

Freedom to Speak Up: Raising Concerns (Whistleblowing) Policy

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Originator/author:	Ambassador for Cultural Change
Responsible committee/individual:	Gloucestershire Care Services NHS Trust Board
Executive lead:	Director of Human Resources
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Whilst this document may be printed, the electronic version maintained on the NHS Trust Intranet is the controlled copy. Any printed copies of this document are not controlled.

It is the responsibility of every individual to ensure that they are working to the most current version of this document.

DOCUMENT CONTROL SHEET

Purpose of document:	To encourage colleagues to raise any concerns they may have about the Trust at an early stage and in a way which ensures that the Trust is able to take action to address issues if appropriate.
Dissemination:	Available on the Trust's intranet and notified via internal communication cascade.
Scope:	This policy applies to all colleagues whether they are in a permanent or temporary post, engaged on a bank or consultancy agreement, contracted through an agency or a volunteer. It applies to all areas of the organisation without exception including Gloucestershire County Council colleagues managed by the Trust.
Review:	Annual Review
This document supports:	<ul style="list-style-type: none"> ➤ NHS Constitution ➤ CQC Essential Standards ➤ NHSLA Risk Management Standards ➤ Public Interest Disclosure Act 1998 ➤ Care Quality Commission Regulation 20 – The Duty of Candour ➤ Hard Truths ➤ Freedom to Speak up ➤ Being Open
Key related documents:	<ul style="list-style-type: none"> ○ Bullying and Harassment Policy ○ Disciplinary Policy and Procedure ○ Grievance Policy and Procedure ○ Duty of Candour Policy ○ Incident Reporting Procedures ○ Counter Fraud and Corruption Policy
Equality and diversity:	An Equality impact assessment has been completed
Quality:	Not applicable
Consultation:	Executive Team Audit and Assurance Committee Joint Negotiating and Consultative Committee
Financial implications:	Not applicable

CONTROL SHEET

Date	Author /Editor	Summary of Changes	Version No
April 2013	Tina Ricketts	First version of Policy for Gloucestershire Care Services NHS Trust	1
April 2013	Tina Ricketts	Updated Policy to include revisions requested at Board meeting on 9 th April 2013	2
November 2013	Tina Ricketts	Updated Policy to include revisions to employment legislation, change in contact details to refer to job titles, additional option to contact any member of the executive team and the introduction of a dedicated e-mail address.	3
September 2014	Tina Ricketts	Updated policy in light of the report to the Audit & Assurance Committee which reviewed the cases that had been raised under this policy during 2013/14.	4
October 2014	Tina Ricketts	Amendments made to section 6 following comments received at the Audit & Assurance Committee on 6 th October 2014.	5
March 2015	Tina Ricketts	Amendments made in response to the Freedom to Speak Up Report	6
May 2015	Tina Ricketts	Amendments to reflect feedback Audit and Assurance Committee, Executive Team and to reflect introduction of Duty of Candour	7
October 2015	Tina Ricketts	Amendments to reflect changes in Director of Nursing and access to confidential email account.	8
July 2016	Sonia Pearcey	Updated policy in response to the review by Sir Robert Francis Freedom to speak up (2015), as a standard integrated policy nationally produced by NHS Improvement and NHS England April 2016.	9

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1. INTRODUCTION

- 1.1 Gloucestershire Care Services NHS Trust (hereafter referred to as 'the Trust') is committed to delivering high quality services and in conducting its business with honesty, openness, candour and integrity promoting a culture of openness in which all colleagues are encouraged to raise concerns without fear of reprisal and victimisation. This policy was reviewed in response to the independent 'Freedom to Speak Up' review 2015, led by Sir Robert Francis QC, and highlights the Trust's commitment to fostering a culture of safety and learning in which all colleagues feel safe and supported to raise a concern.

2. POLICY STATEMENT

- 2.1 The Board and Executive Team are committed through this policy to foster a culture of safety and learning where colleagues feel safe to raise a concern.

- 2.2 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, services users and the working environment for our colleagues.

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 investigate what you say and you will always have access to the support you need.

3. PURPOSE

- 3.1 This 'standard integrated policy' was one of a number of recommendations of the independent ('freedom to speak up') review by Sir Robert Francis QC into whistleblowing in the NHS. This policy (produced by NHS improvement and NHS England) is being adopted by all NHS organisations in England to help normalise the raising of concerns for the benefit of all patients.

Our local process has been integrated into the policy and adheres to the principles of this policy, and provides more detail about how we will look into a concern.

4. SCOPE

- 4.1 **Who can raise concerns?**

This policy applies to all colleagues employed by the Trust to include in a permanent or temporary post, engaged on a bank agreement, and those holding honorary contracts, agency / contract or locum workers,

students, secondees or volunteers. It applies to all areas of the organisation without exception.

Colleagues who are employed by Gloucestershire County Council but work within the Integrated Community Teams will be able to use this policy if their concerns related to the business of the Trust. However if the concerns relate to Gloucestershire County Council business they will be passed onto the appropriate officer within the Council.

4.2 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 colleagues
- lack of, or poor, response to a reported patient safety incident
- a bullying culture
- Suspected fraud including improper use of public funds or other funds
- Incidents of suspected corruption and or bribery
- Abuse of Position
- Where a criminal offence is being or likely to be committed

Remember that if you are a healthcare professional you 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.

If your concern is a personal complaint about your employment that affects only you, rather than a concern about something that affects others, then you may wish to raise a grievance using our [grievance policy](#). Again, if you are in doubt raise it in accordance with this policy and you will be supported to establish the most appropriate route.

If colleagues have concerns or are aggrieved about a matter that does not relate to the areas above they should refer to the Trust's Grievance Policy or the Bullying and Harassment Policy which are available on the intranet under Human Resources Policies or seek guidance from the Human Resources Department.

4.3 Who should I raise my concerns with?

In many circumstances the easiest way to get your concern resolved will be to raise it with your line manager (or lead clinician or tutor). If raising it with your line manager (or lead clinician or tutor) does not resolve matters or where you don't feel able to raise it with them, you can contact one of the following designated persons:

- our Freedom to Speak Up Guardian, Sonia Pearcey freedomtospeakup@glos-care.nhs.uk / 07964 250579. In her absence the Head of OD will be in support. An important role identified in the Freedom to Speak Up review to act as an independent and impartial source of advice to colleagues at any stage of raising a concern, with access to anyone in the organisation, or if necessary, outside the organisation.
- our Chief Executive Officer, Katie Norton katie.norton@glos-care.nhs.uk / 07791 229192 . Only the Chief Executive and his Executive Assistant have access to this e-mail account.
- our Director of Human Resources, Tina Ricketts tina.ricketts@glos-care.nhs.uk 07717 225790. It should be noted that other people (such as PA or admin support) will have access to this email.
- our Chair, Ingrid Barker ingrid.barker@glos-care.nhs.uk. Only the Chair and her Executive Assistant have access to this e-mail account. Please note the Chair may not access this e-mail address on a daily basis. Therefore, if your concern is urgent please contact our Freedom to Speak Up Guardian or Care First helpline.
- our Non-Executive Director with responsibility for raising concerns, Jan Marriott 07917 633484.

If for any reason you do not feel comfortable raising your concern internally, you can also raise concerns formally with external bodies (Appendix 1). You can also contact a dedicated Freephone number **0800 484 0816** that is provided by an external contractor, **Care First**, or your **union** representative.

- #### 4.4
- Section 21 of the NHS Agenda for Change Terms and conditions of Service Handbook confirms that all workers have both a contractual right and duty to raise genuine concerns they may have with their employer about malpractice, patient safety, financial impropriety or any serious risk that they consider to be in the public interest. Workers making a disclosure in the interests of the public under this policy have legal rights to protection from victimisation if they reasonably believe that the information is substantially true and they reasonably believe they are making the disclosure to the right Designated Officers, this is called the Public Interest Disclosure Act 1998 (PIDA).

5. PRINCIPLES

5.1 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 suffer 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.

5.2 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.

5.3 How should I raise my concern?

You can raise your concerns 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.

5.4 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 (Appendix 2).

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

5.5 Investigation

Where you have been unable to resolve the matter (usually within a few days) with your line manager or an appropriate person, we will carry out a proportionate investigation, using someone suitably independent (usually from a different part of the organisation) and 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 culminate in a production of a report that focuses on learning lessons to prevent problems recurring.

We may decide that your concern would be better reviewed under another process; for example, our process for dealing with bullying and harassment. If so, we will discuss that with you.

Any employment issues identified during the investigation will be kept separate.

5.6 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).

5.7 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.

5.8 Board oversight

The Board will be given high level information about all concerns raised by our colleagues 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 colleagues raising concerns and wants you to feel free to speak up.

5.9 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’ as set out in Annex 1, 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.

6. ROLES AND RESPONSIBILITIES

6.1 All colleagues

All colleagues have a responsibility to read and understand this policy and to support the principles set out within it so that individuals are always supported to raise concerns and to feel free to speak up.

6.2 Human Resources team

Advising managers and colleagues on the application of the policy

6.3 All managers/clinical leaders

Managers and clinical leaders are key to developing a culture of safety and learning in which all colleagues feel safe to raise a concern to deal with all such concerns effectively in line with this policy.

6.4 Freedom to Speak Up Guardian

The Freedom to Speak up Guardian is responsible for nurturing a culture of openness and transparency, by acting as an independent and impartial source of advice to colleagues at any stage of raising a concern, with access to anyone in the organisation, or if necessary outside the organisation.

6.5 Executive Team

As recommended by the independent freedom to speak up review, the best evidence suggests that a good safety culture is most successfully embedded in organisations where responsibility and accountability for local policy and procedures for raising concerns sit with the executive team. The executive team is therefore responsible for ensuring this policy is properly applied.

6.6 Director of Human Resources

The director of human resources is the executive-lead, and responsible for implementation and review of this policy.

6.7 Chief Executive Officer

The chief executive is responsible for reviewing all concerns escalated to him in accordance with the procedure and, with the director of human resources, for regularly reviewing all concerns that have been formally recorded, to ensure local procedures are effective, and to identify areas for improvement.

6.8 Board of Directors

The board will consider annually (and by exception when necessary) a report covering the concerns raised under this policy and the learning outcomes.

7 PROCEDURE

Freedom to Speak Up Flowchart [See Appendix 3]

8 MONITORING, COMPLIANCE AND REVIEW

- 8.1 This national policy has been adopted by the Trust, in response to the review by Sir Robert Francis Freedom to speak up (2015), as a standard integrated policy nationally produced by NHS Improvement and NHS England.
- 8.2 The Board will be responsible for auditing the effectiveness of this policy. The policy will be monitored and activity under this policy will be reported through the Audit & Assurance Committee.
- 8.3 Additionally the Freedom to Speak Up Guardian will provide updates on concerns raised with outcomes achieved through the Clinical Reference Group and Workforce and Organisational Development Committee. To ensure confidentiality and to protect the identity of colleagues, reports will include a case number, concern raised and outcome.
- 8.4 This policy will be reviewed every 12 months or earlier on the request of either the organisation or staff side.

External Bodies and further help (not exhaustive)

- NHS Improvement <https://improvement.nhs.uk/contact-us/>
- NHS England <https://www.england.nhs.uk/contact-us/>
- Health Education England <https://www.hee.nhs.uk/about-us/contact-us>
- NHS Protect <http://www.nhsbsa.nhs.uk/3350.aspx>
- Care Quality Commission confidential number telephone number 0300 061 6161
- Serious Fraud Office, HM Revenue & Customs-email confidential@sfo.gsi.gov.uk
- NHS Counter Fraud Line (telephone number 0800 028 4060)
www.reportnhsfraud.nhs local contact number 01452 318826
- Department of Health, Richmond House, 79 Whitehall, London SW1A 2NS
dhmail@dh.gsi.gov.uk 0207 210 4850
- Health & Safety Executive www.hse.gov.uk
- Environmental Agency
<https://www.gov.uk/government/organisations/environment-agency>
- Charities Commission
<https://www.gov.uk/government/organisations/charity-commission>
- Occupational Pensions Regulatory Authority
<http://www.thepensionsregulator.gov.uk/>

Independent Advice and Support

- Trade Union
- Health and Social Care Whistleblowing Helpline on 0800 072 4725 or by email
www.wbhelpline.org.uk
- Public Concern at Work on 0207 404 6609 or by email helpline@pcaw.co.uk

Further Help

- Human Resources Department - 0300 421 6183
- Occupational Health Department - 01452 894480

‘A vision for raising concerns in the NHS’

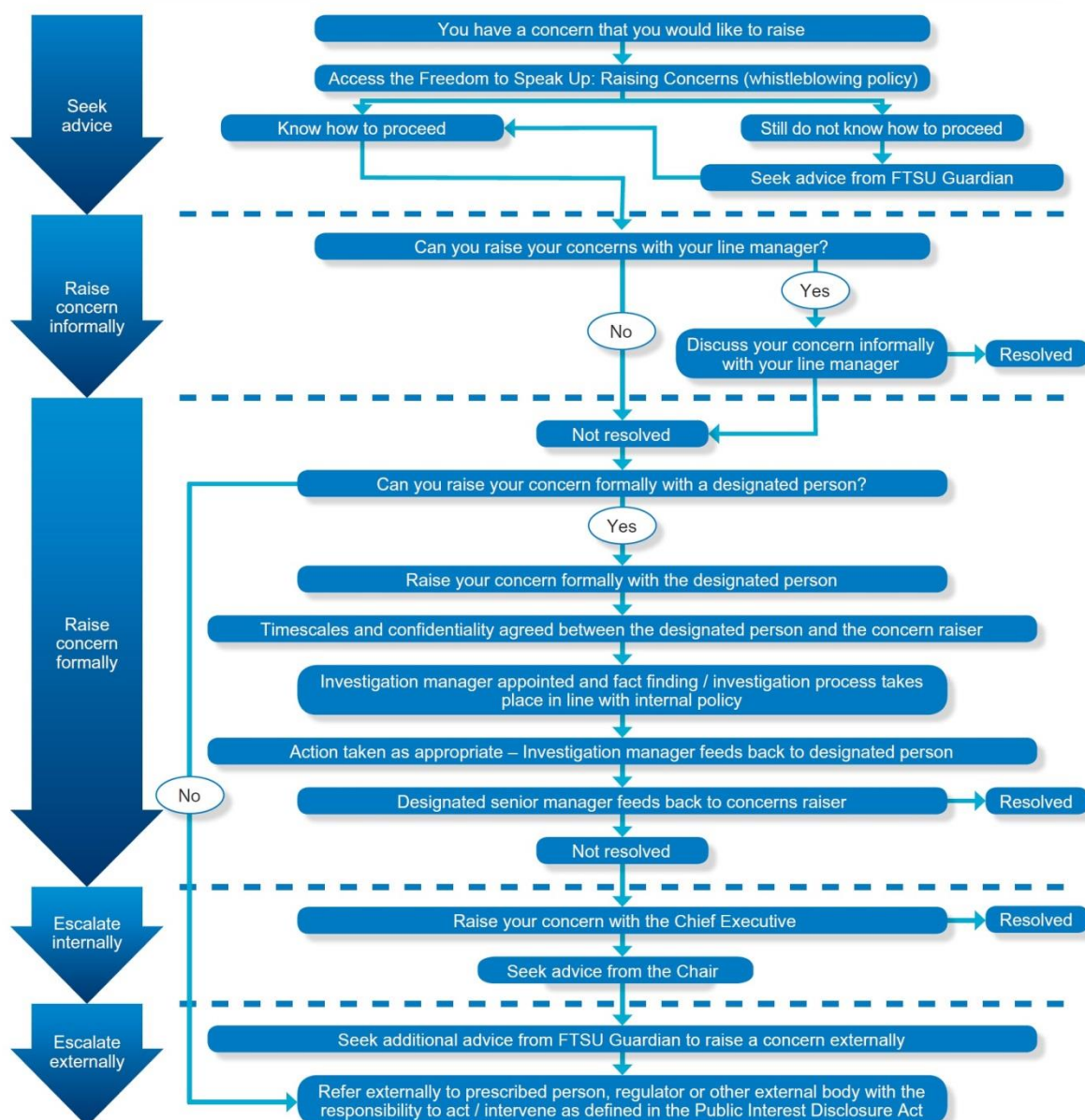


Source: Sir Robert Francis QC (2015) Freedom to Speak Up: an independent report into creating an open and honest reporting culture in the NHS

Freedom to Speak Up Flowchart

Gloucestershire Care Services **NHS**
NHS Trust

You should seek to highlight your concern informally where possible. Advice and support is available throughout this process. You can contact your Freedom to Speak up Guardian (FTSU) 07964250579, trade union, HR, professional regulator, professional body or, alternatively, independent advice can be sought through the National Whistleblowing Helpline on 0800 072 4725



Raising a public interest (whistleblowing) concern.

A public interest concern may include where:

- someone's health and / or safety has been put in danger because of an action or inaction;
- damage has been caused to the environment;
- a criminal offence has been committed;
- an employer fails to obey the law (such as not having appropriate insurance);
- a malpractice or wrong-doing has been covered up.