

Raising a matter of Concern (Whistleblowing) Policy

NOV | 2018

Responsible Committee: Executive Leadership Team

Date Effective: November 2018

Supersedes: Whistle-blowing Policy 2012

Next Review Due: November 2019

Version: 1.0

Comments (details of changes):

1. Purpose – Why would we want you to speak up?

Speaking up about any concern you have at work is really important. In fact, it is vital because it will help us keep our patients safe and help us to improve our services. You may feel worried about raising a concern, and we understand this. But please don't be put off. SELDOC is fully committed to an open and honest culture. We will investigate what you say, and you will always have access to the support you need.

2. Aims and objectives of this policy

Having a Whistleblowing Policy (Freedom to Speak up) policy was a recommendation of the review by Sir Robert Francis into whistleblowing in the NHS, which identified awful experiences of people being met with obstruction, defensiveness and hostility when they tried to raise concerns at work. This policy has been adapted from the standard integrated policy produced by Monitor, the Trust Development Authority and NHS England for hospitals. This policy is being adopted by all NHS primary care providers in England to help ensure a consistent approach to raising concerns.

SELDOC has adopted the national policy and embedded the principles and processes detailed within this policy within our organisation.

3. What concerns can I raise?

You can raise a concern about anything you think is harming the service we deliver. Just a few examples of this might include (but are no means restricted to):

- Concerns about unsafe patient care
- Concerns about risks to patients or staff
- Unsafe working conditions
- Inadequate induction or training for staff
- A bullying culture

If you have a concern or are in doubt, then 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 affects only them – that type of concern is better suited to the Grievance Policy. The Grievance Policy is available on the shared drive or you can request a copy from HR Department.

4. 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 such a concern. Any such behaviours 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. Of course, we do not extend this assurance to someone who may maliciously raise a matter they know is untrue.

5. Confidentiality

We hope you will feel comfortable raising your concerns 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, to 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.

6. Who can raise concerns?

Anyone who is employed by or works in SELDOC, including sessional staff, agency workers, temporary workers, students and volunteers can raise concerns utilising this policy.

7. Who should I raise my concern with?

In the first instance, we hope you will feel comfortable raising your concern informally or formally with your immediate supervisor, who we hope will be able to resolve it for you.

If this does not resolve matters, or you feel it isn't possible to raise your concerns this way you can raise it formally by contacting one of the following people:

Medical Director

HR Consultant (Independent)

Chief Executive

The Freedom to Speak Up Guardian (Independent)

These people will:

- Treat your enquiry and concern confidentially unless otherwise agreed
- Ensure you receive timely support to progress your concern
- Ensure you receive timely feedback on how your concern is being dealt with
- Ensure you have access to personal support

If for any reason you don't feel able to raise your concern within the team or the named people above, or if your concern is not addressed, you can also contact your Independent Freedom to Speak Up Guardian.

Your Independent Freedom to Speak Up Guardian is:

Mrs Tina Cookson

Email: tinacookson@nhs.net Tel: 07989 284771

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, with access to anyone in the organisation, or if necessary outside the organisation.

Tina is independent of the organisation and has been given special responsibility and training in dealing with whistleblowing concerns. She will:

- Treat your enquiry and concern confidentially unless otherwise agreed
- Ensure you receive timely support to progress your concern
- Work with the organisation to raise awareness and understanding of the importance of raising concerns with no detriment to the individuals
- Ensure you receive timely feedback on how your concern is being dealt with
- Ensure you have access to personal support

You can also raise concerns formally with external bodies. These are listed in section 13 of this policy.

Reports of fraud should be made in the first instance to the Chief Executive, Mr Steven Pink if directly related to SELDOC, or to NHS Protect, contact details are <http://www.nhsbsa.nhs.uk/Protect.aspx>

8. Advice and Support

You can contact the Whistleblowing Helpline for the NHS and social care, your professional body or trade union representative for any advice and support you may need.

9. 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.

10. What will we do as an organisation?

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. We 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 the updates or feedback.

We will investigate all concerns and if necessary undertake a formal investigation and use someone suitably independent and properly trained – and we will reach a conclusion within a reasonable timescale (which we will notify you of). The investigation will be objective and evidence-based and will produce a report that focuses on 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 anti-harassment. If so, we will discuss that with you.

Any employment issues identified during the investigation will be kept separate

11. 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 to 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).

12. How will we learn from your concern?

The focus of any 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 throughout our organisation, or more widely, as appropriate. Our full 'principles of approach' can be found in Appendix 2.

13. Raising your concern with an outside body

If you do not feel you can raise your concern internally or with the Independent Guardian, or if the Guardian advises you to involve others (and will support you to do this) then you can raise your concern outside the organisation with:

- Care Quality Commission (for quality and safety concerns)
- NHS England (for concerns with medical, dental, ophthalmic, pharmaceutical services)
- Local Clinical Commissioning Group

There are also organisations known as relevant prescribed person/bodies, which includes professional regulators such as:

- General Medical Council
- Health and Care Professionals Council
- Nursing and Midwifery Council

14. Making a 'Protected Disclosure'

To be covered by Whistleblowing law when you raise your concern (to be able to claim the protection that accompanies it) you must reasonably believe two things:

- You are acting in the public interest (so your concern needs to be more than a personal grievance); and
- Your disclosure shows past, present or future wrongdoing that falls into one or more of the following categories:
 - Criminal offence
 - Failure to comply with a legal obligation
 - A miscarriage of justice
 - Danger to the health or safety of an individual
 - Damage to the environment and/or
 - Covering up the wrongdoing in the above categories

Freedom to Speak Up Process

Stage 1

Raise concerns with your immediate line manager

If this does not resolve matters, or you feel it isn't possible to raise your concerns this way you can raise it formally by contacting one of the following people.

Raise concerns with you designated lead manager for handling concerns or Head of HR

Raise concerns with your senior clinician

Raise concerns with the chief executive

Raise concerns with your local Freedom to Speak Up Guardian

The Freedom to Speak Up Guardian is an important role identified in the Freedom to Speak Up review to act as an independent and impartial source of advice to staff, with access to anyone in the organisation, or if necessary outside the organisation.

This may include:

Advice and support on more appropriate policies to follow;
Other routes required e.g. fraud, safeguarding
Advice on discussion within organisation (if stage 1 has not been completed)
External advice and support available e.g. NHS Whistleblowing Helpline, Public Concerns at Work, Union representatives

Stage 2

Initial discussion to establish most appropriate route of

Formal Investigations

Outcome of investigation

This will include a written record of your concerns which will be shred and

This will include interviewing all necessary parties

This will include a written report to be shared with all parties, formal action plan, recommendations and areas

APPENDIX 2

