

Whistleblowing Policy (Freedom to speak up: raising concerns for the NHS) December 2016



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Speak up – we will listen

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 all patients and the working environment for our staff.

You may feel worried about raising a concern, and we understand this. But please don't be 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.

This policy

This 'standard integrated policy' was one of a number of recommendations of the review by Sir Robert Francis into whistleblowing in the NHS, aimed at improving the experience of whistleblowing in the NHS. It is expected that this policy (produced by NHS Improvement and NHS England) will be adopted by all NHS organisations in England as a minimum standard to help to normalise the raising of concerns for the benefit of all patients.

The TEWV local procedure has been incorporated into this policy the purpose of which will:

Provide employees with the means to raise genuine concerns about malpractice, patient safety, financial impropriety, bribery, corruption, criminal offences or any other serious risks, who will be protected from victimization or recrimination for doing so.

Encourage employees to raise concerns at an early stage and in the right way. The Trust will take all concerns seriously and is committed to developing a climate of openness and free expression where raising concerns is welcomed, appreciated and acted upon positively.

Provide employees with the process for raising concerns and addressing them appropriately. This will allow the Trust to be able to evidence relevant CQC and NHSLA standards. Improvements made as a result of concerns raised will support the achievement of the Trust strategy goals.

What concerns can I raise?

You can raise a concern about **risk, malpractice or wrongdoing** you think is harming the service we *deliver*. 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, corruption or bribery (which can also be reported to our local counter-fraud team)
- a bullying culture (across a team or organisation rather than individual instances of bullying).

For further examples, please see the [Health Education England video](#).

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 our [grievance policy](#).

Feel safe to raise your concern

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.

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.

Individual employees will be personally liable if they behave in a way that disadvantages a fellow worker for making a whistle blowing complaint.

Who can raise concerns?

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

Staff registered with a regulatory body e.g Nursing and Midwifery Council, General Medical Council, Health and Care Professions Council have a professional duty to raise concerns.

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 following people:

- our Freedom to Speak Up Guardian (or equivalent designated person) [*Dewi Williams* tevw.freedomtospeakup@nhs.net] – 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 chief executive, or if necessary, outside the organisation

If you still remain concerned after this, you can contact:

- our executive director with responsibility for whistleblowing [*Elizabeth Moody – Director of Nursing and Governance – 0191 3336633*]
- our non-executive director with responsibility for whistleblowing [*Hugh Griffiths – Nominated Non- Executive Director – 01325 552077*].

All these people have been trained in receiving concerns and will give you information about where you can go for more support.

As well as the above, you can also raise concerns around **patient safety** to the Executive Management Team by completing a Raising Concerns form via Intouch. You can also call the concerns line 01325 552267 and leave a message.

If your concern is about fraud, corruption or bribery you should contact the Local Counter Fraud Service, on 0191 4415918, or alternatively contact the NHS counter fraud and corruption line, details of which can be found on page 8.

If for any reason you do not feel comfortable raising your concern internally, you can raise concerns with external bodies, listed on page 8.

Advice and support

Details on the local support available to you can be found on the Intouch, however you may wish to seek support from the Trust Employee Support Services on 01642 451658, Occupational Health Department or Trust Counselling Service. You can also contact the Whistleblowing Helpline for the NHS and social care on 08000 724725, your professional body or trade union representative.

How should I raise my concern?

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.

When you raise the concern you should state how you think the matter might be best resolved. Whilst we cannot guarantee that we will respond to all matters in a way that you might wish we will strive to handle the matter fairly and properly.

If you have any personal interest in the matter you must tell us at the outset.

What will we do?

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 (see Annex B).

We are committed to listening to our staff, learning lessons and improving patient care. On receipt the concern will be recorded and you will receive an acknowledgement within two 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.

Investigation

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 – using someone suitably independent (usually from a different part of the organisation) and properly trained – 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, our process for dealing with bullying and harassment or grievance . If so, we will discuss that with you.

Any employment issues (that affect only you and not others) 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 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).

How will we learn from your concern?

The focus of the investigation will be on improving the service we provide for patients. Where it identifies improvements that can be made, we will track them to ensure necessary changes are made, and are working effectively. Lessons will be shared with teams across the organisation, or more widely, as appropriate.

Board oversight

The board will be given high level information about all concerns raised by our staff through this policy and what we are doing to address any problems. We will include similar high level information in our annual report. The board supports staff raising concerns and wants you to feel free to speak up.

Review

We will review the effectiveness of this policy and local process at least annually, with the outcome published and changes made as appropriate.

Raising your concern with an outside body

Alternatively, you can raise your concern outside the organisation with:

- NHS Improvement (0300 123 2257) 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
- Care Quality Commission (0300 061 6161) for quality and safety concerns
- NHS England (0300 311 2233) for concerns about:
 - primary medical services (general practice)
 - primary dental services
 - primary ophthalmic services
 - local pharmaceutical services
- Health Education England (hee.nhs.uk) for education and training in the NHS
- Nursing and Midwifery (02076377181 or 02073336541) Council for Nurse Conduct
- General Medical Council (0161 9236602) for Medical Practitioners Conduct
- Health and Care Professions Council (0845 3006184) for AHP's Conduct including social workers
- Department for Business and Innovation skills (BIS) (020 72155000) Company Law
- Information Commissioners (0303 123 1113) Data compliance
- The Environment Agency (03708506506) for Environmental Issues
- The Royal Pharmaceutical Society of GB (020 7572 2510) Pharmacists Conduct
- Controller and Auditor General of the National Audit Office (020 7798 7999) Proper Conduct of public business, value for money fraud and corruption in relation to centrally funded public services.
- NHS Fraud and Security Management Service (0800 0284060 – www.reportnhsfraud.nhe.uk for concerns about fraud
- [NHS Protect \(www.reportnhsfraud.nhs.uk\)](http://www.reportnhsfraud.nhs.uk) for concerns about fraud and corruption.
- British Medical Association - (0300 123 1233)
- Chartered Society of Physiotherapists - (020 7306 6666)
- GMB - (01642 241 751)
- Royal College of Nursing - (0345 772 6100)
- Unison - (0800 0857 857)
- Unite - (0113 236 4830)

Making a ‘protected disclosure’

There are very specific criteria that need to be met for an individual to be covered by whistleblowing law when they raise a concern (to be able to claim the protection that accompanies it). There is also a defined list of ‘prescribed persons’, similar to the list of outside bodies on page 8, who you can make a protected disclosure to. To help you consider whether you might meet these criteria, please seek independent advice from the [Whistleblowing Helpline](#) for the NHS and social care, [Public Concern at Work](#) or a legal representative.

National Guardian Freedom to Speak Up

The new National Guardian (once fully operational) can independently review how staff have been treated having raised concerns where NHS trusts and foundation trusts may have failed to follow good practice, working with some of the bodies listed above to take action where needed.

Definitions

Term	Definition
Whistle Blowing	A worker raising concerns about something at work which they believe to be “in the public interest”
In the Public Interest	Something which is of serious concern and/or benefit to the public
The public	The ‘public’ does not necessarily mean the entire population. It might relate to a relatively localised public (e.g a small community or interest group) or to the wider public at large.

Other useful contacts

If you are unsure whether to use this procedure or you want independent advice at any stage you can contact your trade union representative or the Whistle Blowing helpline for the NHS and Social Care staff provided by the Royal Mencap Society on 08000 724725. There is also an independent whistle blowing charity Public Concern at Work who you can contact on 020 7404 6609 or by email on helpline@pcaw.co.uk

While we hope this policy gives you reassurance you need to raise such matters internally we recognise that there may be circumstances where you can properly report matters to outside bodies, such regulators or the policy. Outside bodies may decide to contact the Trust as part of responding to an approach. Public Concern at Work, your trade union or professional association will be able to advise you on such an option.

Training

All TEWV managers band 7 and above (including Medics) with responsibility for line managing staff will be required to undertake face to face training. The training will enable them to respond well should they be approached by a whistle blower and to help them create the right environment within teams to help staff feel able to raise concerns safely.

Communication and training aimed at all staff focusing on when and how to raise a concern will be included in regular Trust wide bulletins and incorporated into a range of training courses including corporate induction.

Annex A - Process for raising and escalating a concern

Step one

If you have a concern about a risk, malpractice or wrongdoing at work, we hope you will feel able to raise it first with your line manager, lead clinician or tutor (for students). This may be done orally or in writing.

Step two

If you feel unable to raise the matter with your line manager, lead clinician or tutor, for whatever reason, please raise the matter with our local Freedom to Speak Up Guardian(s):

Dewi Williams tevv.freedomtospeakup@nhs.net

This person has been given special responsibility and training in dealing with whistleblowing concerns. They will:

- treat your concern confidentially unless otherwise agreed
- ensure you receive timely support to progress your concern
- escalate to the board any indications that you are being subjected to detriment for raising your concern
- remind the organisation of the need to give you timely feedback on how your concern is being dealt with
- ensure you have access to personal support since raising your concern may be stressful.

If you want to raise the matter in confidence, please say so at the outset so that appropriate arrangements can be made.

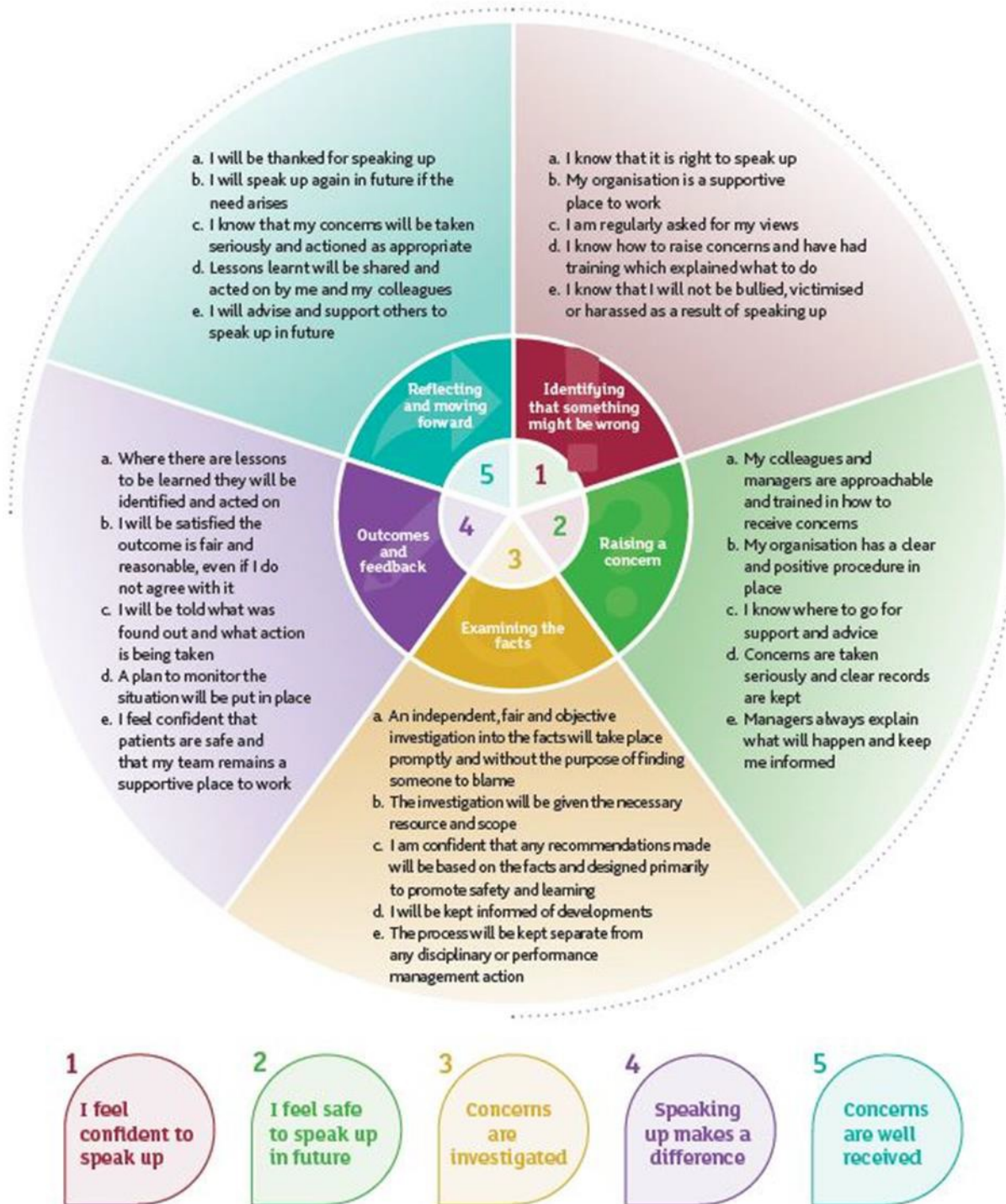
Step three

If these channels have been followed and you still have concerns, or if you feel that the matter is so serious that you cannot discuss it with any of the above, please contact [*chief executive, medical director, responsible officer, nursing director, nominated non-executive director*].

Step four

You can raise concerns formally with external bodies [*relevant list of prescribed bodies to be provided, similar to that on page 7-8*].

Annex B: A vision for raising concerns in the NHS



Source: Sir Robert Francis QC (2015) *Freedom to Speak Up: an independent report into creating an open and honest reporting culture in the NHS.*



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