed, is failing, or is likely to fail to comply with their legal obligations; or
 - (d) Know a criminal offence that has been committed, is being committed, or is likely to be committed; or
 - (e) Believe the health and safety of any individual has been, is being, or is likely to be endangered; or
 - (f) Believe a miscarriage of justice that has occurred, is occurring or is likely to occur; or
 - (g) Know the environment has been, is being or is likely to be damaged; or
 - (h) Believe any of the above are being, or are likely to be, deliberately concealed.

- 3.6 There may be occasions when an employee speaking up about an issue at work will not have the protection of the Public Interest Disclosure Act 1998 because of the nature of the concern being raised.
- 3.7 If a disclosure is made externally there are conditions which need to be satisfied before a disclosure will be protected. One of these conditions must be met if a colleague is considering making an external disclosure.
- 3.8 The colleague must reasonably believe that the concern they are raising is:
- (a) Relevant to that prescribed person i.e., comes under their area of responsibility as a regulator, and
 - (b) That the disclosure is substantially true. You should ensure you choose the correct person/regulatory body relevant to the issue you are raising.

4 PROCESS

- 4.1 We hope you will feel comfortable raising your concern openly, but we also appreciate you may not want to do this.
- 4.2 We would prefer you to raise any concerns anonymously rather than not at all. If there is any hesitation about speaking up about a concern then we would urge you to put the interests of the patients first and act to protect them, overriding personal and professional loyalties when necessary.
- 4.3 Raising a concern anonymously, without giving anyone your name, does make it more difficult for us to investigate thoroughly and for us to be able to provide you feedback on the outcome. We will investigate all concerns raised whether anonymous or not.
- 4.4 In the first instance raise the concern with your line manager and seek their help to resolve the issues. If you feel that this does not meet your needs or you do not feel able to address it with your manager or prefer not to there are other avenues to escalate your concerns.

5 WHO SHOULD I RAISE MY CONCERN WITH?

- 5.1 ACG encourages colleagues to raise any concerns in the first instance with their line manager. This is to ensure concerns are dealt with promptly and informally where possible. Where colleagues feel unable to do this or, it would be inappropriate to, or would prefer not to, colleagues can raise their concerns through the following routes.
- (a) You can contact your HR Business Partner, your Operations Director, your Managing Director or email SpeakUp@activecaregroup.co.uk
 - (b) You can contact any member of the Executive Board.
 - (c) Our 'Freedom to Speak Up Guardian', (FTSUG) is Davina Dorival (Davina.Dorival@activecaregroup.co.uk), you can raise anything with her through this process. This role has a responsibility in supporting you.
 - (d) You can also raise a concern via Safecall, who are an independent whistleblowing service provider, helping organisations to establish a safe and confidential reporting system. Their whistleblowing hotline and online reporting allows colleagues to Speak Up and report their concerns to the highest levels of management. We recognise the value of an effective whistleblowing programme in supporting both employers and colleagues to address wrongdoing in the workplace. You can contact them and advise them of your concerns and Safecall will then contact us with the concerns raised. The telephone number is 0800 915 1571 or report online at: www.safecall.co.uk/report.
 - (e) The government have a list of the prescribed persons and bodies who you can make an external disclosure to and there is also a brief description about the matters you can report to each prescribed person.

- (f) www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies-2.
- (g) More information on whistleblowing can be found on the GOV.UK website: www.gov.uk/whistleblowing.

5.2 Provided you are acting honestly, it does not matter if you are mistaken or if there is an innocent or alternative explanation for your concerns.

6 FREEDOM TO SPEAK UP GUARDIANS (FTSUG) RESPONSIBILITIES

- 6.1 To offer advice as to the most appropriate course of action or who to contact regarding their concern.
- 6.2 To support and signpost colleagues to additional support services if required.
- 6.3 Log the concern and ensure an Investigation Officer is appointed and a record kept of the outcome.
- 6.4 To ensure they keep up to date with speaking up best practice as advised by the National Freedom to Speak Up Guardian.

7 LINE MANAGER RESPONSIBILITIES

- 7.1 On receipt of a whistleblowing complaint irrespective of the source i.e., direct to the service, via Safecall, CQC or any other body. The following actions should be taken:
 - (a) The complaint should be acknowledged within 24 hours and should be sent to SpeakUp@activecaregroup.co.uk
 - (b) Consideration should be given as to the best person to investigate it.
 - (c) Within three days an Investigation Officer should be appointed.
 - (d) All investigations where possible should be concluded within 21 working days and an outcome delivered to the person raising the concern with a copy sent to SpeakUp@activecaregroup.co.uk

8 WHAT HAPPENS NEXT?

- 8.1 On receipt of your concern, the FTSU Guardian will record it in their central log, and we aim for you to receive an acknowledgement within 24 hours (unless anonymous).
- 8.2 If a local resolution can be achieved this will be discussed with you.
- 8.3 For more complex matters where an investigation is required, an Investigation Officer will be appointed, the fact-finding investigation will be proportionate to the issue raised.
- 8.4 You should receive an outcome within 21 working days. You will be guided, supported and updated throughout this process.
- 8.5 The FTSU Guardian does not get involved in the actual investigation.
- 8.6 If you continue to be unhappy with the outcome, you should advise the FTSUG who will maintain contact with you and will arrange to meet with you to clarify the issues.

9 LESSONS LEARNT

- 9.1 In line with our Just and Learning culture, it is imperative that lessons are learned, shared and fed back into the organisational processes. Some may be only directly relevant to a particular case but where concerns raised impact on organisational policies, processes, quality, safety or effectiveness, then these will be addressed accordingly.

10 EQUALITY IMPACT STATEMENT

- 10.1 This policy has been equality impact assessed and we believe that it is in line with the Equality Act 2010 as it is fair, it does not prioritise or disadvantage any employee or applicant and it helps to promote equality in our services.

11 REFERENCES

- 11.1 Public Interest Disclosure Act 1998

12 ASSOCIATED DOCUMENTS

- 12.1 Speak Up Poster (available via the Print Portal - product number ACG042)

13 DOCUMENT VERSION HISTORY

Version	Description of Revision	Date of Revision
01	Group-wide policy replacing HR05 Freedom to Speak Up Policy	15/08/2023

Appendix A

SPEAK UP (WHISTLEBLOWING) PROCESS FLOW

Purpose

To ensure ACG's Speak Up Guardian has oversight and governance of all Speak Up (whistleblowing) concerns raised within the organisation in line with the ACG's Freedom to Speak Up Policy. The Speak Up Guardian will report quarterly to the Executive Board on actions, decisions and themes.

Whistleblowing comes in direct to service

(for example from a Regulator, Local Authority, direct from the individual)

Whistleblowing comes into Safecall

