

# **RAISING CONCERNS AT WORK POLICY**

## **MAY 2019**

This policy supersedes all previous policies for Raising Concerns at Work (Whistleblowing)

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<b>Document history</b>	Date	Version	Summary of amendments
	Sep 2010	3	Updated in line with guidance published by the NHS Social Partnership Forum & email contact added
	Feb 2012	4	Updated to include new national helpline information
	Apr 2013	5	Updated to include positive duty to report in line with Francis Report recommendations and update support/advice contacts
	Sep 2013	6	Updated name of Chair
	Jul 2015	7	Change of policy name, Updated with Safecall information Updated on new legislation
	Jan 2017	8	Updated to include Freedom to Speak up Guardian information. Updated Counter Fraud contact details
	Aug 2017	8.1	Removal of Safecall information – contract expired
	Apr 2019	9	Added individual responsibilities, updated contacts

**Membership of the policy development/ review team** Staff Side, HR

**Consultation**  
Policy Subgroup, Workforce Committee, JNCC

## DO NOT AMEND THIS DOCUMENT

Further copies of this document can be found on the Foundation Trust intranet.

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## 1. Introduction

- 1.1 It is the Trust's policy to actively encourage the reporting of concerns and that every individual is aware of their freedom to speak up in the knowledge that no one who raises a genuine concern in good faith shall suffer any detriment.
- 1.2 All of us at one time or another have concerns about what is happening at work. Usually these are easily resolved. However, when the concern feels serious because it is about a possible danger, professional misconduct or financial malpractice that might affect patients, colleagues, or the Trust itself, it can be difficult to know what to do.
- 1.3 You may be worried about raising such an issue and may think it best to keep it to yourself, perhaps feeling it is none of your business or that it is only a suspicion. You may feel that raising the matter would be disloyal to colleagues, to managers or to the Trust. You may have said something but found that you have spoken to the wrong person or raised the issue in the wrong way and are not sure what to do next.
- 1.4 The board of Camden & Islington NHS Foundation Trust is committed to running the organisation in the best way possible and to do so we need your help. We have introduced this policy to reassure you that it is safe and acceptable to speak up and to enable you to raise any concern you may have at an early stage and in the right way. Rather than wait for proof, we would prefer you to raise the matter when it is still a concern.
- 1.5 We as a Trust have also signed up to a national campaign aimed at ensuring NHS staff can raise any concerns they may have about patient safety without fear of reprisals. We fully support the principles of the Nursing Times' call for 'Speak Out Safely' (SOS) which was launched in the wake of the Francis report into events at Mid Staffordshire hospitals. This means we encourage any staff member who has a genuine patient safety concern to raise this within our Trust at the earliest opportunity. To find out more about the Nursing Times Campaign, visit their website [www.nursingtimes.net/opinion/speak-out-safely](http://www.nursingtimes.net/opinion/speak-out-safely)
- 1.6 The Trust has also made a pledge that 'whenever we see issues of concern that need to be raised- with colleagues, managers or senior staff at C&I, we will speak up and speak out for the sake of patient safety, improved service user and staff experience and enhanced quality of care'. By this we mean that we will:
  - Speak out, when necessary, as and when issues of concern occur to us. We will be secure in the knowledge that our organisation values the views of its workforce and encourages everyone to give voice to concerns whenever and wherever they arise. We are supporting this with our Trust values and through radically revised policies and procedures.
  - Embrace the notion of the duty of candour, in recognition of how it improves the work we do with service users and patients and serves to make us a more effective deliverer of high quality care.
- 1.7 If something is troubling you which you think we should know about or look into, please use this procedure. If, however, you wish to make a complaint about your employment or how you have been treated, please use the Grievance Procedure or Bullying and Discrimination Policy, which you can obtain on the Intranet, from your manager or your HR Advisor. This Raising Concerns at Work Policy is primarily for

individuals who work in the Trust and have concerns where the interests of others or of the organisation itself are at risk.

- 1.8 If you feel the concern constitutes a 'safeguarding' issue and involves a vulnerable adult or child then please refer to the Trust Safeguarding policy or contact the Trust's Safeguarding Manager.
- 1.9 Remember that you have a positive duty to fully report wrong doing and to always act in the best interests of patients - organisational and personal interests must never outweigh that duty.

### **If in doubt – raise it!**

- 1.10 Camden and Islington NHS Foundation Trust believes that it is a mutual benefit to the Trust and its employees to work in partnership with Staff side. This policy has been developed and agreed by management and Staff side, in order to ensure staff are treated consistently and fairly.
- 1.11 The Trust's Freedom to Speak Up Guardian is Adwoa Larbi-Siaw, Clinical Nurse Specialist. Adwoa can be contacted on [Adwoa.Larbi-Sian@Candi.nhs.uk](mailto:Adwoa.Larbi-Sian@Candi.nhs.uk) or 0203 317 4780

## **2. Aims and objectives**

The aim of this policy is to actively encourage the reporting of concerns and ensure that nobody who raises a genuine concern in good faith shall suffer any detriment.

- 2.1 Under the Public Interest Disclosure Act 1998 ([PIDA](#)) and the changes enforced under the [Enterprise and Regulatory Reform Act 2013](#) staff have a right and duty to raise issues which are in the public interest, without fear of victimisation or harassment. This policy sets out the appropriate mechanisms for staff to raise concerns.
- 2.2 This policy should not be used to raise matters relating to personal issues or conflicts in the workplace. Such matters should be addressed through the Grievance and/or Dignity and Respect Policy and Procedure. Issues not successfully addressed under these policies should not then be raised under the Raising Concerns at Work Policy and Procedure.
- 2.3 This policy also builds on advice in the Trust's Being Open and Duty of Candour Policy and in [Good medical practice](#) and the [NMC's code](#) which says that doctors, nurses and midwives have a professional duty to be open and honest with patients when things go wrong and the patient suffers harm or distress as a consequence. It also says that doctors, nurses and midwives should always report when mistakes are made that have compromised – or could have compromised – patient safety.
- 2.4 Advice is available from HR and Trade Unions.

### 3. Scope of the policy

3.1 This policy applies to all those who work in the Trust in whatever capacity and regardless of seniority: whether full-time or part-time, self-employed, working through an agency/Trust Bank, working in the Trust through one of our partner organisations/contracted service providers, working as a volunteer, or on secondment to the Trust.

3.2 What issues should be raised under the Raising Concerns at Work Policy?

Issues covered under this policy relate to concerns staff may have which fall outside the scope of other policies and procedures, for example:

- Conduct which is an offence or a breach of law;
- Disclosures related to miscarriages of justice;
- Health and Safety risks, including risks to the public as well as other employees
- Damage to the environment;
- The unauthorised use of public funds;
- Possible fraud and corruption;
- Sexual and/or physical abuse of service users/clients/patients;
- Other unethical conduct;
- Concerns about professional practice;
- Maltreatment of other staff

This list is not exhaustive.

3.3 Issues which raise concerns about any aspect of service provision or the conduct of C&I staff or those acting on behalf of C&I. This may include breaches of known policies and procedures, standing orders, standards of conduct or breaches of professional codes of conduct. This list is not exhaustive but aims to provide some examples.

3.4 Where concerns relate to professional practice they may also be referred directly to the Director of Nursing or Medical Director.

### 4. Our Responsibilities

4.1 **The Chief Executive and Chair** are ultimately accountable for ensuring that there are effective mechanisms to enable you to speak up and that these are effectively implemented. They will ensure that the Trust is engaged with the regional Guardian network and the National Guardian's Office, as well as provide regular guidance and support to the Trust's Speak up Guardian.

4.2 **The Executive Lead** will oversee the strategy for implementing this policy in line with guidance from the National Guardian's Office, including the appointment of the Freedom to Speak up Guardian and the support and resources for this role. They will ensure an annual review of how cases are handled, and operationalize the subsequent learning. They will audit cases to assess the quality of the measures in place and the impact of learning as well as report on the effectiveness of this policy to the Board.

4.3 **The Non-Executive Lead** will be aware of the latest national guidance and hold the above parties and board accountable for implementing the Trust's Speaking Up

strategy, ensuring robust challenge and reflection on learning and continual improvement. The Non-Executive Lead will also act as an alternative source of advice for the Freedom to Speak up Guardian and oversee concerns regarding the Executive Team and Board acting in accordance with national guidance and informing NHS Improvement and the CQC as required in these circumstances.

- 4.4 **The Medical Director and Director of Nursing** will ensure the Freedom to Speak up Guardian has appropriate support and advice on patient safety and safeguarding issues. They will ensure that appropriate action is taken immediately where potential patient safety issues are highlighted under this procedure, and ensure that learning is operationalized in the teams and departments under their oversight.
- 4.5 **The Director of HR & OD** will enable HR support and access to information for the Freedom to Speak up Guardian working towards a culture that supports speaking up. They will work towards disseminating learning and experience across the trust, enabling workers to speak up and enabling managers to respond effectively to the issues raised.
- 4.6 **Freedom to Speak Up Guardian** operates independently, impartially and objectively, whilst working in partnership with individuals and groups throughout their organisation, including their senior leadership team. They will seek guidance and support from and, where appropriate, escalate matters to, bodies outside their organisation.

## **5. Our Commitment to You**

### **5.1 Your safety**

- 5.1.1 The board and the chief executive and the staff unions are committed to this policy. If you raise a genuine concern under this policy, you will not be at risk of losing your job or suffering any detriment (such as a reprisal or victimisation). Provided you are acting in good faith (effectively this means honestly), it does not matter if you are mistaken or if there is an innocent explanation for your concerns. So please do not think we will ask you to prove it. Of course we do not extend this assurance to someone who maliciously raises a matter they know is untrue, as such behaviour would fall under the remit of our Disciplinary Procedure. We will discuss with you how to protect your safety and will take decisive action against anyone who attempts to obstruct a whistleblower, including disciplinary action up to and including dismissal.

### **5.2 Your confidence**

- 5.2.1 With these assurances, we hope you will raise your concern openly. However, we recognise that there may be circumstances when you would prefer to speak to someone in confidence first. If this is the case, please say so at the outset. If you ask us not to disclose your identity, we will not do so without your consent unless required by law. You should understand that there may be times when we are unable to resolve a concern without revealing your identity, for example where your personal evidence is essential. In such cases, we will discuss with you whether and how the matter can best proceed.

5.2.2 Please remember that if you do not tell us who you are it will be much more difficult for us to look into the matter. Similarly, we will not be able to protect your position or to give you feedback. Accordingly, you should not assume we can provide the assurances we offer in the same way if you report a concern anonymously.

## 6. Untrue Allegations

6.1 Staff making untrue allegations in good faith will not have any action taken against them. However, if it is found that allegations are made maliciously, frivolously or for personal gain, disciplinary action may be taken.

## 7. How to Raise a Concern

7.1 If you are unsure about raising a concern at any stage you can get independent advice from your trade union representative or the NHS national whistleblowing helpline (see contact details under Independent Advice below). Please remember that you do not need to have firm evidence before raising a concern. However, we do ask that you explain as fully as you can the information or circumstances that gave rise to your concern.

### 7.2 Step One

7.2.1 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 senior manager. This may be done verbally or in writing. You can also contact your trade union representative to get independent advice or support.

### 7.3 Step Two

7.3.1 You may also contact the Trust's Freedom to Speak Up Guardian on 07824509792 or via email: [raising.concerns@candi.nhs.uk](mailto:raising.concerns@candi.nhs.uk). Our local Freedom to Speak Up Guardian acts as an independent and impartial source of advice to staff at any stage of whistleblowing or raising a concern, with access to anyone in the organisation, including the Chief Executive, or if necessary, outside of the organisation.

### 7.4 Step Three

7.4.1 As well as the Freedom to Speak Up Guardian, colleagues can also use the [National Whistleblowing Helpline](#) – a free and **confidential** service for those who work in the NHS and would like guidance and advice. They can be contacted at: [enquiries@wbhelpline.org.uk](mailto:enquiries@wbhelpline.org.uk) or on: **08000 724 725**. The helpline is available weekdays between 08.00 and 18.00 with an out of hours answering service on weekends and public holidays.

7.4.2 If the above three steps 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:

**Leisha Fullick**  
**Chair**

**Telephone: 020 3317 3203**  
**Email: [Leisha.Fullick@candi.nhs.uk](mailto:Leisha.Fullick@candi.nhs.uk)**

### 7.4.3 NHS Counter Fraud and CQC

The Trust recognises its accountability within the NHS. In light of this you can also contact:

1. NHS Counter Fraud Line on **0800 028 40 60** or <https://www.reportnhsfraud.nhs.uk/>

(if your concern is about financial malpractice)

Contact the Local Counter Fraud Specialist: Karenjeet Basra on 0746 836 7201 or by email at [karenjeet.basra@kpmg.co.uk](mailto:karenjeet.basra@kpmg.co.uk). Please refer to the Trust Anti Fraud, Bribery and Corruption Policy and Response Plan Policy.

Care Quality Commission at Care Quality Commission National Correspondence, Citygate, Gallowgate, Newcastle upon Tyne NE1 4PA or email: [enquiries@cqc.org.uk](mailto:enquiries@cqc.org.uk) or phone 0300 061 61 61 or visit the website at [www.cqc.org.uk](http://www.cqc.org.uk).

## 8. How the Trust will Handle the Concern

- 8.1 Once you have told us of your concern, we will assess it and consider what action may be appropriate. This may involve an informal review, an internal inquiry or a more formal investigation.
- 8.2 We will tell you who will be handling the matter, how you can contact them and what further assistance we may need from you.
- 8.3 If you ask, we will write to you summarising your concern and setting out how we propose to handle it and provide a timeframe for feedback. If we have misunderstood the concern or there is any information missing, please let us know. If you have given us your name, we will discuss with you how to protect your safety and support you.
- 8.4 When you raise the concern it will be helpful to know how you think the matter might best be resolved. If you have any personal interest in the matter, we do ask that you tell us at the outset. If we think your concern falls more properly within our Grievance Procedure, our Bullying and Discrimination or other relevant procedure, we will let you know. If your complaint relates to fraud, we will continue to follow this policy and will also adhere to the principles of our Counter Fraud and Corruption Policy and Response Plan.
- 8.5 Whenever possible, we will give you feedback on the outcome of any investigation. Please note, however, that we may not be able to tell you about the precise actions we take where this would infringe a duty of confidence we owe to another person or this may be due to legal proceedings or to protect confidentiality. Any investigation will be carried out as speedily as possible, if external bodies, for example the police have to be involved, the staff member will be kept informed as far as reasonable practicable and possible.

- 8.6 If a member of staff is required to give evidence in criminal proceedings the Trust will provide legal support. In the event of a staff member providing evidence in disciplinary proceedings, a trade union representative or work colleague will provide support and the staff member will be made aware of the internal processes and procedures.
- 8.7 While we cannot guarantee that we will respond to all matters in the way that you might wish, we will strive to handle the matter fairly and properly. By using this policy you will help us to achieve this.

## **9. Independent Advice**

If you want confidential advice or support at any stage, you may contact:

- your union (the Unison number is 020 3317 3009; RCN is 0345 772 6100; Unite is 020 3371 2046; and BMA is 0300 123 1233)

## **10. External Contacts**

While we hope this policy gives you the reassurance you need to raise your concern internally with us, we recognise that there may be circumstances where you can properly report a concern to an outside body. In fact, we would rather you raised a matter with the appropriate regulator – such as the Care Quality Commission, the Independent Regulator of NHS Improvement, your professional regulator, or the National Patient Safety Agency – than not at all. Your union or the whistleblowing hotline will be able to advise you on such an option if you wish.

## **11. If you are Dissatisfied**

If you are unhappy with our response, remember you can go to the other levels and bodies detailed in this policy. While we cannot guarantee that we will respond to all matters in the way that you might wish, we will try to handle the matter fairly and properly. By using this policy, you will help us to achieve this.

## **12. Dissemination and implementation arrangements**

The policy will be circulated to all staff via the weekly email bulletin issued by the Communications Department. The policy will be published on both the Trust Intranet and Internet. Hard copies will be available from the Trust's HR Department.

## **13. Training requirements**

For training requirements please refer to the Trust's Mandatory Training Policy and Learning and Development Guide.

## **14. Monitoring and audit arrangements**

The Workforce Group is responsible for reviewing and updating this policy and will review it at least every two years. The Audit & Risk Committee will monitor the implementation of the policy annually.

See table below

Elements to be monitored	Lead	How trust will monitor compliance	Frequency	Reporting arrangements	Acting on recommendations and Lead(s)	Change in practice and lessons to be shared
Compliance with legislation and best practice	Deputy Director of HR and OD	Review every two years or more frequently if legislation changes are enacted.	Every two years	Workforce Group	Required actions will be identified and completed in a specified timeframe	Required changes to practice will be identified and actioned within a specific time frame. A lead member of the team will be identified to take each change forward where appropriate. Lessons will be shared with all the relevant stakeholders
Implementation	Deputy Director of HR and OD	An annual review of the uptake of the policy will take place, without disclosing any identifying information about individual cases. In addition, staff survey results in relation to knowledge of the policy and confidence in it being applied appropriately will be monitored.	Annually	Audit & Risk Committee		

## 15. Review of the policy

The Workforce Group will review this policy every two years.

## 16. References

- Public Interest Disclosure Act 1998 (PIDA)
- <http://www.legislation.gov.uk/ukpga/1998/23/contents>
- Enterprise and Regulatory Reform Act 2013
- NHS Constitution
- <https://www.gov.uk/government/publications/the-nhs-constitution-for-england>
- National Whistleblowing Helpline

- <http://wbhelpline.org.uk/>
- PAS 1998:2008 Whistleblowing Arrangements Code of Practice
- <http://shop.bsigroup.com/forms/PASs/PAS-1998/>
- The Bribery Act 2010 <http://www.legislation.gov.uk/ukpga/2010/23/contents>
- Fraud Act 2006 <http://www.legislation.gov.uk/ukpga/2006/35/contents>
- Sir Robert Francis review of whistleblowing process in the NHS - Freedom to Speak Up
- Health Service Circular 1999/198 "The Public Interest Disclosure Act 1998: Whistleblowing in the NHS"
- GMC Website [http://www.gmc-uk.org/guidance/ethical\\_guidance/27233.asp](http://www.gmc-uk.org/guidance/ethical_guidance/27233.asp)
- NMC Website [Raising concerns at work: whistleblowing guidance for workers and employers in health and social care](http://www.nmc-uk.org/raising-concerns-at-work) – <http://wbhelpline.org.uk/resources/raising-concerns-at-work/>
- NHS Employers Website: <http://www.nhsemployers.org/your-workforce/retain-and-improve/raising-concerns-at-work-whistleblowing>

## 17. Associated documents

- Trust Being Open and Duty of Candour Policy
- Trust Mandatory Training Policy and Learning and Development Guide
- Trust Bullying & Discrimination Policy & Procedure
- Trust Grievance Procedure
- Trust Disciplinary Procedure
- Trust Anti Fraud, Bribery and Corruption Policy and Response Plan

## Appendix 1

### Equality Impact Assessment Tool

	Yes/No	Comments
<b>1. Does the policy/guidance affect one group less or more favourably than another on the basis of:</b>	No	
Race	No	
Ethnic origins (including gypsies and travellers)	No	
Nationality	No	
Gender	No	
Culture	No	
Religion or belief	No	
Sexual orientation including lesbian, gay and bisexual people	No	
Age	No	
Disability - learning disabilities, physical disability, sensory impairment and mental health problems	No	
<b>2. Is there any evidence that some groups are affected differently?</b>	No	
<b>3. If you have identified potential discrimination, are any exceptions valid, legal and/or justifiable?</b>	NA	
<b>4. Is the impact of the policy/guidance likely to be negative?</b>	No	
<b>5. If so can the impact be avoided?</b>	NA	
<b>6. What alternatives are there to achieving the policy/guidance without the impact?</b>	NA	
<b>7. Can we reduce the impact by taking different action?</b>	NA	