

Freedom to speak up – LMC constituents policy

1. Policy Statement

We are committed to ensuring Primary Care is provided with the support and resources to allow all team members to speak up. All constituents within the region covered by Humberside LMCs are included in the scope of this policy to give everyone the confidence to speak up at the earliest possible opportunity, using Humberside LMCs' Freedom to Speak up Guardians or your own organisational Freedom to Speak up Guardians. The policy is supported by the aims of the [Public Interest Disclosure Act 1998](#) in order to protect those who wish to speak up.

This policy is based on the principles set out in the [NHSE/I Freedom to speak up: raising concerns policy for the NHS – 2016](#).

2. Updating & Review

Policy Adopted: September 2020
Revised and rewritten:
Reviewed by Board: October 2020
Review Cycle: Every 3 years
Next Review Date: October 2023

3. Applicability

You can raise a concern about any risk, malpractice or wrongdoing you think is harming the service you deliver in primary care. Just a few examples of this might include (but are by no means restricted to):

- unsafe patient care
- unsafe working conditions
- inadequate induction or training for staff
- lack of, or poor, response to a reported patient safety incident
- suspicions of fraud
- a bullying culture (across a team or organisation rather than individual instances of bullying).

Remember that if you are a healthcare professional you may have a professional duty to report a concern. If in doubt, please raise it. Don't wait for proof. We would like you to raise the matter while it is still a concern. It doesn't matter if you turn out to be mistaken as long as you are genuinely troubled. This policy is not for people with concerns about their employment that affect only them – that type of concern is better suited to an organisational grievance procedure.

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 Primary Care values 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.

4. Confidentiality

We hope you will feel comfortable raising your concern openly, but we also appreciate that you may want to raise it confidentially. This means that while you are willing for your identity to be known to the person you report your concern to, you do not want anyone else to know your identity. Therefore, we will keep your identity confidential, if that is what you want, unless required to disclose it by law (for example, by the police). You can choose to raise your concern anonymously, without giving anyone your name, but that may make it more difficult for us to investigate thoroughly and give you feedback on the outcome.

Anyone who works (or has worked) in Primary Care, or for an independent organisation that provides Primary Care services can raise concerns. This includes agency workers, temporary workers, students and volunteers.

5. Who should I raise my concern with?

In many circumstances the easiest way to get your concern resolved will be to raise it formally or informally with your line manager (or lead clinician or tutor). But where you don't think it is appropriate to do this, you can use any of the options set out below in the first instance. If raising it with your line manager (or lead clinician or tutor) does not resolve matters, or you do not feel able to raise it with them, you can contact one of the LMC's Freedom to Speak Up Guardians:

Simon Barrett – Humberside LMCs, – 01482 655111 – humberside.lmcgroup@nhs.net

Amy Stathers – Humberside LMCs – 01482 655111 – humberside.lmcgroup@nhs.net

Humberside LMCs, Albion House, Albion Lane, Willerby, Hull, HU10 6TS

You can also contact your own Freedom to Speak Up Guardian within your own organisation, if you have one.

You can raise your concerns with any of the people listed above in person, by phone or in writing (including email). Whichever route you choose, please be ready to explain as fully as you can the information and circumstances that gave rise to your concern.

This is an important role identified in the Freedom to Speak Up review to act as an independent and impartial source of advice to staff at any stage of raising a concern, with access to anyone in the organisation, including the managing partner, or if necessary, outside the organisation.

These people have been trained in receiving concerns and will give you information about where you can go for more support. If for any reason you do not feel comfortable raising your concern in these ways you can raise concerns with these external bodies:

[Care Quality Commission](#) for quality and safety concerns

[NHS England](#) for concerns about:

- primary medical services (general practice)
- primary dental services
- primary ophthalmic services
- local pharmaceutical services

[Health Education England](#) for education and training in the NHS

[NHS Protect](#) for concerns about fraud and corruption.

[NHS Improvement](#) for concerns about:

- how NHS trusts and foundation trusts are being run
- other providers with an NHS provider licence
- NHS procurement, choice and competition
- the national tariff

You can also contact the [Whistleblowing Helpline](#) for the NHS and social care, your professional body or trade union representative.

6. What will happen?

We are committed to the principles of the [Freedom to Speak Up review](#) and its vision for raising concerns, and will respond in line with them.

We are committed to listening to Primary Care staff, learning lessons and improving patient care.

- On receipt the concern will be recorded and you will receive an acknowledgement within five working days.
- The central record will record the date the concern was received, whether you have requested confidentiality, a summary of the concerns and dates when we have given you updates or feedback.
- Where you have been unable to resolve the matter quickly (usually within a few days) with your line manager, we will carry out a proportionate investigation and we will reach a conclusion within a reasonable timescale (which we will notify you of).
- 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.
- We may decide that your concern would be better looked at under another process; for example, a process for dealing with bullying and harassment. If so, we will discuss that with you.
- If your concern suggests a Serious Incident has occurred, an investigation will be carried out in accordance with the Serious Incident Framework.
- Any employment issues (that affect only you and not others) identified during the investigation will be considered separately.
- We will treat you with respect at all times 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. We will tell you how long we expect the investigation to take and keep you up to date with its progress. Wherever possible, we will share the full investigation report with you (while respecting the confidentiality of others).
- The focus of the investigation will be on improving the service your organisation provides for patients. Where it identifies improvements that can be made, we make sure they are tracked to ensure necessary changes are made, and are working effectively.
- High level information about all concerns raised by Primary Care staff through this policy will be published on our website.