

Freedom to Speak Up Policy

Version 1.1

Purpose:	To advise and inform Trust staff on how to raise genuine serious concerns, sensibly and responsibly, without fear of victimisation and in the knowledge that the concern will be thoroughly investigated.
For use by:	All of the workforce and bank registrants, external Consultants, Professional Advisers and Contractors.
This document is compliant with/ supports compliance with:	Public Interest Disclosure Act 1998 HSC 1999/198 Whistle blowing in the NHS National Guidance 'Working Together to Safeguard Children' (Department of health 2010), NHS Constitution Terms & Conditions of Employment Care Quality Commission Standard.
This document supersedes:	Raising Concerns/Freedom to Speak Up Policy V1.0. Ipswich Hospital only.
Approved by:	Staff Partnership Forum.
Approval date:	
Ratified by:	Operational Delivery Group.
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In case of queries contact Responsible Officer:	Freedom to Speak Up Guardian.
Division and Department	
Archive Date i.e. date document no longer in force	<i>To be inserted by Information Governance Department when this document is superseded. This will be the same date as the implementation date of the new document.</i>
Date document to be destroyed:	<i>To be inserted Information Governance Department when this document superseded.</i>

Version and document control:

Version number	Date of issue	Change Description*	Author
1.0	10/11/17	New policy to replace Whistleblowing Policy V5	
1.1		Update of version 1.0	Tom Fleetwood

* this must alert the reader to the key changes to the document between the current and previous versions

This is a Controlled Document

Printed copies of this document may not be up to date. Please check the Trust intranet for the latest version and destroy all previous versions.

Trust documents may be disclosed as required by the Freedom of Information Act 2000.

Sharing this document with third parties

As part of the Trust's networking arrangements and sharing best practice, the Trust supports the practice of sharing documents with other organisations. However, where the Trust holds copyright to a document, the document or part thereof so shared must not be used by any third party for its own commercial gain unless this Trust has given its express permission and is entitled to charge a fee.

Release of any strategy, policy, procedure, guideline or other such material must be agreed with the Lead Director or Deputy/Associate Director (for Trust -wide issues) or Business Unit/ Departmental Management Team (for Business Unit or Departmental specific issues). Any requests to share this document must be directed in the first instance to (insert the name of the Responsible Officer).

For further advice see the Development and Management of Trust wide Procedural Documents Policy

CONTENTS

	Page No
Section 1 – Introduction	4
Section 2 – Freedom to Speak Up Background and Process	5
2.1 Speak up – we will listen	5
2.2 We want you to feel safe to speak up	6
2.3 What can I speak up about	6
2.4 Who can speak up?	6
2.5 Who can I speak up to?	6
2.6 Local sources of help and support	8
2.7 How should I speak up?	8
2.8 Confidentiality	11
2.9 Advice and Support	12
2.10 What will we do?	12
Section 3 – Training and Education	13
Section 4 – Development and Implementation including Dissemination Training and Education	13
Section 5 – Monitoring Compliance and Effectiveness	13
Section 6 – Control of document including archiving arrangements	14
Section 7 – Supporting Compliance and References	14
Appendix A: What will happen when I speak up?	15

Section 1 – Introduction

Freedom to speak up and raising concerns

“We encourage our staff to raise concerns openly, or anonymously if they prefer, safe in the knowledge they will be supported and protected if they do, to make our trust a positive and trustworthy place to work and receive care.”

East Suffolk and North Essex NHS Foundation Trust is committed to ensuring that all of our staff will be supported and protected should they raise a concern in good faith.

Every organisation involved in providing NHS healthcare has a duty of candour to actively foster a culture of safety and learning in which all staff feel safe to raise concerns. The Trust’s Board of Directors is committed to ensuring that staff feel free to speak up, without consequence, detriment, or fear, and will expect those to whom the concern is raised to act promptly and without prejudice, running the organisation in the best way possible and to do so we need your help.

We know that some staff may feel uncertain about speaking up, they may believe that they could suffer financial, personal or developmental detriment after speaking up. We are committed to all staff feeling safe and will offer protection to all staff that speak up in good faith.

This policy procedure is in place to reassure you that it is safe and acceptable to speak up and to enable you to raise any concern that you may have at an early stage, and in the right way. Rather than wait for proof, we would prefer you to raise the matter when it is still a concern.

The purpose of this policy is to ensure that all staff can raise any matters of concern they may have, about a possible danger, risk, wrongdoing or malpractice; including fraud, bribery or theft, that might affect patients, colleagues or the organisation. It aims to clarify the rights and responsibilities that staff and others have when raising concerns. And looks to provide a mechanism which complies with the Public Interest Disclosure Act (further information on this legislation can be found on the public concern at work website).

This policy comprises national and local guidance which details the agreed stance and processes to support those that speak up.

Our Trust values

We strive for all our colleagues to always remember our trust values:-

- Optimistic – We will work together positively to make time matter for all our patients and staff

- Appreciative – We understand and value the role we all have in delivering better patient care every day
- Kind - We will value diversity and provide a caring and listening environment for all our patients and staff

1 Policy Statement and Rationale

All NHS organisations and others providing NHS healthcare services in primary and secondary care in England are required to adopt this national policy as a minimum standard to help normalise speaking up for the benefit of patients and workers. Its aim is to ensure all matters raised are captured and considered appropriately.

1.2 Equality and Health Inequalities Statement:

Promoting equality and addressing health inequalities are at the heart of NHS England's values. Throughout the development of the policies and processes cited in this document, we have:

- Given due regard to the need to eliminate discrimination, harassment and victimisation, to advance equality of opportunity, and to foster good relations between people who share a relevant protected characteristic (as cited under the Equality Act 2010) and those who do not share it; and
- Given regard to the need to reduce inequalities between patients in access to, and outcomes from healthcare services and to ensure service provided in an integrated way where this might reduce health inequalities.

Section 2 – Freedom to Speak Up Background and Process

2.1 Speak Up –We Will Listen

We welcome speaking up and we will listen. By speaking up at work you will be playing a vital role in helping us to keep improving our services for all patients and the working environment for our staff.

This policy is for all our workers. The [NHS People Promise](#) commits to ensuring that “we each have a voice that counts, that we all feel safe and confident to speak up, and take the time to really listen to understand the hopes and fears that lie behind the words”.

We want to hear about any concerns you have, whichever part of the organisation you work in. We know some groups in our workforce feel they are seldom heard or are reluctant to speak up. You could be an agency worker, bank worker, locum or student. We also know that workers with disabilities, or from a minority ethnic background or the LGBTQ+ community do not always feel able to speak up.

This policy is for all workers and we want to hear all our workers' concerns.

We ask all our workers to complete the [online training](#) on speaking up. The online module on listening up is specifically for managers to complete and the module on following up is for senior leaders to complete.

You can find out more about what Freedom to Speak Up (FTSU) is in these [videos](#)

2.2 We want you to feel safe to speak up

Your speaking up to us is important because it helps us identify opportunities for improvement that we might not otherwise know about.

We will not tolerate anyone being prevented or deterred from speaking up or being mistreated because they have spoken up.

Wherever possible, should a breakdown in professional relationships occur, or be perceived, during or following the process, an alternative role may be offered and agreed at no detriment to the staff member raising the concern.

2.3 What can I speak up about?

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 is affecting your wellbeing, or that of your colleagues or patients. The list below gives some further examples, but is not an exhaustive list.

- 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).
- Concerns about a colleague's behaviour or personal views.

Speaking up is about all of these things.

Speaking up, therefore, captures a range of issues, some of which may overlap with other existing processes and support mechanisms which you will find on the ESNEFT Trust intranet site [here](#) . As an organisation, we will listen and work with you to identify the most appropriate way of responding to the issue you raise.

2.4 Who can speak Up?

Anyone who works in NHS healthcare, including pharmacy, optometry and dentistry. This encompasses any healthcare professionals, non-clinical workers, receptionists, directors, managers, contractors, volunteers, students, trainees, junior doctors, locum, bank and agency workers, and former workers.

2.5 Who can I speak up to?

Speaking up internally:

Most speaking up happens through conversations with supervisors and line managers where challenges are raised and resolved quickly. We strive for a culture where that is

normal, everyday practice and encourage you to explore this option – it may well be the easiest and simplest way of resolving matters.

If you have a concern about a danger, risk, malpractice or wrongdoing at work, we hope you will feel able to raise it first with your line manager or lead clinician. This may be verbally, by email or by letter. If your concerns relates to your line manager/lead clinician or you feel unable for whatever reason to discuss the concern with them, or if you have raised it with your line manager already and are unhappy with the outcome, you have other options in terms of who you can speak up to, depending on what feels most appropriate to you.

Speaking up externally:

If you do not want to speak up to someone within your organisation, you can speak up externally to:

- [Care Quality Commission](#) (CQC) for quality and safety concerns about the services it regulates – you can find out more about how the CQC handles concerns [here](#).
- NHS England for concerns about:
 - GP surgeries
 - dental practices
 - optometrists
 - pharmacies
 - how NHS trusts and foundation trusts are being run (this includes ambulance trusts and community and mental health trusts)
 - NHS procurement and patient choice
 - the national tariff.

NHS England may decide to investigate your concern themselves, ask your employer or another appropriate organisation to investigate (usually with their oversight) and/or use the information you provide to inform their oversight of the relevant organisation. The precise action they take will depend on the nature of your concern and how it relates to their various roles.

Please note that neither the Care Quality Commission nor NHS England can get involved in individual employment matters, such as a concern from an individual about feeling bullied.

- [NHS Counter Fraud Agency](#) for concerns about fraud and corruption, using their [online reporting form](#) or calling their freephone line **0800 028 4060**.

If you would like to speak up about the conduct of a member of staff, you can do this by contacting the relevant professional body such as the General Medical Council, Nursing and Midwifery Council, Health & Care Professions Council, General Dental Council, General Optical Council or General Pharmaceutical Council.

Making a Protected disclosure.

A protected disclosure is defined in the Public Interest Disclosure Act 1998. This legislation allows certain categories of worker to lodge a claim for compensation with an employment tribunal if they suffer as a result of speaking up. The legislation is complex and to qualify for protection under it, very specific criteria must be met in relation to who is speaking up, about what and to whom. To help you consider

whether you might meet these criteria, please seek independent advice from [Protect](#) or a legal representative.

The Act protects workers from detrimental treatment or victimisation from their employer if, in the public interest, they blow the whistle on wrongdoing. 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

2.6 Local sources of help and support

Our Trust is committed to ensuring that all of our staff will be supported and protected should they raise a concern in good faith

If you raise a genuine concern under this policy and regardless of the route people choose to speak up, they will not be at risk of any form of reprisal, or reprimand or be subjected to any form of detriment because of raising a concern. Provided the employee is acting honestly and in good faith, it does not matter if they are mistaken or if there is an innocent explanation for the concerns. We do not tolerate the harassment or victimisation of anyone raising a concern. Nor will we tolerate any attempt to bully the employee into not raising any such concern. Any such behaviour is a breach our core values and, if upheld following investigation, could result in disciplinary action.

All staff raising concerns/speaking up will be offered a referral to the wellbeing team/OH for psychological support/debrief via the staff helpline (0300 303 1361). Post process support and feedback will be offered. Alternatively staff can self-refer to the trust psychology team or occupational health duty nurse for advice and support.

All staff raising significant concerns relating to their immediate or more senior manager, will be offered and have access to an alternative manager of their choice, either within or outside of their division for the duration of the process.

Wherever possible, should a breakdown in professional relationships occur, or be perceived, during or following the process, an alternative role may be offered and agreed at no detriment to the staff member raising the concern. We will support staff where relevant through our redeployment policy

2.7 How should I speak up?

If you have a worry or a concern we would hope that you would, in the first instance, talk to your line manager or clinical lead. If you cannot raise a concern with your line manager or clinical lead or don't know where to go, there are many routes that you can take and people that you can talk to. These are shown below and there are links to further advice. This does not prevent you from firstly seeking informal advice from one of the routes stated below.

Senior Managers, Executive or Non-Executive Directors or clinical leads

You can raise any concerns with a more senior leader such as your service lead or matron. Details of all senior leaders are available on the intranet – please click [here](#) and then chose the division that you work in. You can also raise concerns to a member of the ESNEFT Board of Directors.

Freedom To Speak Up Guardian and Assistant to Freedom to Speak Up Guardians

If you feel unable for any reason to raise a concern or worry with your line manager or a more senior leader, or if you have raised it with your line manager already and are unhappy with the outcome, then please contact the Freedom to Speak up Guardian or any of the Assistant Freedom to Speak Up Guardians for advice and support by emailing raising.concerns@esneft.nhs.uk or calling 0799 298632. Further details are available on the intranet – please click [here](#) The freedom to speak up guardian will 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 chief executive, or if necessary, outside the organisation. You can also ask the FTSU Guardian for informal advice.

Trade Unions

If you belong to a Trade Union, your local workplace representative is available to support you at any stage of this process. Offering both emotional support and practical advice to you personally, alongside representation and support at meetings/discussions. Your local Trade Union representatives are nurses, midwives, AHP's and support staff, all are experienced in supporting staff throughout and following the FTSU process, **and can raise concerns anonymously on your behalf.**
[Link to go in here](#)

Your HR Business Partner (HRBP)

The HRBP's work in partnership with the divisional teams to enable and support them to achieve their objectives. Their primary focus is around workforce and organisational development to ensure we have the right skills, knowledge, values and behaviours for our Trust now and in the future. Details of all HRBPs are available on the intranet – please click [here](#) and then chose the division that you work in

Talk to Sophie – for training grade doctors

It is recognised that some days can be tough and cause distress. Talking things through with a medical colleague can help you process what has happened. Talk to Sophie has a weekday rota of doctors who will meet colleagues at the end of the day to do this. Our "listener" doctors have been nominated by training grade doctors as empathetic and approachable and the service is open 0900 – 1800, Monday to Friday. Full details are available on the intranet – please click [here](#)

Occupational Health (OH)

ESNEFT Occupational Health Service is a specialist branch of medicine that focuses on the physical and mental wellbeing of employees in the workplace by encouraging safe working practices, monitoring the health of the workforce and supporting the management of sickness absence. You can contact the OH team by calling 01206

745284 or 01473 704011 and there are further details of services provided on the intranet – please click [here](#)

The Wellbeing Hub

The Wellbeing Hub is here to support and promote the overall health and wellbeing of our staff. We have access to a range of services and resources including the provision of specialist emotional support for staff affected by issues related to work. The services offered are entirely confidential. You can contact the wellbeing hub by calling 0300 303 1361 (option 3 0830 – 1600) or e-mailing wellebing@esneft.nhs.uk. Full details are available on the intranet – please click [here](#)

Guardian of Safe Working

The Guardian of Safe Working has responsibility for overseeing the safety of junior doctors working, and provides assurance in this system of exception reporting, and hours and rest monitoring. Details of all Guardians, how to contact them and supporting resources are available on the intranet – please click [here](#)

Counter Fraud

ESNEFT is committed to maintaining an honest, open and well-intended approach to all aspects of its business and staff conduct and as such any activity related to fraud or bribery will not be tolerated. We have a locally nominated counter fraud specialist for the Trust. You can contact by e-mailing mark.kidd@nhs.net or calling 07528 970251. Full details are available on the intranet – please click [here](#)

Staff networks

We have a number of staff network at the trust. The primary aim of the networks is to provide an effective forum in which skills, knowledge and experience can be developed and shared in a safe and learning environment between many different groups of people. Further details are available on the intranet – please click [here](#)

Cultural Ambassadors (CA)

Fully trained by the Royal College of Nursing (RCN) the CA's provide a psychological safe space for staff to raise concerns. They receive full training from the RCN and sit as an equal member of investigation teams, disciplinary and grievance hearing panels to identify any issues of unconscious bias, conscious bias, being treated less favourably or discrimination and ensure that any concerns are escalated and taken into consideration in the decision making process. Full details are available on the intranet – *link to go in here when intranet page updated*

Staff Governors

ESNEFT has six staff governors who represent staff at both Ipswich and Colchester Hospitals. The general duties of a staff governor is to hold the Trust's Non-Executive Directors to account and to represent the interests of Trust staff members as a whole. Staff governors are elected solely by ESNEFT members of staff for six seats, three for Colchester and three for Ipswich, on the Council of Governors. Full details are available on the intranet – please click [here](#)

Chaplaincy

The chaplaincy team work with patients, carers, families, friends and staff to care for the human spirit by providing a confidential listening ear and non-judgmental support. They aim to provide an inclusive service for people of all faiths, and beliefs, recognizing each person as an individual and respecting their values, age, gender, disability, cultural, and sexual orientation. Full details are available on the intranet – please click [here](#)

Health and Safety team

The Corporate Health and Safety Team operate across all ESNEFT acute and community sites advising and supporting staff and managers to achieve best practice and compliance with health and safety legislation. They deliver a range of health and safety training and run the FFP3 mask fit testing programme. Full details are available on the intranet – please click [here](#)

Wellbeing Champions

Our Wellbeing Champions are staff members who have expressed an interest and undergone specialist training in supporting their colleagues on a range of well-being issues. Many of our well-being champions are also trained mental health first aiders. Details of all our Health and Wellbeing Champions can be found on the intranet – please click [here](#)

Employee relations (ER)

Employee relations are responsible for human resource policies including conduct and capability, bullying and harassment, flexible working and retirement to name but a few. They are experts in interpretation of terms and conditions of service and employment law. For all queries please raise a ticket via the employee helpdesk (<https://employeehelpdesk.esneft.nhs.uk/portal/en-gb/home>) or call 0300 303 1361.

You can speak up to any of the people or organisations listed above in person, by phone or in writing (including email).

2.8 Confidentiality:

The most important aspect of your speaking up is the information you can provide, not your identity.

You have a choice about how you speak up:

- **Openly:** you are happy that the person you speak up to knows your identity and that they can share this with anyone else involved in responding.
- **Confidentially:** you are happy to reveal your identity to the person you choose to speak up to on the condition that they will not share this without your consent.
- **Anonymously:** you do not want to reveal your identity to anyone. This can make it difficult for others to ask you for further information about the matter and may make

it more complicated to act to resolve the issue. It also means that you might not be able to access any extra support you need and receive any feedback on the outcome.

In all circumstances, please be ready to explain as fully as you can the information and circumstances that prompted you to speak up.

2.9 Advice and support

As well as the advice and support you can receive from those mentioned above, you can also access a range of health and wellbeing support via NHS England:

- [Support available for our NHS people.](#)
- [Looking after you: confidential coaching and support for the primary care workforce.](#)

NHS England has a [Speak Up Support Scheme](#) that you can apply to for support. You can also contact the following organisations:

- [Speak Up Direct](#) provides free, independent, confidential advice on the speaking up process.
- The charity [Protect](#) provides confidential and legal advice on speaking up.
- The [Trades Union Congress](#) provides information on how to join a trade union.
- [The Law Society](#) may be able to point you to other sources of advice and support.
- [The Advisory, Conciliation and Arbitration Service](#) gives advice and assistance, including on early conciliation regarding employment disputes.

2.10 What will we do?

The matter you are speaking up about may be best considered under a specific existing policy/process; for example, our process for dealing with bullying and harassment. If so, we will discuss that with you. If you speak up about something that does not fall into an HR or patient safety incident process, this policy ensures that the matter is still addressed.

Resolution and investigation:

We support our managers/supervisors to listen to the issue you raise and take action to resolve it wherever possible. In most cases, it's important that this opportunity is fully explored, which may be with facilitated conversations and/or mediation.

Where an investigation is needed, this will be objective and conducted by someone who is suitably independent (this might be someone outside your organisation or from a different part of the organisation) and trained in investigations. It will reach a conclusion within a reasonable timescale (which we will notify you of), and a report will be produced that identifies any issues to prevent problems recurring.

Any employment issues that have implications for you/your capability or conduct identified during the investigation will be considered separately.

Communicating with you:

We will treat you with respect at all times and will thank you for speaking up. We will discuss the issues with you to ensure we understand exactly what you are worried about. If we decide to investigate, we will tell you how long we expect the investigation to take and agree with you how to 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 and recognising that some matters may be strictly confidential; as such it may be that we cannot even share the outcome with you).

How we learn from your speaking up:

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.

Review:

We will seek feedback from workers about their experience of speaking up. We will review the effectiveness of this policy and our local process annually, with the outcome published and changes made as appropriate.

Senior leaders' oversight:

Our most senior leaders will receive a report at least annually providing a thematic overview of speaking up by our staff to our FTSU guardian(s).

Section 3 – Training and Education

- 3.1 Human Resources and Senior Managers across the Trust will be responsible for training and education relating to compliance with this policy in the event that an individual need arises.

Section 4 – Development and Implementation including Dissemination

- 4.1 This document has been written in accordance with the terms of the Development and Management of Trust wide Procedural Documents Policy and has involved the following who will lead on its implementation within the Trust:
- Director of Human Resources
 - Deputy Director of Human Resources
 - Head of Employee Relations

- 4.2 This document was submitted to the Policy Sub Group, the Trust's Staff Partnership Forum (SPF) and Operational Delivery Group for ratification.

Section 5 – Monitoring Compliance and Effectiveness

- 5.1 Monitoring compliance with and the effectiveness of this document will be monitored annually by the Deputy Director of Human Resources by case review and feedback from Trust staff involved in managing the policy. Remedial action for non-compliance with the policy will be the responsibility of Division/Line Managers.
- 5.2 This document will be reviewed by the Director of Human Resources and the Joint Consultative & Negotiating Group three years from the date of ratification, unless a change is required due to changes in legislation or case law.

Section 6 – Control of Document including Archiving Arrangements

- 6.1 Once ratified by the Operational Delivery Group, the Responsible Officer will forward this document to the Information Governance Department for a document index registration number to be assigned and for the document to be recorded onto the central hospital master index and central document library of current documentation.
- 6.2 In order that this document adheres to the Hospital's Records Management Policy, the Information Governance Department will:
- Ensure that the most up-to-date version of this document is stored on the documentation library.
 - Archive previous versions of this document.
 - Retain previous versions of this guideline for a period of time in accordance with the NHS Records Retention and Disposal Schedule.

Section 7 – Supporting Compliance and References

- 7.1 This document will support the Trust's compliance with its legal obligations as set out in the:
- ACAS Code on the Disciplinary and Grievance Procedure
 - Employment Rights Act 1996 as amended
 - General Data Protection Regulations (GDPR) 2018.
 - Employment Relations Act 1999
 - Equality Act 2010

Appendix A:

What will happen when I speak up?

We will:	Steps towards resolution:	Outcomes:	Escalation:
<p>Thank you for speaking up</p> <ul style="list-style-type: none"> • <p>Help you identify the options for resolution</p> <ul style="list-style-type: none"> • <p>Signpost you to health and wellbeing support</p> <ul style="list-style-type: none"> • <p>Confirm what information you have provided consent to share</p> <ul style="list-style-type: none"> • <p>Support you with any further next steps and keep in touch with you</p>	<p>Engagement with relevant senior managers (where appropriate)</p> <ul style="list-style-type: none"> • <p>Referral to HR process</p> <ul style="list-style-type: none"> • <p>Referral to patient safety process</p> <ul style="list-style-type: none"> • <p>Other type of appropriate investigation, mediation, etc</p>	<p>The outcomes will be shared with you wherever possible, along with learning and improvement identified</p>	<p>If resolution has not been achieved, or you are not satisfied with the outcome, you can escalate the matter to the senior lead for FTSU or the non-executive lead for FTSU</p> <p>Alternatively, if you think there are good reasons not to use internal routes, speak up to an external body, such as the CQC or NHS England</p>

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