

<p>Taunton and Somerset  NHS Foundation Trust</p>	<p>Policy</p>
<p>Title: Freedom to speak up: raising concerns (whistleblowing) policy for the NHS</p>	
<p>Keywords – raising concerns, whistleblowing, freedom to speak up, guardian</p>	
<p>Author(s): NHS Improvement, Kirstie Lord, Head of Engagement</p>	
<p>Document Lead: Isobel Clements, Director of People</p>	
<p>Accepted by: Operational Partnership Forum Ratified by: Policy Review Group</p>	<p>Active date: 7th April 2017</p>
<p>Ratification date: 7th April 2017 (minor amendment 18.12.17)</p>	<p>Review date: 7th April 2020</p>
<p>Applies to: All colleagues</p>	<p>Exclusions: None</p>
<p>Purpose: To set out a clear integrated process for colleagues in the NHS to raise concerns and improve the experience of those raising a concern.</p>	
<p>VERSION CONTROL - This document can only be considered current when viewed via the Policies and Guidance database via the Trust intranet. If this document is printed or saved to another location, you are advised to check that the version you use remains current and valid, with reference to the active date.</p>	

Key points:

- This policy has been developed by NHS Improvement to act as the single integrated policy for raising concerns across the NHS.
- Speaking up is vital to ensure we improve our services for all patients and the working environment for all colleagues.
- Anyone can raise a concern about risk, malpractice or wrongdoing.
- There are a number of routes colleagues can take to raise their concern to enable them to raise it quickly and easily.
- This document is based on a national guideline template and is not in the usual Trust format



NHS Improvement
NHS England

Freedom to speak up: raising concerns (whistleblowing) policy for the NHS

April 2016



Contents

Speak up – we will listen	4
This policy	4
What concerns can I raise?	5
Feel safe to raise your concern	5
Confidentiality	5
Who can raise concerns?	6
Who should I raise my concern with?	6
Advice and support.....	7
How should I raise my concern?	7
What will we do?.....	7
Raising your concern with an outside body	8
Annex A: Process for raising and escalating a concern.....	10
Annex B: A vision for raising concerns in the NHS	12

1. 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.

2. 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.

Our local process has been integrated into this policy and more detail about how we will look into a concern is set out in annex A.

3. 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 (which can also be reported to our local counter-fraud team Aimee Newton via email: Aimee.Newton@sompar.nhs.uk or telephone: 07867 526312 or 01935 384106)
- 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 which can be [accessed here](#).

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 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. 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.

6. 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.

7. 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).¹ 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/teams:²

- our Freedom to Speak Up Guardians - Kerry Coles, kerry.coles@tst.nhs.uk and Lucy Chambers, lucy.chambers@tst.nhs.uk – 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
- our people services team – contact details are on the intranet page [here](#);
- governance support unit – contact details available [here](#);
- counter fraud team; [Aimee Newton, Counter Fraud Manager](#)

Tel: 07867 526312 or 01935 384106. Wynford House, Yeovil, Somerset

Aimee.Newton@sompar.nhs.uk

¹ The difference between raising your concern formally and informally is explained in our local process. In due course NHS England and NHS Improvement will consider how recording could be consistent nationally, with a view to a national reporting system.

² Annex A sets out an example of how a local process might demonstrate how a concern might be escalated.

- safety ambassador – see the intranet page for up to date contact details [here](#)

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

- our executive director with responsibility for whistleblowing: Hayley Peters, Director of Patient Care
- our non-executive director with responsibility for whistleblowing Stephen Harrison.

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

If for any reason you do not feel comfortable raising your concern internally, you can raise concerns with external bodies, listed on page 7.

8. Advice and support

Details on the local support available to you can be found [here](#). However, you can also contact the [Whistleblowing Helpline](#) for the NHS and social care, your professional body or trade union representative.

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?

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 incident³). 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.

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.

11. Raising your concern with an outside body

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

- [NHS Improvement](#) for concerns about:

³ If your concern suggests a Serious Incident has occurred, an investigation will be carried out in accordance with the [Serious Incident Framework](#).

- 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 Counter Fraud Authority](#) for concerns about fraud and corruption.

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 7, 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.

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:

Kerry Coles: Kerry.coles@tst.nhs.uk

Lucy Chambers: lucy.chambers@tst.nhs.uk

These colleagues have 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 any member of the board, including the director of patient care, medical director and non-executive directors. In addition you can speak to any member of the people services team, governance support unit, safety ambassadors and trade union representatives.

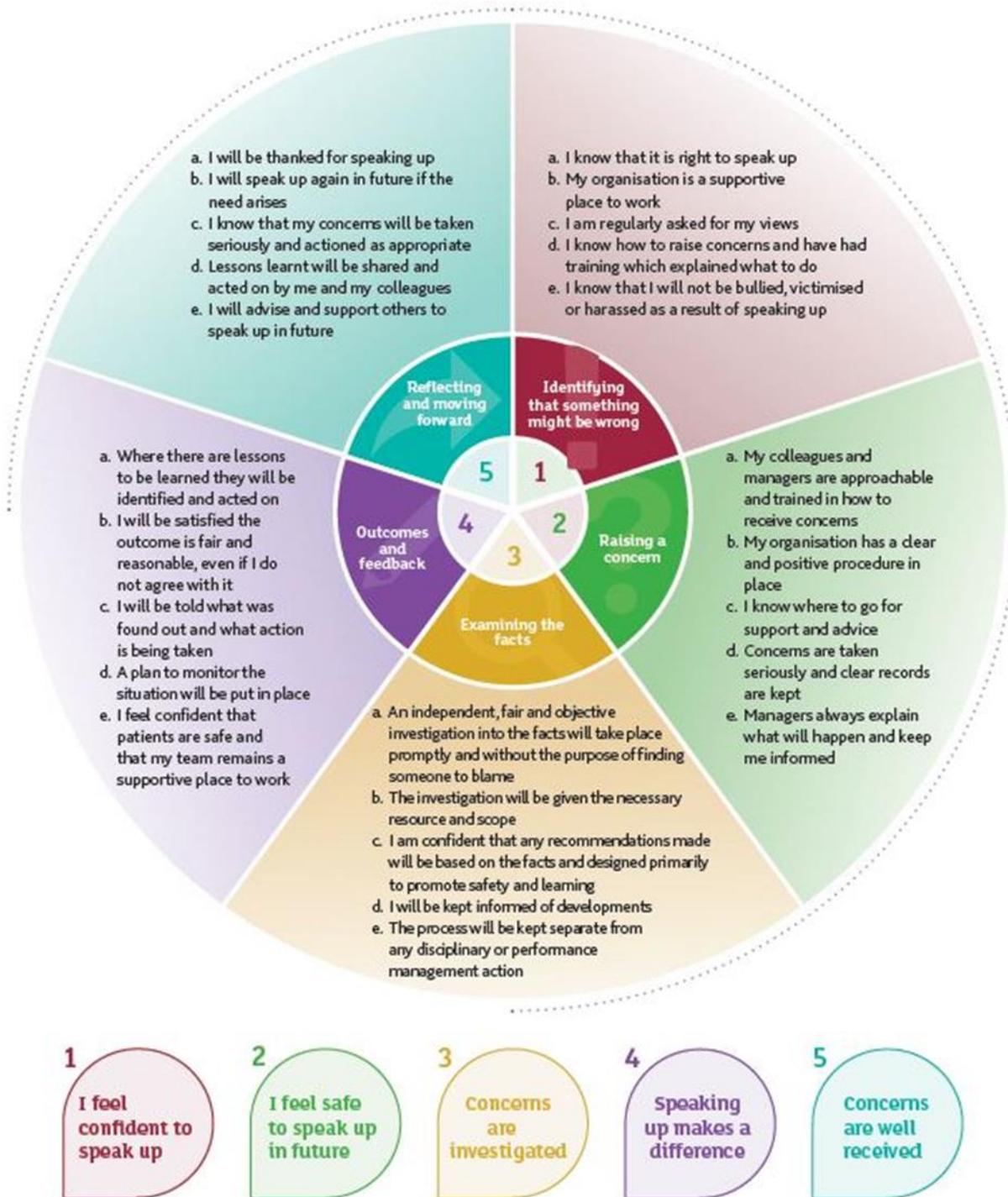
Step four

You can raise concerns formally with external bodies:

- National whistleblowing helpline: 08000724725 www.wbhelpline.org.uk

- Public concern at work: 02074046609 whistle@pcaw.org.uk
Public Concern at Work is an independent authority which seeks to ensure that concerns about malpractice are properly raised and addressed in the workplace.
- The Health and Safety Executive (HSE): 01519 514000 www.hse.gov.uk
The HSE is the national independent watchdog for work-related health, safety and illness. It is an independent regulator and act in the public interest to reduce work-related death and serious injury across Great Britain's workplaces.
- General Medical Council: 0161 923 6602 www.gmc-uk.org
- Health and Care Professions Council: 0845 300 6184 www.hpc-uk.org
- Nursing and Midwifery Council: 020 7637 7181 www.nmc-uk.org
- Royal College of Nursing: 0345772 6300 www.rcn.org.uk/raisingconcerns
- Royal College of Midwives: 020 7312 3532 www.rcm.org.uk
- Unison: 0845 355 0845 www.unison.org.uk
- Unite: 020 7611 2500 www.unitetheunion.org
- [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 Counter Fraud Authority](#) for concerns about fraud and corruption.

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*.



**NHS Improvement
NHS England**

Contact us

NHS Improvement
Wellington House
133-155 Waterloo Road
London
SE1 8UG

T: 020 3747 0000
E: nhsi.enquiries@nhs.net
W: improvement.nhs.uk

NHS Improvement is the operational name for the organisation that brings together Monitor, NHS Trust Development Authority, Patient Safety, the National Reporting and Learning System, the Advancing Change Team and the Intensive Support Teams.

This publication can be made available in a number of other formats on request.

© NHS Improvement (April 2016) Publication code: Policy 01/16
Publications Gateway Reference: 04877

Policy performance monitoring framework

Element of policy for monitoring	Policy section	Monitoring method - Information source (e.g. audit)/ Measure / performance standard	Item Lead	Monitoring frequency / reporting frequency and route	Arrangements for responding to shortcomings and tracking delivery of planned actions
<i>Hold a central record of all concerns raised</i>	10	Review through the people governance committee all concerns raised, ensuring all required information is recorded on the HR monitoring databased	Topic lead	6 monthly review of previous 6 months reported through the people governance committee	People governance committee to be responsible for ensuring assurance of process and agreeing actions required if deemed insufficient.
<i>Investigate complaints</i>	10	An annual audit of 10% of complaints will be carried out to assess the effectiveness and appropriateness of the investigation that took place.	Topic lead / freedom to speak up guardian	Annual audit to be monitored through the people governance committee	People governance committee to be responsible for ensuring assurance of process and agreeing actions required if deemed insufficient.