



## Freedom to speak up: Raising Concerns (Whistleblowing) Policy for the NHS

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Initiated by	Date	Author
Karen Barry	April 2016	NHS England
Version	Date	Comments (i.e. viewed, or reviewed, amended approved by person or committee)
Draft V0.1	January 2017	Raising Concerns T&F Group reviewed the national policy which has been adopted by the Trust
V1.0	March 2017	Approved at SPF
V2.0	August 2018	Minor updates made by Named Professional for Safeguarding & Freedom to Speak Up Guardian

## Whistleblowing Policy

Document Reference	Directorate: HR/Safeguarding
Recommended at Date	Raising Concerns Group January 2017
Approved at Date	SPF 1 March 2017
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Equality Analysis	Completed 20 July 2017
Linked procedural documents	Dignity at Work Policy Grievance Policy Local Counter Fraud/HR Liaison Policy Secondary Employment Policy, and Disciplinary Policy (Managing Conduct and Performance)
Dissemination requirements	All Trust employees by Intranet Public - To be published on the Trust's website
Part of Trust's publication scheme	Yes

The East of England Ambulance Service NHS Trust has made every effort to ensure this policy does not have the effect of unlawful discrimination on the grounds of the protected characteristics of: age, disability, gender reassignment, race, religion/belief, gender, sexual orientation, marriage/civil partnership, pregnancy/maternity. The Trust will not tolerate unfair discrimination on the basis of spent criminal convictions, Trade Union membership or non-membership. In addition, the Trust will have due regard to advancing equality of opportunity between people from different groups and foster good relations between people from different groups. This policy applies to all individuals working at all levels and grades for the Trust, including senior managers, officers, directors, non-executive directors, employees (whether permanent, fixed-term or temporary), consultants, governors, contractors, trainees, seconded staff, homeworkers, casual workers and agency staff, volunteers, interns, agents, sponsors, or any other person associated with the Trust.

All Trust policies can be provided in alternative formats.

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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 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.

We will work with the Chief Executive and Board to help create an open culture which is based on listening, learning and not blaming.

We will develop alongside the Board, CEO and executive team a range of mechanisms, in addition to the formal processes, which empower and encourage staff to speak up safely.

We will ensure that staff with disabilities and those from black and other minority ethnic backgrounds are encouraged to speak out are not disadvantaged by doing so.

We will participate in the organisation's educational programme for staff so they understand how they can raise concerns and for managers about how they respond to concerns and supporting the member of staff appropriately

Act in an independent and impartial capacity, listening to staff and supporting them to raise concerns they may have by using the available structures and policies, both within the organisation and outside.

## 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 the policy/adheres to the principles of this policy and provides more detail about how we will look into a concern.

## 3. **Monitoring**

The effectiveness of this Policy will be monitored by Human Resources and Freedom to Speak Up Guardians. Cases that are received will be reviewed to ensure the correct procedures are being adhered to, where changes are identified as being required these will be implemented as soon as practicably possible.

The Audit Committee, will monitor the number of complaints received and the action taken following an investigation. The Workforce Planning and Information Team will have an overview of the workforce statistics collated.

The Freedom to Speak up Guardians will ensure that the policy is fit for purpose taking into account the Trusts needs whilst maintaining confidentiality around individual cases. This is a National Policy that has been adopted for EEAST.

#### 4. 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)
- a bullying culture (across a team or organisation rather than individual instances of bullying).
- Someone's health and/or safety has been put in danger due to an action or inaction.
- Damage has been caused to the environment
- A criminal offence has been committed.
- An employer fails to obey the law (such as not having appropriate insurance)
- A malpractice or wrongdoing has been covered up.

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.

#### 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.

## 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 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.

## 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 and governors.

## 8. 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). 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:

- Our Freedom to Speak Up Guardians *Simon Chase, Safeguarding Lead* or *Anna Price Named Professional for Safeguarding* – 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. You can contact Simon or Anna on:
  - [Eoeasnt.f2su@nhs.net](mailto:Eoeasnt.f2su@nhs.net)
  - [Simon.Chase@eastamb.nhs.uk](mailto:Simon.Chase@eastamb.nhs.uk)
  - [Anna.Price@eastamb.nhs.uk](mailto:Anna.Price@eastamb.nhs.uk)

The Freedom to Speak up Guardian principles are that we are:

- Independent

## Whistleblowing Policy

- Visible
- Empowered
- Impartial
- Influential
- Knowledgeable
- Trusted
- Inclusive
- Resilient
- Credible
- Empathetic
- Forward thinking
- Supported
- Effective

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

- our executive director with responsibility for whistleblowing *Lindsey Stafford-Scott* Director of People and Culture, telephone 01234 24304, email:

[Lindsey.Stafford-Scott@eastamb.nhs.uk](mailto:Lindsey.Stafford-Scott@eastamb.nhs.uk)

- our non-executive director with responsibility for whistleblowing *Lizzy Firmin*, Non-Executive Director, email:

[Lizzy.Firmin@eastamb.nhs.uk](mailto:Lizzy.Firmin@eastamb.nhs.uk)

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

## 9. Advice and Support

Details on the local support available to you can be found on EAST24 under the “you matter” tab. 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.

Top tips for effectively reporting your concern:

- follow internal procedures
- understand your rights and the support available to you
- be specific and focus on the facts
- be positive and professional
- gain the support of your colleagues (if they share your concern)
- understand that confidentiality isn't always possible to effectively deal with your concerns
- keep notes and copies of communications
- keep in contact with your manager or designated person
- keep records of assurance of action or if your concern hasn't been dealt with-maintain professionalism

## 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.

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 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. The time frames for this will vary from case to case.

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. You will be in charge of the process and all steps will be discussed with you prior to any action being taken.

### **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.

## 12. 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.

### **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 9, 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 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.

## Appendix 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 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(s):

*Simon Chase, Safeguarding Lead, telephone 01767 312573, email:*

[simon.chase@eastamb.nhs.uk](mailto:simon.chase@eastamb.nhs.uk)

*Anna Price, Named Professional for Safeguarding, telephone 01767 312573, email:*

[anna.price@eastamb.nhs.uk](mailto:anna.price@eastamb.nhs.uk)

[Eoeasnt.f2su@nhs.net](mailto:Eoeasnt.f2su@nhs.net)

This person has 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 our executive director with responsibility for whistleblowing *Lindsey Stafford-Scott Director of People and Culture, telephone 01234 243041, email:*

[Lindsey.Stafford-Scott@eastamb.nhs.uk](mailto:Lindsey.Stafford-Scott@eastamb.nhs.uk)

**Step Four**

You can raise concerns formally with external bodies

**Appendix B**

# Equality analysis

**Title: Freedom to speak up: raising concerns (whistleblowing) Policy for the NHS**

**What are the intended outcomes of this work?** *Include outline of objectives and function aims*

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.

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Act in an independent and impartial capacity, listening to staff and supporting them to raise concerns they may have by using the available structures and policies, both within the organisation and outside.

**Who will be affected?** *e.g. staff, patients, service users, general population etc*  
All staff & volunteers

**Evidence** *The Government's commitment to transparency requires public bodies to be open about the information on which they base their decisions and the results.*<sup>1</sup>

**What evidence have you considered?**

This policy meets all requirements/legislation as this is a National Policy we have adopted. All references can be found in the Policy

**Disability**

This policy can be made available in different formats if required

**Gender**

This policy is inclusive of all

<p><b>Race</b> This policy is inclusive of all</p>
<p><b>Age</b> This policy is inclusive of all</p>
<p><b>Gender reassignment (including transgender)</b> This policy is inclusive of all</p>
<p><b>Sexual orientation</b> This policy is inclusive of all</p>
<p><b>Religion or belief</b> This policy is inclusive of all</p>
<p><b>Pregnancy and maternity</b> This policy is inclusive of all</p>
<p><b>Carers</b> This policy is inclusive of all</p>
<p><b>Other identified groups</b> This policy is inclusive of all</p>

<p><b>Engagement and involvement</b> <i>Was this work subject to the requirements for public engagement/consultation?</i></p> <p>No</p>
<p><i>How have you engaged stakeholders in gathering evidence or testing the evidence available?</i></p> <p>No</p>
<p><i>How have you engaged stakeholders in testing the policy/strategy or programme proposals?</i></p> <p>No</p>
<p><i>For each engagement activity, please state who was involved, how and when they were engaged, and the key outputs:</i></p> <p>N/A</p>

<p><b>Summary of Analysis</b> <i>Considering the evidence and engagement activity you listed above, please summarise the impact of your work. Consider whether the evidence shows potential for differential impact, if so state whether adverse or positive and for which groups. How you will mitigate any negative impacts. How you will include certain protected groups in services or expand their participation in public life.</i></p> <p><i>Now consider and detail below how the proposals impact on elimination of discrimination, harassment and victimisation, advance the equality of opportunity and promote good relations between groups.</i></p>
<p><b>Eliminate discrimination, harassment and victimisation</b></p>

*No evidence to suggest that there is any positive or negative impact for any the protected characteristics. This is a raising concerns policy which is inclusive of all. This is a national policy which we have adopted.*

**Advance equality of opportunity**

*No evidence to suggest that there is any positive or negative impact for any the protected characteristics. This is a raising concerns policy which is inclusive of all. This is a national policy which we have adopted.*

**Promote good relations between groups**

*No evidence to suggest that there is any positive or negative impact for any the protected characteristics. This is a raising concerns policy which is inclusive of all. This is a national policy which we have adopted.*

**What is the overall impact?**

*No evidence to suggest that there is any positive or negative impact for any the protected characteristics. This is a raising concerns policy which is inclusive of all. This is a national policy which we have adopted.*

**Addressing the impact on equalities.**

No action required

**Action planning for improvement**

No action required

Please give an outline of your next steps based on the challenges and opportunities you have identified.

Not applicable

**For the record**

**Name of person who carried out this assessment:**

Anna Price

Named Professional for Safeguarding & Freedom to Speak up Guardian

**Date assessment completed:**

20.7.17

**Name of responsible Director:**

Lindsey Stafford-Scott

**Date assessment was signed:**