

Freedom to speak up: raising concerns (whistleblowing) policy

Reader Information

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Version Control

Version number	Approval / Amendments made	Date (Month Year)
Version 1	Former CCG Whistleblowing Policy has been updated to include the National NHS England Whistleblowing Policy published in 2016	June 2016
Version 2	Update the following further review of guidance. List of prescribed bodies updated	October 2018
Version 3	Update para. 32 – who can raise concerns. EIA undertaken.	January 2019

DOCUMENT STATUS:

This is a controlled document. Whilst this document may be printed, the electronic version posted on the intranet is the controlled copy. Any printed copies of the document are not controlled.

RELATED DOCUMENTS:

This document will reference additional policies and procedures which will provide additional information

ALTERNATIVE FORMATS:

All East Leicestershire and Rutland CCG policies can be provided in large print or Braille formats upon request. An interpreting service, including sign language, is also available.

Content

Equality Impact Statement	4
Policy Statement	4
Scope of the Policy.....	4
Speak up – we will listen	4
This policy	6
What concerns can I raise?	7
Feel safe to raise your concern	7
Confidentiality.....	7
Who can raise concerns?	8
Who should I raise my concern with?.....	8
Advice and support.....	8
How should I raise my concern?	9
What will we do?	9
Raising your concern with an outside body	11
Annex A: Example process for raising and escalating a concern.....	13
Annex B: A vision for raising concerns in the NHS.....	14
Annex C: Extract from Whistleblowing; List of prescribed people and bodies	14

Equality Impact Statement

The organisation is committed to promoting equality in all its responsibilities – as commissioner of services, as a provider of services, as a partner in the local economy and as an employer. This policy will contribute to ensuring that all users and potential users of services and employees are treated fairly and respectfully with regard to the protected characteristics of age, disability, gender, reassignment, marriage or civil partnership, pregnancy and maternity, race, religion, sex and sexual orientation. A copy of the full Equality Impact Assessment is available on request.

Policy Statement

Speak up – we will listen

1. 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.
2. 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 Governing Body 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.

Scope of the Policy

3. This policy applies to those members of staff that are directly employed by the CCG and all other categories of worker authorised to undertake work on behalf of the CCG.
4. This policy does not form part of an employee's contract of employment or any type of contractual or non-contractual relationship with any individual authorised to undertake work on behalf of the CCG.
5. This policy incorporates NHS England's Freedom to speak up: raising concerns (whistleblowing) policy for the NHS (April 2016).

Legal Compliance

6. This policy is based on the NHS England Freedom to speak up: raising concerns (whistleblowing) policy for the NHS (April 2016) which incorporates the Public Interest Disclosure Act (1998)

Due Regard

7. The CCG aims to design and implement services, policies and measures that meet the diverse needs of our service, population and workforce, ensuring that none are placed at a disadvantage over others.
8. All policies and procedures are developed in line with the CCG Equality and Diversity Policy and need to consider the diverse needs of the community that is served. The CCG will endeavour to make sure this policy supports its diverse

workforce look after the information the organisation needs to conduct its business. It will also endeavour to make sure that this information is protected on behalf of patients regardless of race, social exclusion, gender, disability, age, sexual orientation or religion/belief. Where it is identified that statements in this policy have an adverse impact for particular equality groups this will be raised with the Senior Information Risk Owner and within the Head of Corporate Governance and Legal Affairs and solutions sought.

Accountability, responsibilities and training

9. Overall accountability across the organisation lies with the Managing Director. The Senior Responsible Officer for whistleblowing is the Chief Nurse.

Line Managers

10. Line managers will take responsibility for ensuring that this policy is implemented within their group or directorate.

All Staff

11. Staff are responsible as follows:
 - It is the responsibility of each employee to adhere to the policy;
 - Staff will receive instruction and direction regarding the policy from a number of sources:
 - Policy document;
 - Line manager;
 - Policy training;
 - Other communication methods, for example, team meetings; and shared staff folders.

Monitoring and review

12. Performance against key performance indicators, i.e. the NHS Staff Survey will be reviewed on an annual basis and used to inform the development of future procedural documents.
13. This policy will be reviewed every two years, and in accordance with the following on an as and when required basis:
 - Legislative changes;
 - Good practice guidance;
 - Case law;
 - Significant incidents reported;
 - New vulnerabilities;
 - Changes to organisational infrastructure;
 - Further updates from NHS England.

Training Plans

14. Appropriate training will be provided to staff as necessary and reported to the Integrated Governance Committee.

Distribution and Implementation

15. Staff will be made aware of the policy and any updates as they occur via team briefs, team meetings and notification via the CCG staff intranet.

References

16. Whistleblowing: list of prescribed people and bodies, Department for Business, Energy & Industrial Strategy (Updated 1 October 2017) <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies>
17. Freedom to speak up: raising concerns (whistleblowing) policy for the NHS, NHS England (April 2016) https://improvement.nhs.uk/uploads/documents/whistleblowing_policy_30march.pdf

This policy

18. A 'standard integrated policy' for Whistleblowing 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 was expected that the NHS England policy (produced by NHS Improvement and NHS England) which was published in April 2016 would 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 and staff.
19. This local policy is based on NHS England's standard integrated policy and incorporates the ELR CCG local processes. It adheres to the principles of the NHS England policy and provides more detail about how we will look into a concern.
20. The CCG is committed to achieving and maintaining high standards with regard to behaviour at work, service to the public and in all its working practices and all staff are expected to conduct themselves in accordance with our values which are shown below:



One Team



Integrity



Patient -
centred



Ownership



Excellence

21. The CCG seeks to develop a culture that encourages the challenge of inappropriate behaviour at all levels. To achieve this goal, the CCG encourages staff to report genuine concerns without fear of reprisal or victimisation.
22. The CCG will not tolerate harassment or victimisation of a genuine whistle-blower and will treat such conduct seriously including the application of disciplinary procedures against the perpetrators of such actions.

What concerns can I raise?

23. You can raise a concern about risk, malpractice or wrongdoing you think is harming the services we commission. 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 the CCGs local counter-fraud team: counterfraud@emias.nhs.uk);
 - A bullying culture (across a team or organisation rather than individual instances of bullying).
24. For further examples, please see the Health Education England video which can be found at: <https://www.hee.nhs.uk/our-work/hospitals-primary-community-care/learning-be-safer/raising-responding-concerns>
25. Remember that if you are a healthcare professional you may have a professional duty to report a concern. If in doubt, please raise it.
26. 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.
27. This policy is not for people with concerns about their employment that affect only them – this type of concern is better suited to the **ELR CCG Grievance Policy**. Similarly, if you feel that you have been bullied, victimised or harassed this will be better dealt with using the **ELR CCG Harassment and Bullying Policy**. Both policies can be found on the ELR CCG shared drive, in the EVERYONE folder in Workforce Policies.

Feel safe to raise your concern

28. 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.
29. Provided you are acting honestly, it does not matter if you are mistaken or if there is an innocent explanation for your concerns.

Confidentiality

30. 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.

31. If the situation arises where a concern cannot be resolved without revealing an identity (for instance because evidence is needed in court), this will first be discussed with the person raising the concern.

Who can raise concerns?

32. Any member of staff that is directly employed by the CCG and all other categories of worker authorised to undertake work on behalf of the CCG; this includes agency workers, temporary workers, students, volunteers and lay members.

Who should I raise my concern with?

33. 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). 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.
34. If raising it with your line manager (or lead clinician) does not resolve matters, or you do not feel able to raise it with them, you can contact one of the following people who will be able to resolve or advise appropriately where you can access further information or support:
 - Independent Lay Member (Warwick Kendrick);
 - Accountable Officer;
 - Clinical Vice Chair;
 - Chief Nurse;
 - Head of HR or HR Business Partner.
35. If you still remain concerned after this, you can contact:
 - Our executive director with responsibility for whistleblowing Chief Nurse.
36. It is hoped that you would feel comfortable to raise your concern internally. However if for any reason this is not the case, you can raise concerns with the external bodies detailed in Annex C.

Advice and support

37. Details on the local support available to you can be found [here](#).
38. The key contact details for support are:
 - The CCG's occupational health provider is;
Team Prevent UK
First Floor Steadings Barn
Pury Hill Business Park
Nr. Alderton, Towcester

Northamptonshire
NN12 7LS
Tel: 01327 810773
Email: m&lcsu@teamprevent.co.uk
Web: www.teampreventwellbeing.co.uk

- Employee assistance programme **Care First** which provides confidential impartial advice and support 24 hours per day, 365 days per Year. The service is free to access whenever you need. You don't need prior approval from your manager or the CCG before contacting Care First
- To access the service, call: 0800 174319
- Or visit www.carefirst-lifestyle.co.uk
 - To access online services you will require a username and password.
 - User name: mlc001
 - Password: shire1234

39. You can also contact:

- The National Whistleblowing Helpline for the NHS and social care on 0800 072 4725 www.wbhelpline.org.uk;
- Your professional body or trade union representative

How should I raise my concern?

40. You can raise your concerns with any of the people listed above in person, by phone or in writing (including email) or as instructed on the organisation's website.
41. 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?

42. 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).
43. 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 CCG will keep a central record of any concern raised, noting 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

44. 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 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.

45. The individual reporting the concern will be advised if requesting anonymity that this cannot be guaranteed in all instances. They may be asked how they think the matter might best be resolved. If they have any personal interest in the matter they will be asked to make this known at the outset.
46. 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 this with you.
47. Any concerns or suspicions relating to fraud or corruption including bribery can be referred directly to the Local Counter Fraud Specialist (LCFS) or the CCGs Chief Finance Officer. Such concerns and suspicions will be investigated by the LCFS. Contact details can be found in Annex A.
48. Suspicions or concerns about fraud can also be made to NHS Protect:
 - The NHS Fraud and Corruption Reporting Line – 0800 028 4060 or on line at www.reportnhsfraud.nhs.uk
49. If your concern suggests a Serious Incident has occurred, an investigation will be carried out in accordance with the [Serious Incident Framework](#).
50. Any employment issues (that affect only you and not others) identified during the investigation will be considered separately.

Communicating with you

51. 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?

52. The focus of the investigation will be on improving the service we provide for patients and the wellbeing of our staff. 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.

Governing Body oversight

53. The Governing Body will be given high level information about any concerns raised by any individual through this policy and what we are doing to address any problems. We have included similar high-level information in our annual report from 2017. The Governing Body supports staff raising concerns and wants you to feel free to speak up.

Review

54. 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

55. Alternatively, 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.
- NSPCC Whistleblowing Advice Line:
 - If your concern relates to the way child protection issues are handled by our organisation, call 0800 028 0285; or
 - Email: www.nspcc.org.uk/what-you-can-do/report-abuse/dedicated-helplines/whistleblowing-advice-line/
- Care Quality Commission for quality and safety concerns:
 - Tel: 0300 061 6161;
 - Email: www.cqc.org.uk
- NHS England for concerns about:
 - Primary medical services (general practice);
 - Primary dental services;
 - Primary ophthalmic services;
 - Local pharmaceutical services;
 - Tel: 0300 311 2233
 - Email: england.contactus@nhs.net
- Health Education England for education and training in the NHS
 - <https://hee.nhs.uk/>
- NHS Protect for concerns about fraud and corruption.

Making a 'protected disclosure'

56. 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, 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, or a legal representative.

National Guardian Freedom to Speak Up

57. 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: Example 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. This may be done orally or in writing.

Step two

If you feel unable to raise the matter with your line manager or lead clinician, for whatever reason, please raise the matter with our:

- Independent Lay Member - Audit Chair;
- Accountable Officer;
- Clinical Vice Chair;
- Chief Nurse;
- Head of HR or HR Business Partner.

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 the Chief Nurse

Step four

You can raise concerns formally with external bodies, see Annexe C.

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*.

Annex C: Extract from Whistleblowing; List of prescribed people and bodies (October 2018)

Care Quality Commission

Contact them about matters relating to the provision of health and social care.

CQC National Customer Service Centre
Citygate
Gallowgate
Newcastle upon Tyne
NE1 4PA

Tel: 03000 616161

Website: www.cqc.org.uk

Healthwatch England¹

Healthwatch England
151 Buckingham Palace Road
London
SW1W 9SZ

Email: enquiries@healthwatch.co.uk

Tel: 0300 068 3000 (Monday to Friday, 8:30am to 5:30pm)

Website: www.healthwatch.co.uk

National Guardian's Office

Contact them about matters concerning the freedom to speak up arrangements and cultures at NHS trusts and foundation trusts, including where cases of issues raised by workers may not have been handled in accordance with good practice.

National Guardian's Office
151 Buckingham Palace Road
London
SW1W 9SZ

Tel: 0300 067 9000 (Monday to Friday, 8:30am to 5:30pm)

Email: casereviews@nationalguardianoffice.org.uk

Website: www.cqc.org.uk/national-guardians-office/content/national-guardians-office

General Chiropractic Council

Contact them about matters relating to the registration and fitness to practise of a member of a profession regulated by the General Chiropractic Council.

General Chiropractic Council
44 Wicklow Street
London
WC1X 9HL

Tel: 020 7713 5155

Fax: 020 7713 5844

Email: regulation@gcc-uk.org

Online complaint form: www.gcc-uk.org/concerns/online-complaint-form/

General Dental Council

Contact them about matters relating to the registration and fitness to practise of a member of a profession regulated by the General Dental Council.

Fitness to Practise Team
General Dental Council
37 Wimpole Street
London
W1G 8DQ

Tel: 0207 167 6000

Email: fitnesstopractise@gdc-uk.org

Online enquiry/complaint form: contactus.gdc-uk.org/

Website: www.gdc-uk.org

General Medical Council

Contact them about matters relating to: (i) the registration and fitness to practise of a member of a profession regulated by the General Medical Council; and (ii) any activities not covered by (i) in relation to which the Council has functions.

General Medical Council
Fitness to Practise Directorate
3 Hardman Street
Manchester
M3 3AW

Tel: 0161 923 6399

Online complaints form: www.gmc-uk.org

General Optical Council

Contact them about matters relating to the registration and fitness to practise of a member of a profession regulated by the General Optical Council.

Compliance Manager
General Optical Council
10 Old Bailey
London
EC4M 7NG

Tel: 0207 580 3898

Email: concerns@optical.org

Website: www.optical.org/en/Investigating_complaints/raising-concerns.cfm

Osteopathic Council

Contact them about matters relating to the registration and fitness to practise of a member of a profession regulated by the General Osteopathic Council.

Osteopathic Council
Osteopathy House
176 Tower Bridge Road
London
SE1 3LU

Tel: 0207 357 6655

Fax: 0207 357 0011

Email: regulation@osteopathy.org.uk

General Pharmaceutical Council

Contact them about matters relating to: the registration and fitness to practise of a member of a profession regulated by the council; regulated activities at or from pharmacy premises registered by the council. any other activities in relation to which the council has functions

Concerns

General Pharmaceutical Council
25 Canada Square
London
E14 5LQ

Tel: 0203 713 8000

Email: concerns@pharmacyregulation.org

Website: www.pharmacyregulation.org/raising-concerns

Health and Care Professions Council

Contact them about matters relating to the registration and fitness to practise of health and care professional.

Health and Care Professions Council
Park House
184 Kennington Park Road
London
SE11 8BU

Tel: 0845 300 6184

Website: www.hpc-uk.org

Health Education England

Contact them about matters relating to the education and training for health care workers and ensuring sufficient skilled and trained health care workers are available for the delivery of services.

Health Education England
1st Floor, Blenheim House
Duncombe Street
Leeds
LS1 4PL

Website: <http://hee.nhs.uk/>

Local Education and Training Boards (LETBs)²

LETBs are committees of Health Education England (HEE). There are 13 LETBs across England.

Website: <http://hee.nhs.uk/about/our-letbs/>

Monitor (also known as NHS Improvement)

Contact them about the regulation and performance of NHS foundation trusts and any other activities in relation to which Monitor exercises its functions.

NHS Improvement

Wellington House
133-135 Waterloo Road
London
SE1 8UG

Tel: 0203 747 0900

Email: enquiries@improvement.nhs.uk

Website: www.improvement.nhs.uk

National Health Service Commissioning Board (also known as NHS England)

Contact them about matters relating to the delivery of primary medical, dental, ophthalmic and pharmaceutical services in England.

NHS England
PO Box 16738
Redditch
B97 9PT

Tel: 0300 311 2233

Email: england.contactus@nhs.net

NHS Business Services Authority

Contact them about: the performance of services intended to monitor and take action on fraud, corruption or other unlawful activity in relation to the health service in England; and the delivery of security management in the health service in England.

NHS Protect
Skipton House
80 London Road
London
SE1 6LH

Website: www.nhsbsa.nhs.uk/Protect.aspx

NHS Trust Development Authority (also known as NHS Improvement)

Contact them about the performance of English NHS trusts, including clinical quality, governance and management of risk.

NHS Improvement
Wellington House
133-135 Waterloo Road
London
SE1 8UG

Tel: 0203 747 0900

Email: enquiries@improvement.nhs.uk

Website: www.improvement.nhs.uk

Nursing and Midwifery Council

Contact them about matters relating to the registration and fitness to practise of a registered nurse or midwife and any other activities in relation to which the Council has functions.

Nursing and Midwifery Council
23 Portland Place
London

W1B 1PZ

Tel: 0207 637 7181

Email: whistleblowing@nmc-uk.org

Website: www.nmc.org.uk/standards/guidance/raising-concerns-guidance-for-nurses-and-midwives/whistleblowing/

The Secretary of State for Health

Contact them about matters relating to the provision of public health services.

Public Health England
Public Information Access Office
Wellington House
133-135 Waterloo Road
London
SE1 8UG

Website: www.gov.uk/phe

Ministerial Correspondence and Public Enquiries Unit

Department of Health
Richmond House
79 Whitehall
London
SW1A 2NS

Website: www.gov.uk/dh