



## RAISING CONCERNS – WHISTLEBLOWING POLICY

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Author	Deputy Director of HR
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Committee/Individual responsible	Clinical Governance & Quality Committee /Director of Human Resources
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Target Audience	All staff, whether full-time or part-time, employed through an agency or as a volunteer

## Introduction

All of us at one time or another experience concerns about what is happening at work. Usually these are easily resolved. However, when the concern feels serious because it is about patient welfare, clinical malpractice, health and safety or a possible fraud that might affect others or the organisation itself, it can be difficult to know what to do.

You may be worried about raising such a concern and may think it best to keep it to yourself, perhaps feeling it's none of your business or that it's only a suspicion. You may feel that raising the matter would be disloyal to colleagues, managers or to the Trust. You may decide to say something but find that you have spoken to the wrong person or raised the issue in the wrong way and are not sure what to do next.

The Board and Chief Executive of Sherwood Forest Hospitals NHS Foundation Trust are 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 about malpractice 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.

This policy applies to all those who work for us; whether full-time or part-time, employed through an agency or as a volunteer. If you have a whistle blowing concern, please let us know.

If something is troubling you which you think we should know about or look into, or you are a witness to something please use this policy. If, however, you wish to make a complaint about your employment or how you have been treated, please use the following Trust documents:

- Managing Harassment at Work
- Diversity Policy
- Disputes and Grievance Policy

If you have a concern regarding financial misconduct or fraud please see the Trusts:

- Code of Conduct relating to Fraud, Bribery & Corruption.

These are located on the Trusts intranet in the HR and Finance sections respectively.

This Whistle blowing Policy is primarily for concerns where the public interest is at risk, which includes a risk to the wider public, patients, staff or the Trust itself.

**If in doubt – please raise it!**

## OUR ASSURANCES TO YOU

### **Your safety**

The Board and Chief Executive 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 form of retribution as a result. Provided you are acting in good faith (or honestly) 'it does not matter if you are mistaken. Of course we cannot extend this assurance to someone who maliciously raises a matter they know is untrue.

### **Your confidence**

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.

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. 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.

If you are unsure about raising a concern you can get independent advice from Public Concern at Work (see contact details under Independent Advice).

## HOW TO RAISE A CONCERN

Please remember that you do not need to have firm evidence of malpractice 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.

If you want to raise the matter confidentially, please say so at the outset so that appropriate arrangements can be made.

### **Step one: Your Manager or Team Leader**

If you have a concern about malpractice, we hope you will feel able to raise it first with your manager or team leader. This may be done verbally or in writing.

However if you are uncertain of who to speak to in the first instance please contact **your trade union, professional association representative or staff side**

**representative** (as outlined over the page) who will also be able to advise you and clarify which is the most appropriate policy to raise your concern.

<b>Senior Trade Union Representatives</b>	<b>Contact Details</b>
Nigel Mellors Chair of Joint Staff Partnership Forum (JSPF)	<a href="mailto:nigel.mellors@sfh-tr.nhs.uk">nigel.mellors@sfh-tr.nhs.uk</a> 01623 622515 X4188
Angie Emmott Vice Chair of JSPF	<a href="mailto:angie.emmott@sfh-tr.nhs.uk">angie.emmott@sfh-tr.nhs.uk</a> 01623 622515 X5885
Roz Norman Secretary of JSPF	<a href="mailto:roz.norman@sfh-tr.nhs.uk">roz.norman@sfh-tr.nhs.uk</a> 01623 622515 X3788

### **Step two: Senior Management Contacts**

If you feel unable to raise the matter with your manager, for whatever reason, please raise the matter with any of the following senior managers:

<b>Name of Designated Officer</b>	<b>Contact Details</b>
Amanda Robson Interim General Manager Urgent and Emergency Care	<a href="mailto:Amanda.Robson@sfh-tr.nhs.uk">Amanda.Robson@sfh-tr.nhs.uk</a> 01623 622515 X3029
Dale Travis General Manager Planned Care & Surgery	<a href="mailto:Dale.Travis@sfh-tr.nhs.uk">Dale.Travis@sfh-tr.nhs.uk</a> 01623 622515 X3008
ElaineTorr General Manager Diagnostic & Rehabilitation	<a href="mailto:elaine.torr@sfh-tr.nhs.uk">elaine.torr@sfh-tr.nhs.uk</a> 01623 622515 X3002
Jayne Slater Interim General Division of Medicine	<a href="mailto:Jayne.Slater@sft-tr.nhs.uk">Jayne.Slater@sft-tr.nhs.uk</a> 01623 622515 X3029
Jon Scott Interim Director of Operations	<a href="mailto:Jon.Scott@sfh-tr.nhs.uk">Jon.Scott@sfh-tr.nhs.uk</a> 01623 622515 X3396
Andy Haynes Medical Director	<a href="mailto:andrew.haynes@sfh-tr.nhs.uk">andrew.haynes@sfh-tr.nhs.uk</a> 01623 622515 X3546
Julie Bacon Interim Director of Human Resources	<a href="mailto:Julie.Bacon@sfh-tr.nhs.uk">Julie.Bacon@sfh-tr.nhs.uk</a> 01623 622515 X3261
Paul Robinson Chief Finance Officer	<a href="mailto:Paul.Robinson@sfh-tr.nhs.uk">Paul.Robinson@sfh-tr.nhs.uk</a> 01623 622515 X2204
Suzanne Banks Chief Nurse	<a href="mailto:Suzanne.Banks@sfh-tr.nhs.uk">Suzanne.Banks@sfh-tr.nhs.uk</a> 01623 622515 X3697
Shirley Clarke Head of Corporate Affairs/Company Secretary	<a href="mailto:Shirley.Clark@sfh.nhs.uk">Shirley.Clark@sfh.nhs.uk</a> 01623 622515 X4007

These people have been given special responsibility and training in dealing with whistle blowing concerns.

### **Step three: Chief Executive or Non Executive Director**

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:

<b>Name of Designated Officer</b>	<b>Contact Details</b>
Peter Herring Interim Chief Executive	<a href="mailto:Peter.Herring@sfh-tr.nhs.uk">Peter.Herring@sfh-tr.nhs.uk</a> 01623 622515 x 3259
Tim Reddish	<a href="mailto:tim@timreddish.com">tim@timreddish.com</a>

Senior Independent Director	
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### **Independent Advice**

If you are unsure whether to use this policy or you want confidential advice at any stage, you may contact the independent charity Public Concern at Work on 020 7404 6609 or by e-mail at [whistle@pcaw.co.uk](mailto:whistle@pcaw.co.uk). They can talk you through your options and help you raise a concern about malpractice at work.



[www.pcaw.co.uk](http://www.pcaw.co.uk)

## **HOW WE WILL HANDLE THE MATTER**

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. We will tell you who will be handling the matter, how you can contact them, and what further assistance we may need from you. We will also write to you summarising your concern and setting out how we propose to handle it and provide a timetable for feedback. If we have misunderstood the concern or there is any information missing please let us know.

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, bullying and harassment or other relevant procedure, we will let you know.

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.

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.

If at any stage you experience reprisal, harassment or victimisation for raising a genuine concern please contact Kate Lorenti Deputy Director of Human Resources on 01623 622515 Ext 4169

## **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 than not at all. Public Concern at Work or your union will be able to advise you on such an option if you wish.

Regulator	Contact Details
<p><b>Care Quality Commission :</b> Responsible for safeguarding appropriate standards of quality and safety within health and social care in England.</p>	<p>Care Quality Commission Citygate Gallowgate Newcastle upon Tyne NE1 4PA Email: <a href="mailto:enquires@cqc.org.uk">enquires@cqc.org.uk</a> Phone 0300 0616161 Website <a href="http://www.cqc.org.uk">www.cqc.org.uk</a></p>
<p><b>Monitor:</b> The independent regulator of NHS foundation trusts</p>	<p>Monitor Wellington House 133-155 Waterloo road London SE1 8UG Email: <a href="mailto:enquiries@monitor.gov.uk">enquiries@monitor.gov.uk</a> Phone 02037470000 Website <a href="http://www.monitor.gov.uk">www.monitor.gov.uk</a></p>
<p><b>Health and Safety Executive:</b> Responsible for protecting people against risks to health or safety out of work activities</p>	<p>HSE Complaints and Advisory Team on: 0300 0031647 in office hours</p>
<p><b>360 Assurance:</b> Responsible for ensuring organisations are managed effectively to protect public and patients interests.</p>	<p>360 Assurance Nottingham City Hospital office 0115 9691169 ext 59308 Stapleford office 0115 8835302 King's Mill office 01623 622515 ext 3793 Website <a href="http://www.360assurance.co.uk/">www.360assurance.co.uk/</a></p>

Or if there is a complaint against a person who is a member of a professional body, you could inform:

Regulator	Contact Details
<p><b>Nursing and Midwifery Council:</b></p>	<p>Nursing &amp; Midwifery Council 61 Aldwych London WC2B 4 AE General enquiries: 020 7637 7181 Registration enquiries: 020 7333 9333 Fitness to practise: 020 7462 5800/5801 Email: <a href="mailto:advice@nmc-uk.org">advice@nmc-uk.org</a></p>
<p><b>General Medical Council:</b></p>	<p>General Medical Council Regents Place, 360 Euston Road London NW1 3JN Email: <a href="mailto:practise@gmc-uk.org">practise@gmc-uk.org</a></p>
<p><b>Health &amp; Care Professions Council:</b></p>	<p>Health Professions Council Park House 184 Kennington Park Road London SE11 4BU</p>

	Telephone: 0800 328 4218 Email: <a href="mailto:ftp@hcpc-uk.org">ftp@hcpc-uk.org</a>
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### **MONITORING / OVERSIGHT**

The Clinical Governance and Quality Committee are responsible for this policy and will review it annually. The Deputy Director of Human Resources will monitor the daily operation of the policy and if you have any comments or questions, please do not hesitate to let them know.

### **EQUALITY IMPACT ASSESSMENT STATEMENT**

As part of its development, this policy and its impact on equality have been reviewed in line with the Trust's Equality and Diversity Policy. The purpose of the assessment is to minimize and if possible remove any disproportionate impact on service users and people employed by the Trust on the grounds of race, sex, disability, sexual orientation or religious belief. This policy was reviewed and no detriment was identified.

## RAISING CONCERNS – WHISTLEBLOWING POLICY

### MANAGEMENT & TRUST BOARD RESPONSIBILITIES & GUIDELINES

Reference number	
Version	Consultation Version 8
Author	Deputy Director of HR
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Committee/Individual responsible	Clinical Governance and Quality Committee / Director of Human Resources
Issue Date	January 2015
Review Date	January 2017
Target Audience	All managers and directors of the Trust

## MANAGEMENT RESPONSIBILITIES

### **Training Requirement**

All managers with people management responsibilities will be required to have awareness training to fully understand their responsibilities and how to respond when staff raise concerns.

This training and periodic updates will be regarded as a mandatory requirement.

### **Management Guidance**

As a manager you can lead by example.

Be clear to your staff what sort of behaviour is unacceptable and practice what you preach.

Encourage staff to ask you what is appropriate if they are unsure before – not after – they have acted.

If you find wrongdoing or a potential risk or danger, take it seriously and deal with it immediately.

### **Responding to a concern:**

- Thank the staff member for telling you and support them.
- Listen to the complaint, keep an open mind and keep a record of the initial conversation and if possible agree the accuracy with the member of staff.
- Manage expectations and respect promises of confidentiality and ensure they are not victimised or retaliated against for raising the concern.
- Determine whether you can address the concern to the satisfaction of the member of staff, if not then raise the concern with your immediate manager who will escalate knowledge of the concern and decide who should handle the investigation. Following escalation to a Director a decision will be made on whether the concern raised will need to be brought to the attention of an external regulatory authority.
- Feedback any outcome and/or remedial action you propose to take to the member of staff who raised the concern, but be careful if this could infringe any rights or duties you may owe to other parties.
- All concerns raised which are serious enough to be escalated to your manager become formal and need to be registered with the Deputy Director of Human Resources, who will keep a confidential central database.

## HR RESPONSIBILITIES

The Deputy Director of Human Resources is responsible for monitoring the daily operation of the policy and ensuring that:-

- All staff and managers are provided with the appropriate awareness training and regular communication about the arrangements and their responsibilities, including any reports regarding effectiveness.
- Trust Board and the Clinical Governance and Quality Committee are provided with the information specified below under the heading of Monitoring, Audit, Review and Refresh.

## TRUST BOARD AND CG&Q COMMITTEE RESPONSIBILITIES

### **Monitoring, Audit, Review & Refresh**

The Trust Board and Clinical Governance and Quality Committee will be provided with the following information to provide assurance that the arrangements are working effectively and that the staff have confidence in them. Also highlighted will be any necessary changes

- I. Annual Staff Opinion Survey data on the following questions:-
  - % of staff saying if they were concerned about fraud, malpractice or wrong doing they would know how to report it.
  - % of staff saying they would feel safe reporting their concern
  - % of staff saying they would feel confident that the organisation would address their concern.
- II. Data on raising concerns and whistle blowing from one of the quarterly staff opinion surveys.
- III. Exit interview data on raising concerns and whistle blowing.
- IV. Annual Summary report from the Public Concern at Work's Advice Line detailing the number and type of calls received from the Trusts workplace.
- V. Short Annual report detailing :-
  - staff awareness and management training courses taken place
  - staff awareness communications
  - Communications to staff on findings from reviews and surveys including good news success stories to encourage and reassure everyone.

VI. Summary of the annual review of working arrangements including:-

- number and type of whistle blowing concerns raised, the action taken and confirmation that feedback provided
- a report on the cross referencing of concerns raised under the whistleblowing policy with incident reporting and patient complaints to assess whether the issues could have been picked up or resolved earlier
- any necessary changes introduced or recommended
- tracking progress against specified and agreed KPI's.