

Freedom to Speak Up: Raising Concerns and Whistleblowing Procedure

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Freedom to Speak Up: Raising Concerns and Whistleblowing Procedure

1 Introduction

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, students 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.

2 Purpose

The purpose of this procedure is to set out the ways in which you can raise a concern, how it will be handled and the feedback that you will receive once the matter has been investigated.

3 Scope

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, visiting lecturers, volunteers and governors.

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 (which can also be reported to our local counter-fraud team whose details can be found on the Trust's intranet)
- 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 procedure is not for people with concerns about their employment that affect only them – that type of concern is better suited to our bullying and harassment or grievance procedure which can be found on the Trust's public internet website.

4 Definitions

Formal concern

A formal concern is a matter which requires a comprehensive investigation to occur. It occurs where a member of staff raises a serious issue.

Informal concern

Informal concerns are ones which staff feel are easier to raise and can be done so through the line manager. Often the process for investigating the matter is a simple fact finding exercise and can be resolved with verbal feedback.

If, however, a line manager feels the matter is more serious then they may choose to treat it as a formal concern.

PIDA

The Public Interests Disclosure Act (1998), the legislation which outlines the provisions and protections that raise concerns formally.

Protected disclosure

Protected disclosures are disclosures of information where you may reasonably believe (and it is in the public interest) that one or more of the following matters is either happening, has taken place, or is likely to happen in the future.

- A criminal offence
- The breach of a legal obligation
- A miscarriage of justice
- A danger to the health and safety of any individual
- Damage to the environment

- Deliberate attempt to conceal any of the above.

Whistleblowing

The formal act of raising a concern and requiring it to be investigated, in line with this procedure.

5 Duties and responsibilities

Directors and managers

Any individual that is responsible for managing staff has a responsibility to ensure all individuals covered by this procedure have access to it. They are responsible for:–

- taking concerns seriously
- seeking advice from professional colleagues (eg HR), as appropriate.
- ensuring that concerns are dealt with in confidence.
- acting promptly to investigate matters and notifying the member of staff of the outcome of their fact finding and what will happen as a result.
- ensuring the member of staff raising concerns is made aware of the confidential health and wellbeing support available from either our occupational health and wellbeing service or the staff advice and consultation service.

Freedom to speak up guardian

The guardian is available to support staff who are thinking about raising concerns, or have done so. The Guardian can provide support and advice, and help ensure the concern is dealt with correctly. The Guardian also

has a role in educating staff and promoting the culture of openness and will do so at training events and by reminders through staff communications.

This person has been given special responsibility and training in dealing with whistleblowing concerns, and is an independent appointment within the Trust who reports to the CEO and so has the access to ensure that your concern is dealt with appropriately and you are well treated by the Trust. 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.

Director of human resources and corporate governance

This director is the named executive director for raising concerns. They also fulfil the role of the trust secretary and are responsible for maintaining a confidential register of matters raised formally and reporting this, accordingly, to the board of directors.

Named non-executive director for raising concerns

The trust chair designates one of the organisation's independent non-executive directors to act as named individual for raising concerns. They

can be contacted via the organisation's corporate governance business manager on 020 8938 2570 or TrustSecretary@tavi-port.nhs.uk.

6 Procedures

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.

Who should I raise my concern with?

The process of raising concerns can be done through one of four stages detailed below.

Stage one

In many circumstances the easiest way to get your concern resolved will be to raise it formally or informally with your line manager or if the matter concerns them then their line manager or any individual above who is not involved. 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.

Stage two

If raising it with your line manager or the others described above 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 – 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

- one of our freedom to speak up advocates – these are individuals within clinical divisions, the directorate of education and training and corporate services who offer an alternative person to raise a concern with.
- a member of the trust's human resources team – the team are chartered professionals who can advise and guide on the application of this procedure. Where appropriate, they may raise matters on your behalf.
- a steward of a recognised trade union or the chair of staff side – these individuals represent their members and provide advice, guidance and where appropriate raise matters on your behalf.
- a head of discipline – these are professional heads who work in collaboration with the clinical services to ensure the professional standards of the staff group and contribute to the profession's development.

Stage three

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

- the clinical chief operating officer who holds executive oversight responsibilities for the delivery of all our clinical services.
- the director of education and training who holds executive responsibility for our education and training services/
- the medical director who acts as the trust's executive lead for patient safety and quality for all our services, including care quality standards and matters of clinical governance.

- our executive director with responsibility for whistleblowing who is the director of human resources and corporate governance.
- the deputy chief executive and finance director who is responsible for the organisation's financial probity and also is responsible for the majority of the trust's corporate services.
- the chief executive who holds the executive authority for the performance of the entire organisation.
- our non-executive director with responsibility for whistleblowing who is an independent office holder who acts with the board of director's authority.

The contact details for all of these individuals can be found on the Trust's intranet.

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

Stage four

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

You can raise your concern outside the organisation with:

- 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
- 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.

Advice and support

Details on the local support available including the names and contact details of the people described above can be found on the Trust's intranet. However, you can also contact the Whistleblowing Helpline [for](#) the NHS and social care, 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.

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 register 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. 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 through an appropriate human resources procedure.

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 procedure 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.

7 Training Requirements

All staff will receive initial awareness training about this procedure at the corporate induction and at mandatory training update sessions.

Managers who may be required to apply this procedure will receive training through either one to one coaching with an HR adviser, classroom based training or e-learning.

8 Process for monitoring compliance with this Procedure

The executive management team will receive quarterly reports on concerns which are being raised and ensure that processes are being managed in accordance with this procedure. This report will be informed by registers maintain by the organisation's clinical divisions, directorate of education and training and corporate functions.

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

9 References

Department of Health and Social Care (2015). **Freedom to Speak Up Report** [online]. HM Stationery Office. London. Available from: <http://freedomtospeakup.org.uk/the-report/>

10 Associated documents¹

Anti-fraud and Bribery Procedure
Being Open and Duty of Candour Procedure.
Bullying and Harassment Procedure
Disciplinary Procedure
Grievance Procedure
Incident Reporting Procedure.

¹ For the current version of Trust procedures, please refer to the intranet.

Appendix A : Equality Analysis

Completed by	Craig de Sousa
Position	Director of HR and Corporate Governance
Date	26 November 2019

The following questions determine whether analysis is needed	Yes	No
Is it likely to affect people with particular protected characteristics differently?		X
Is it a major policy, significantly affecting how Trust services are delivered?	X	
Will the policy have a significant effect on how partner organisations operate in terms of equality?		X
Does the policy relate to functions that have been identified through engagement as being important to people with particular protected characteristics?		X
Does the policy relate to an area with known inequalities?		X
Does the policy relate to any equality objectives that have been set by the Trust?		X
Other?		X

If the answer to *all* of these questions was no, then the assessment is complete.

If the answer to *any* of the questions was yes, then undertake the following analysis:

	Yes	No	Comment
Do policy outcomes and service take-up differ between people with different protected characteristics?		X	
What are the key findings of any engagement you have undertaken?		X	
If there is a greater effect on one group, is that consistent with the policy aims?		X	
If the policy has negative effects on people sharing particular characteristics, what steps can be taken to mitigate these effects?		X	
Will the policy deliver practical benefits for certain groups?		X	
Does the policy miss opportunities to advance equality of opportunity and foster good relations?		X	

Do other policies need to change to enable this policy to be effective?		X	
Additional comments			

If one or more answers are yes, then the policy may unlawful under the Equality Act 2010 –seek advice from Human Resources.

Appendix B: A vision for raising concerns in the NHS

