



Buckinghamshire
Clinical Commissioning Group

Freedom to speak up: Raising concerns in the NHS (Whistleblowing Policy)



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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 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.

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. This Policy has been produced nationally by NHS Improvement and NHS England and has been adopted by NHS Buckinghamshire CCG to help to normalise the raising of concerns for the benefit of all patients.

Our local process has been integrated into this policy and provides more detail about how we will look into a concern (Annex A).

This document is a key element of the Group's Standards of Business Conduct and should be read in conjunction with the NHS Buckinghamshire CCG Code of Conduct and section 7 of the Constitution.

This policy should be read in conjunction with our policies covering Grievance, Disciplinary, Complaints, Fraud Policy, Health & Safety Policies and Incident Reporting.

No one will be discriminated against or suffer a detriment as a result of making such a disclosure. This applies equally to member practices or employees of the CCG.

3. Roles and Responsibilities

Governing Body and CCG Management Directors

These post-holders will:

- Promote a culture of openness that welcomes the opportunity to address and resolve concerns.
- Respond positively to any escalated concerns, either taking or arranging appropriate action.
- The Deputy Chief Officer holds lead responsibility in Buckinghamshire CCG for dealing with concerns raised and is able to report directly to the Accountable Officer on issues of concern.

Senior Managers

These post-holders will:

- Champion this policy and ensure effective implementation.
- Ensure that all managers understand their responsibilities in relation to this policy.

Line Managers

These post-holders will:

- Respond positively to any concerns and take appropriate action.
- Ensure that anyone raising a concern has support within a non-punitive framework.
- Foster and promote an open culture and provide regular opportunities for staff to speak up and discuss concerns at both an individual and team level.
- Respond to concerns seriously and consider them fully, sympathetically and fairly in accordance with this policy.

Person raising a concern

As the person raising a concern you will:

- Have a right and a responsibility to bring to the attention of your employer any matter where the interest of others or the organisation may be at risk.
- Be able to contact ConsultHR, your trade union representative or your appropriate professional body for advice and guidance at any stage of the process.

4. What concerns can I raise?

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
- A bullying culture (across a team or organisation rather than individual instances of bullying).

Suspicious of fraud (which can also be reported to our local counter-fraud team. Please ask the CCG Finance team for current details. Or the NHS Fraud and Corruption Reporting Line 0800 028 4060.

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 found on the ConsultHR Portal.

5. 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.

Everyone involved will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity and provide for good relations between people of diverse groups. The Equality Act (2010) prohibits discrimination on the grounds of age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity,

race, religion or belief, and sexual orientation, in addition to criminal record, trade union membership, or any other personal characteristic.

6. 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 we are not able to resolve the concern without revealing your identity, for example if required to disclose it by law (for example, by the police or if your evidence is needed in court), we will discuss with you how to proceed. If the manager or person to whom you raise your concerns considers that there is an immediate risk to safety we may have to act immediately and we will agree a support plan with you.

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.

7. 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, member practices of the CCG and governors.

8. Who should I raise my concern with?

In many circumstances and where possible, we hope that you will be able to resolve any concern through informal discussions with your manager. If this does not resolve the problem and you are still concerned, you should take the steps outlined in Annex A.

If raising it with your line manager does not resolve matters, or you do not feel able to raise it with them, you can progress to Stage 2 and contact one of our two Freedom to Speak Up Guardians Robert Majilton, Deputy Chief Officer via Robert.majilton@nhs.net or Robin Woolfson, Secondary Care Doctor via robin.woolfson@nhs.net

These are important roles 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 Accountable Officer, or if necessary, outside the organisation.

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 progress to Stage 3 and contact the Accountable Officer.

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 in section a.

Please be aware however, that external disclosure through certain unauthorised routes could be deemed serious/gross misconduct and would be dealt with under the Disciplinary Policy.

9. Advice and support

Local support available to you can be sought from;

- Your line manager
- The local Freedom to Speak up Guardians
- ConsultHR

However, you can also contact the [Whistleblowing Helpline](#) for the NHS and social care, your professional body or trade union representative.

10. 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.

11. 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.

12. 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.

13. 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).

14. How will we learn from your concern?

The focus of the investigation will be on improving the services we commission 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.

15. Governing Body oversight

The Governing Body 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 Governing Body supports staff raising concerns and wants you to feel free to speak up.

16. Review

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

a) Raising your concern with an outside body

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
- [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.

b) 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 8, 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.

c) National Guardian Freedom to Speak Up

The new National Guardian 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 at the earliest opportunity. This may be done orally or in writing. A 'Raising Concerns Form' is available to help you do this and part A should be completed (see User Guide).

We will acknowledge receipt of your concern and meet with you within seven working days.

Our aim will be to either resolve your concern or agree on appropriate action to be taken. Details of the agreed actions should be entered on Part B of the 'Raising Concerns Form' by the person dealing with your concern. Your trade union representative or work colleague may support you at this meeting if you wish.

Step two

If you feel unable to raise the matter with your line manager, for whatever reason, or if you feel your concern has not been dealt with satisfactorily under Stage 1, you may raise the matter with either of our local Freedom to Speak Up Guardians who will acknowledge receipt of your concern and meet with you within 14 days:

Robert Majilton, Deputy Chief Officer, Robert.majilton@nhs.net

Robin Woolfson, Secondary Care Doctor, robin.woolfson@nhs.net

These people 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 Governing Body 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.

The aim of this meeting will be to either resolve your concern or agree on appropriate action to be taken. Details of the agreed actions should be entered on Part C of the 'Raising Concerns Form' by the person dealing with your concern. Your trade union representative or work colleague may support you at this meeting if you wish

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 Accountable Officer who will acknowledge receipt of your concern and meet with you within 14 days.

The aim of this meeting will be to either resolve the concern, or agree on appropriate action to be taken. Details of the agreed actions should be entered on Part D of the 'Raising Concerns Form'. Your trade union representative or work colleague may support you at this meeting if you wish.

Step four

You can raise concerns formally with external bodies as outlined in section A.

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.*