

Position responsible: CEO  
Approved by: ELT

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Related Documents	Anti-corruption and Bribery Policy Grievance Policy and Procedure Dignity at Work policy
Further information	Public concern at work ( <a href="https://protect-advice.org.uk">https://protect-advice.org.uk</a> ) National Guardians Office ( <a href="https://nationalguardian.org.uk">https://nationalguardian.org.uk</a> ) Freedom to speak up policy for the NHS (June 2022)

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## 1.0 About this policy

- 1.1 Speak up – we will listen. Speaking up about any concern at work is really important. It will help us to keep improving our services for all patients and the working environment for our staff. We understand that individuals may feel worried about raising a concern but we will do all we can to ensure that they aren't put off. In accordance with our duty of candour, our senior leaders and entire board are 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.
- 1.2 The aims of this policy are to:
- encourage staff to report suspected risk, wrongdoing or malpractice as soon as possible, in the knowledge that their concerns will be taken seriously and investigated, and that their confidentiality will be respected;
  - provide staff with guidance as to how to raise those concerns; and
  - reassure staff that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.
- 1.3 This policy applies to all employees, officers, consultants, contractors, volunteers, interns, casual workers and agency workers.
- 1.4 This policy does not form part of any employee's contract of employment and we may amend it at any time.

## 2.0 Personnel responsible for the policy

- 2.1 The Chief Executive Officer (CEO), Medical Director and Freedom to Speak up Guardian have overall responsibility for this policy and its regular review.
- 2.2 All staff are responsible for the effectiveness of this policy and should ensure that it is promptly implemented to disclose any suspected risk or wrongdoing.
- 2.3 All staff will undertake approved training through the National Guardian 'Speak Up Core Module'. All line managers will take this and the 'Listen Up Module' in order to effectively support the policy and organisational culture. In addition, the Executive Leadership Team will undertake these modules plus the 'Follow Up' module.

### **3.0 What is Freedom to Speak up?**

- 3.1 Freedom to Speak up is celebrated and used to address errors or failings as well as an opportunity to make improvements. 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
- 3.1.1 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 are affecting your wellbeing, or that of your colleagues or patients.
- 3.1.2 Speaking up is about all of these things.
- 3.2 Speaking up, therefore, captures a range of issues, some of which may be appropriate for other existing processes (for example, HR or patient safety/quality). As an organisation, we will listen and work with you to identify the most appropriate way of responding to the issue you raise.

### **4.0 Raising a concern – speak up, feel safe**

- 4.1 Speak up. In many circumstances, the easiest way to get your concern resolved is to raise this verbally or in writing to your line manager.
- 4.1.1 If you make a disclosure, you should provide full details and, where possible provide supporting evidence. Your line manager may be able to agree a way of resolving your concern quickly and effectively. In some cases, they may refer the matter to the Freedom to Speak up Guardian, CEO or Medical Director as appropriate.
- 4.2 Where you feel that your line manager has not addressed your concern, or you prefer not to raise it with them for any reason, you should contact the Freedom to Speak up Guardian. This role acts as an independent and impartial source of advice at any stage of raising a concern.
- 4.3 A meeting will be arranged with you as soon as possible to discuss your concern. You may bring a colleague or union representative to any meetings under this policy. Your companion must respect the confidentiality of your disclosure and any subsequent investigation.
- 4.4 A written summary of your concern will be recorded and a copy provided to you after the meeting.
- 4.5 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. We 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. Any such behaviour is a breach of our values as an organisation and, if upheld following investigation, could result in disciplinary action. Provided you are acting honestly, it does not matter if you are mistaken or if there is an innocent explanation for your concerns. More information on supporting you can be found at section 9.0.

### **5.0 Confidentiality**

- 5.1 We will treat such disclosures in a confidential and sensitive manner. Where requested, we will keep your identity confidential as far as possible. However, you may need to provide a

statement of evidence as part of the investigation process. If it is necessary for anyone investigating your concern to know your identity, you will be informed at the earliest opportunity.

- 5.2 Staff are encouraged to make disclosures openly under this policy. Concerns expressed anonymously, can make proper investigation more difficult or impossible if we cannot obtain further information from you. It is also more difficult to establish whether any allegations are credible.
- 5.3 Staff who are concerned about possible reprisals if their identity is revealed should discuss their concerns with the Freedom to Speak up Guardian. Appropriate measures can then be taken to preserve confidentiality.

## **6.0 Investigation and outcome**

- 6.1 Once you have raised a concern, we will carry out an initial assessment to determine the scope of any investigation. You will be informed of the outcome of the assessment. You may be asked to attend additional meetings in order to provide further information.
- 6.2 In some cases, we may appoint an investigator or team of investigators including staff with relevant experience of investigations or specialist knowledge of the subject matter. The investigator(s) may make recommendations for change to enable us to prevent problems recurring.
- 6.3 You will be treated with respect at all times and kept informed of progress with the investigation, its likely timescale and subsequent outcome/action(s). We will focus on improving the service we provide and ensure that we track actions to ensure the necessary changes are made. However, sometimes the need for confidentiality may prevent us from giving you specific details of the investigation or any disciplinary action taken as a result. You should treat any information concerning the investigation as confidential. If we conclude that deliberately false or malicious allegations have been made, you will be subject to disciplinary action.

## **7.0 If you are not satisfied**

- 7.1 While we cannot always guarantee the outcome you are seeking, we will try to deal with your concern in a fair and appropriate way. By using this policy, you can help us to achieve this.
- 7.2 If you are not satisfied with the way in which your concern has been dealt with, you can raise this with the Freedom to Speak up Guardian, CEO, or Medical Director as appropriate.
- 7.3 If you remain dissatisfied with the way in which your concerns have been dealt with the Chair of Trustees can be contacted (details at the end of the policy)

## **8.0 Data Protection**

- 8.1 When an individual makes a disclosure, the organisation will process any personal data collected in accordance with its Data Protection Policy. Data collected from the point at which the individual makes the report is held securely and accessed by, and disclosed to, individuals only for the purposes of dealing with the disclosure.

## 9.0 Support for individuals raising a concern

- 9.1 It is understandable that staff disclosing concerns are sometimes worried about possible repercussions. We aim to encourage openness and will support staff who raise genuine concerns under this policy, even if they turn out to be mistaken.
- 9.2 Staff disclosing concerns must not, by law, suffer any detrimental treatment as a result of raising a concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform the Freedom to Speak up Guardian immediately. If the matter is not remedied, you should raise it formally using our Grievance Policy and Procedure.
- 9.3 Appropriate action will be taken against any person found to be victimising an individual for using this procedure or deterring any individual from reporting genuine concerns under this procedure. If you feel either of these are applicable to you please inform the Freedom to Speak up Guardian immediately.
- 9.4 If you are in any doubt you can seek advice from Public Concern at Work the independent whistleblowing charity, contact details can be found at the end of this policy.
- 9.5 We will seek feedback about the experience of speaking up. We will review the effectiveness of this policy and our local process, and made appropriate changes as necessary.<sup>78</sup>

## 10.0 External disclosures

- 10.1 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases you should not find it necessary to alert anyone externally.
- 10.2 The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. We strongly encourage you to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Public Concern at Work, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern. Their contact details are at the end of this policy.
- 10.3 Raising concerns usually relate to the conduct of our staff, but they may sometimes relate to the actions of a third party, such as a customer, supplier, service provider or patient. In some circumstances the law will protect you if you raise the matter with the third party directly. However, we encourage you to report such concerns internally first. You should contact your line manager or one of the other listed contacts for guidance.

## 11.0 Contacts

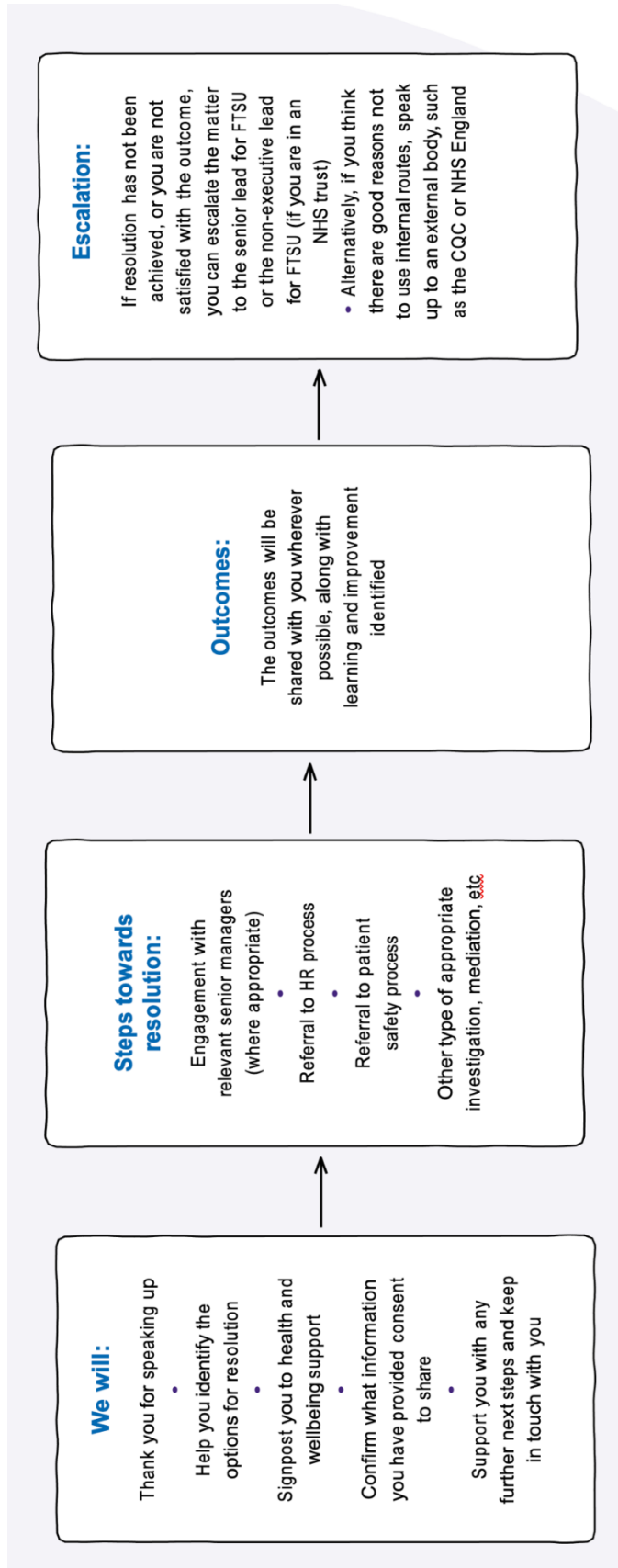
Freedom to Speak up Guardian	<a href="mailto:guardian@magpas.org.uk">guardian@magpas.org.uk</a>
Chief Executive Officer	Daryl Brown - <a href="mailto:daryl@magpas.org.uk">daryl@magpas.org.uk</a> 01480 371060
Medical Director	Dr Simon Lewis - <a href="mailto:simon@magpas.org.uk">simon@magpas.org.uk</a> 07970 170325

Chair of Trustees	<a href="mailto:chair@magpas.org.uk">chair@magpas.org.uk</a>
Public Concern at Work (Independent whistleblowing charity)	Help line: 020 3117 2520 E-mail: <a href="mailto:whistle@pcaw.co.uk">whistle@pcaw.co.uk</a> Website: <a href="http://www.pcaw.co.uk">www.pcaw.co.uk</a>

## 12.0 Freedom to Speak Up Guardians

- 12.1 The Freedom to Speak Up Guardian will be appointed through a transparent recruitment process to the nationally agreed job description ([https://nationalguardian.org.uk/wp-content/uploads/2021/05/20180213\\_ngo\\_freedom\\_to\\_speak\\_up\\_guardian\\_jd\\_march2018\\_v5.pdf](https://nationalguardian.org.uk/wp-content/uploads/2021/05/20180213_ngo_freedom_to_speak_up_guardian_jd_march2018_v5.pdf)). The appointment will be for 3 years and will be registered with the National Guardian.
- 12.2 The Guardian and all those involved in this process will undergo the recommended training for the role and ensure that they maintain awareness of relevant guidance.

## Appendix 1 – What will happen when I speak up?



## Appendix 2 – a vision for raising concerns

