



POLICY NAME	Freedom to Speak Up	VERSION NO.	1
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Owner (s)	Head of People and Culture Head of Quality	Next Review Date	February 2025

Revision History. (Version Controlled)

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1. The Purpose of this Policy

Milewood: Milewood Healthcare, Care Network Solutions, MGB Care Services, Elmcare, Whitwell Park Care Home, Walton Lodge and Ambercare (East Anglia) are required to ensure that we have a comprehensive policy that is implemented for Speaking Up to comply with the CQC Well-Led Quality Statement: Freedom to Speak Up.

This policy will set out the relevant guidance to ensure that all relevant personnel are able to implement this policy effectively, to enhance the care of people living in our care and support services and is supported by our core values.

2. Policy Statement

In 1998 the Public Interest Disclosure Act was introduced. This was to provide a framework in which to encourage people working for or with organisations to raise concerns about actual harm, risk of harm or criminal activity. This is commonly known as whistleblowing or speaking up.

Our aim is to provide the people we support with the best service and create the best place to work for colleagues and create an environment where staff and volunteers are encouraged to challenge, and report concerns.

To help us to achieve this we will make sure that speaking up is taken seriously and without reprisal to those who choose to raise concerns.

The policy provides colleagues details of the types of concerns they can raise through speaking up, the procedure employees must follow and how we will respond.

3. Related Policies

- Safeguarding Policy
- Disciplinary and Grievance Policy
- Customer Feedback Policy
- Code of Conduct

4. What is speaking up?

Speaking Up is about ensuring that if someone sees something wrong in the workplace, they can raise this within their organisation, regulator, or wider. Speaking Up ultimately protects the people we support, colleagues, and the organisation itself by identifying concerns before it's too late.

5. What areas are covered by speaking up?

We understand speaking up to refer to actions taken by a colleague or colleagues to raise concerns about: -

- Alleged, suspected, or observed malpractice.
- Assessed, identified or perceived risks (eg: to the safety of people we support or colleagues).
- Unethical conduct or possible illegal acts.

Any of the above could harm or create a risk of harm to people we support, colleagues, or the public.

Not all concerns will be managed under Freedom to Speak Up. For example, individual grievances with colleagues, managers or the organisation or personal differences or conflicts between colleagues are not covered by Speaking Up legislation and are likely to be dealt with through the relevant HR policies.

The policy should be read and used to complement the complaints procedure. We recognise that “Speaking Up” is distinct from a complaint in that “whistleblowers” raise their concerns as colleagues of the organisation and complaints about a service are raised by people we support, others acting on their behalf or members of the public. However, it is recognised that similar procedures are followed to respond to complaints and Speaking Up.

The implementation of the Freedom to Speak Up Policy in response to concerns should be done in conjunction with the Safeguarding Policy and must not delay the submission of any external reporting required by regulation.

Some of the areas covered by Speaking Up relates to:

- A criminal offence which has or may be carried out e.g. stealing, fraud, bribery, drug dealing.
- People we support or colleagues’ health, safety or wellbeing is put at risk e.g. unsafe working, not investigating complaints that endanger people.
- Deliberate disregard for the environment eg: clinical waste being disposed of inappropriately.
- Any type of abuse eg: physical, sexual, mental, financial.
- The organisation is not obeying the law eg: data protection.
- Covering up or attempting to cover up wrongdoing e.g. falsification of records, intimidation.

6. Freedom to Speak Up Guardians

Our Guardians are our Chief Executive, Group Head of Quality, Group Head of Human Resources and Group Director of Operations. The Freedom to Speak up Guardians will hold

responsibility for implementation of this policy.

6.1 Role of the Freedom to Speak Up Guardian

The Freedom to Speak Up Guardian operated independently, impartially, and objectively of the local management teams and lead the organisations approach to Speaking Up.

Freedom to Speak Up Guardians help:

- Protect the safety and quality of care for people we support.
- Improve the experience of colleagues and support people to Speak Up.
- Promoted learning and improvement.

By ensuring that:

- Workers are supported in speaking up.
- Barriers to speaking up are addressed.
- A positive culture of speaking up is fostered.
- Issues raised are used as opportunities for learning and improvement.

Guardians are required to complete the Speak Up – Core Training for all Workers, Listen Up – Training for all Managers and Follow Up – Training for Senior Leaders through e-LfH.

7. Freedom to Speak Up Champions

It is our intension for all locations to have a Freedom to Speak Up Champion who is not a member of the management team.

Champions will be formally introduced at each location as training takes place in 2024.

Your local Freedom to Speak up Champion will be identified on the Freedom to Speak Up Poster display at your location.

7.1 Role of the Freedom to Speak Up Champions

The Freedom to Speak Up Champions do not investigate concerns; however they have a key part in making speak up business as usual and promoting a positive culture at their location.

7.2 Freedom to Speak Up Champions have a vital role in:

- Awareness raising – ensuring workers understand the importance of speaking up, listening up and following up.
- Signposting – discussing concerns with workers and providing details of speaking up routes as stated in their organisation’s Freedom to Speak Up Policy.

- Promoting a positive speaking up culture- supporting their organisation to welcome and celebrate speaking up.

Champions are required to complete the Speak Up – Core Training for all Workers through e-LfH. There is also a supplementary internal information workshop that all Champions must attend annually.

It is also a requirement for all Service Managers and Regional Manager to complete Speak Up – Core Training for all Workers and the Listen Up – Training for all Managers through e-LfH. There is also a supplementary internal information workshop that all Champions must attend annually.

8. How Can I Speak Up?

You should always allow us to respond internally to your concerns in the first instance. Although if you feel you are unable to do this, we have failed to respond to your concerns or you are unsatisfied by the outcomes then there are independent bodies who you can contact to discuss.

8.1 Internal Procedure

You should report it to your **Registered Manager**.

If you believe your concern is too serious a matter to discuss with them directly, they are unavailable or they are part of your concern then contact the relevant **Regional Manager**.

If you do not feel you are able to discuss your concern with the Regional Manager you can contact the internal **Freedom to Speak Up Guardians** by calling:

- Martyn Heginbotham, Chief Executive, 07568111242
- Simon Barnes, Group Director of Operations, 07596 954500
- Dan Blackith, Head of People and Culture, 07713750762
- Bryony Kent, Head of Quality, 07568111243

You can also email speakup@milewood.co.uk

It is our responsibility to carry out an investigation into your concerns. We will always operate to the principle 'if in doubt – disclose it'.

It would be helpful if at the time of your report you are able to supply a detailed account of your concern (dates, names & places). You should at this point also disclose whether you have any personal interests and whether you want the matter treated confidentially (If this is not possible you will be notified). You will receive notification as to how we intend to proceed with the matter.

8.2 External Procedure

Milewood accepts the right and obligation of any colleague who thinks that their concerns are not being or might not be properly responded to or addressed, to report their concerns to an outside authority.

External reporting could be the Police, the Local Safeguarding Adults team or the Care Quality Commission. Each of these organisations can be expected to respond in line with their respective procedures.

In line with its Public Disclosure Interest Act responsibilities, Milewood will not penalise or victimise any colleague who responsibly reports their concerns in any of these ways.

For colleagues involved in the delivery of care services it is also possible to contact the Care Quality Commission at;

Care Quality Commission
Citygate
Gallowgate
Newcastle upon Tyne
NE1 4PA

Tel: 0300 616161

<https://www.cqc.org.uk/contact-us/report-concern/report-concern-if-you-are-member-staff>

You can also contact the following for advise and guidance:

NHS and Social Care Whistleblowing Helpline

Tel: 08000 724 725

Email: enquiries@wbhelpline.org.uk

Public Concern at Work

Tel: 020 7404 6609

Email: whistle@pcaw.org.uk

9. What can I expect to happen next?

We will record that a disclosure has been made, however, our response is dependent upon the type of concern that is disclosed. This may include:

- Meeting you or contacting you by phone to discuss the disclosure so we can document a full record of it – you will be invited to be present with a trade union representative or colleague of your choice.
- Nominating an appropriate colleague to conduct the investigation.

- If necessary, carrying out the investigation without alerting colleagues who are alleged to be involved until after it is completed.
- An investigation being carried out by the police or other external agency at the same time as ours.
- Suspension of colleagues alleged to be involved in the incident if there is a risk of them remaining on site until the investigation is complete.
- Use of our disciplinary process to manage any colleague who is found to have a case to answer in relation to the concern.
- Complete and report back to you the outcomes of an investigation – if there are delays then you will be notified. We are bound by confidentiality therefore you may not receive full details of the outcomes especially if this relates to disciplinary action against other colleagues.

10. I am concerned that by speaking up there will be reprisals

If you disclose in good faith then you will be protected from harassment, victimisation, disciplinary action, dismissal, or any other disadvantage at work. This will apply even if upon completion of our investigation or an external body's investigation there is no evidence to support your disclosure.

Anyone identified to be carrying out reprisals or supporting someone carrying out reprisals against a colleague speaking up may be subject to disciplinary action.

11. Can someone speaking up remain anonymous?

Although we cannot make someone speaking up reveal their identity, it may be difficult for us to investigate a disclosure fully if we do not know who has 'blown the whistle'.

We would therefore encourage some speaking up to give their contact details at the time of the disclosure. Please be assured that your identity will be held in the strictest confidence. If as part of our investigation it is not possible to keep your name confidential then we will notify you in advance and limit those who are made aware that you are the 'whistle-blower' to a strictly need to know basis.

We may pursue anonymous disclosures however this is dependent upon the seriousness or sensitivity of the disclosure and whether it might be possible to investigate or obtain other evidence.

12. If you falsify a speaking up disclosure

We will take all speaking up reports seriously therefore if you are found to falsify whistleblowing you may be subject to disciplinary action. For example falsifying whistleblowing is to disclose information:

- to cause deliberate disruption to services or risk to reputation.

- you categorically know is not true.
- for your personal benefit.

13. Promoting speaking up

All locations are required to display a copy of the organisation's Freedom to Speak Up Poster with details contact details for the Freedom to Speak Up Guardian's contact number.

14. Recording, Monitoring and Learning Lessons

All Freedom to Speak Up disclosures must be logged centrally and record the action take to investigate, outcome and learning. In addition, all external reporting, for example, safeguards and regulatory notifications must be logged using the relevant reporting and reporting procedures.

The Freedom to Speak Up Guardians are responsible for monitoring the implementation and effectiveness of this policy in partnership with the network of Freedom to Speak Up Champions.

A review of all cases will take place every 6 months with learning be shared though the Champions Network and regional governance meetings.

