

Freedom to Speak Up: Raising Concerns (Whistleblowing) Policy

(formerly the Speak Up Policy)

Name of document author:	Frances Dawson
Job title of document author:	Lead Freedom To Speak Up Guardian
Name of document author's Line Manager:	Paul Jones
Job title of author's Line Manager:	Director of Workforce
Division responsible for document:	Corporate
Date document written / revised:	Updated Dec 2021
Assessed and approved by (committee):	Trust Board
To be reviewed before: This document remains current after this date but will be under review	01/06/2022
For use in:	Organisation-wide
For use by:	All staff and workers
Key words:	Whistleblowing; Raising Concerns, Speaking Up
Reference and / or Trust Docs ID No:	ID 688
Version No:	V10.6
Description of changes (for revised versions):	Extension to review date – approved by Chairman of Board. Contact details updated.
Compliance links: (is there any NICE related to guidance)	No
If Yes - does the strategy/policy deviate from the recommendations of NICE? If so why?	N/a
As detailed in the Trust's Scheme of Delegation, this Policy is not to be revised without approval of the Trust Board	

Freedom To Speak Up: Raising Concerns (Whistleblowing) Policy

Version Information

Date of Update	Description of changes to this version
June 2000	Policy first issued
July 2004	Policy updated
January 2008	Policy updated
October 2010	Policy updated
March 2011	Update following LCFS recommendations
June 2013	New Section 10 re confidentiality agreements
June 2015	Appendix 2 Telephone Numbers updated
June 2015	Policy updated
June 2017	Policy Updated to reflect national guidance
February 2018	Policy Updated with updated key contact names and details
August 2018	Policy Updated with updated key contact names and details
July 2019	Policy Updated with updated key contact names and details. Layout change to promote more user friendly policy
October 2019	Review date extended
Dec 2021	Policy review date extended, due to awaiting National policy update due in March 2022. Key contact names and details updated.

Contents

Section	Section Title	Page Number
1.0	Introduction	3
1.1	Speak up – we will listen	3
1.2	This policy	3
2.0	Raising a Concern	3
2.1	What concerns can I raise?	3
2.2	Feel safe to raise your concern	4
2.3	Confidentiality or Anonymity	4
2.4	Who can raise concerns?	4
2.5	Who should I raise my concern with?	4
2.6	Advice and support	5
2.7	How should I raise my concern?	5
2.8	What will we do?	5
2.9	Investigation	5
2.10	Communicating with you	6
2.11	Individuals accused of a concern	6
2.12	Concerns about very senior individuals at NNUH	6
2.13	External Contacts including the Media	7
2.14	How will we learn from your concern?	7
2.15	Confidentiality Agreements	7
2.16	Board Oversight	7
2.17	Review	7
2.18	Raising your concern with an outside body	8
2.19	Making a ‘protected disclosure’	8
2.20	National Guardians Office - Freedom to Speak Up	8
Annex A	Process for raising and escalating a concern (contact details).	9

Freedom To Speak Up: Raising Concerns (Whistleblowing) Policy

Annex B: A vision for raising concerns in the NHS	11
Annex C: Manager Checklist: responding to concerns	12-14

1.0 Introduction

1.1 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.

Patient safety is paramount at the NNUH and all staff have a duty to raise concerns so we can learn from matters and maintain high quality care across our hospitals. **NNUH seeks to encourage a culture of speaking up in accordance with our PRIDE values (People focussed, Respect, Integrity, Dedication and Excellence) so everyone feels comfortable raising a concern and confident that it will be handled and responded to appropriately.**

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

2.0 Raising a Concern

2.1 What concerns can I raise?

You can raise a concern about anything 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, see page 9.

Freedom To Speak Up: Raising Concerns (Whistleblowing) Policy

- a bullying culture

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 resolution policy. Search in Trust documents on the intranet for details of this.

2.2 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.

2.3 Confidentiality or Anonymity

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. Use the "Speak In Confidence" tab found on the Trust Intranet homepage for this, see 2.7 for full instruction on how to do this.

2.4 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.

2.5 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.

Freedom To Speak Up: Raising Concerns (Whistleblowing) Policy

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, feel free to contact any of the following people listed on pages 9 and 10 (Step 2, The process for raising and escalating a concern).

2.6 Advice and support

Details on the local support available to you are listed on pages 9 and 10, however, you can also contact the Whistleblowing Helpline for the NHS and social care, your professional body or trade union representative see 2.18 for other agencies.

2.7 How should I raise my concern?

You can raise your concerns with any of the people listed on pages 9 and 10 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.

To use the anonymous route you can find the “Speak In Confidence” tab on the Trust intranet homepage or go to <https://speak2us.at/nnuh>

Here you can register with your nnuh.nhs.uk or nhs.net email address. If you prefer to register with your personal email address you will need to add the NNUH registration code which is: 123NNUH. It will take you less than a minute to register and regardless of which email address you use, you cannot be identified.

NB the “Speak In Confidence” logo will be changing to “Work In Confidence” in the future. It is the however exactly the same service and only a name change.

2.8 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 A for the steps page 9).

We are committed to listening to our staff, learning lessons and improving patient care and managers will refer to the checklist in Annex B and C when responding to concerns. 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.

2.9 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

Freedom To Speak Up: Raising Concerns (Whistleblowing) Policy

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.

If your concern suggests a Serious Incident has occurred, an investigation will be carried out in accordance with the Serious Incident Framework.

We may decide that your concern would be better looked at under another process; for example, our Grievance Resolution procedure or our process for dealing with bullying and harassment (Dignity at Work Framework). If so, we will discuss that with you.

Any employment issues (that affects only you and not others) identified during the investigation will be considered separately.

2.10 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).

2.11 Individuals who are the subject of a concern or allegation

If an individual is the subject of a concern or an allegation they will be treated with respect at all times and in accordance with our PRIDE values. **NNUH encourages a culture of speaking up and where an individual is implicated in a concern or allegation they will be fully listened to and will have full opportunity to provide their version of events and circumstances.** We will inform them of how long we expect any investigation to take and keep them up to date with its progress. **We commit to managing the matter with respect for all concerned and provide access to staff health and well-being services where this is needed.**

2.12 Concerns about very senior individuals at NNUH

If your concern is about a very senior person in the organisation, you should raise this on a confidential basis with either the Chairman or the Chief Executive of the Trust Board who will decide on how the matter shall be taken forward.

If for any reason you do not feel able to refer the matter to the Chairman or Chief Executive you may approach the Senior Independent Director who is one of the Non-Executive Directors (NED) on the Trust Board or contact the Lead Freedom To Speak Up Guardian (pages 9 and 10 for contact details).

Freedom To Speak Up: Raising Concerns (Whistleblowing) Policy

The process for dealing with concerns about very senior individuals at NNUH will be the same way as any other concern as per this policy.

2.13 External Contacts including the Media

While we hope this Policy gives you the reassurance you need to raise such matters internally, we would rather you raised a matter with the appropriate regulator or, where appropriate, with the police, than not at all. Protect (previously Public Concern at Work) will be able to advise you on such an option and on the circumstances in which you may be able to contact an outside body safely. However, we would expect you to contact the Trust's Chief Executive before taking any matter to the Press, to give an opportunity for the organisation to resolve the issue through the use of this Policy.

2.14 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.

2.15 Confidentiality Agreements

Concern has been raised nationally that in some circumstances, staff wishing to raise concerns about patient safety or clinical quality have been inhibited from doing so by confidentiality clauses within the context of what are called settlement agreement on the termination of employment. It is NNUH policy that no member of staff should be inhibited from raising such legitimate concerns through proper channels in the public interest.

The following clause, or one of equivalent effect, shall therefore be included in any compromise agreements agreed by the Trust:

“For the avoidance of doubt, nothing in this Agreement shall prejudice any rights that the Employee has or may have under the Public Interest Disclosure Act 1998 and/or any obligations that the Employee has or may have to raise concerns about patient safety and care with regulatory or other appropriate statutory bodies pursuant to his or her professional and ethical obligations including those obligations set out in guidance issued by regulatory or other appropriate statutory bodies from time to time.”

2.16 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.

2.17 Review

Freedom To Speak Up: Raising Concerns (Whistleblowing) Policy

We will review the effectiveness of this policy and local processes at least annually, with the outcome published and changes made as appropriate.

2.18 Raising your concern with an outside body

Alternatively, you can raise your concern outside the organisation with:

- **NHS Improvement and NHS England (previously separate organisations, now merged)** 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
 - primary medical services (general practice)
 - primary dental services
 - primary ophthalmic services
 - local pharmaceutical services
 -
- **Care Quality Commission** for quality and safety concerns
- **Health Education England (HEE)** for education and training in the NHS
- The NHS Counter Fraud Authority (NHSCFA) is a new organisation tasked to lead the fight against fraud, bribery and corruption in the NHS (When the NHSCFA was launched on 1 November 2017, NHS Protect ceased to exist).

2.19 Making a 'protected disclosure'

There are 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 listed above 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, Protect (Previously Public Concern at Work) or a legal representative.

2.20 National Guardian Office - Freedom to Speak Up

The National Guardian Office is an independent, non-statutory body with the remit to lead culture change in the NHS so that speaking up becomes business as usual. The office is not a regulator, but is sponsored by the CQC, NHS England and NHS Improvement and may consider an independent 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 - The process for raising and escalating a concern

Freedom To Speak Up: Raising Concerns (Whistleblowing) Policy

The following four steps provide an overview of the actions you can take to raise 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 in person or in writing (including email).

Step two

If you feel unable to raise the matter with your line manager, lead clinician or tutor, for whatever reason, please feel free to raise the matter with any of the following:

- Prof Nancy Fontaine, Chief Nurse. Tel: 01603 287479 or ext 3479.
email: nancy.fontaine@nnuh.nhs.uk
- Prof Erika Denton, Medical Director. Tel: 01603 286212 ext 221).
email: erika.denton@nnuh.nhs.uk
- Chris Cobb, Chief Operating Officer. Tel; 01603 289758 ext 5758.
email: chris.cobb@nnuh.nhs.uk
- Paul Jones, Chief People Officer. Tel 01603 289080 ext 5080.
email: paul.jones@nnuh.nhs.uk
- Roy Clarke, Chief Finance Officer, Tel 01603 287402
email: roy.clarke@nnuh.nhs.uk
- If your concern is about fraud and corruption, please read the policy on this for further guidance. You can also contact the Local Counter Fraud Specialist on 01908 687800 or the National Fraud Reporting Line on 0800 028 4060.
- Our risk management team telephone 01603 646771 ext 6771.
- Our **Freedom To Speak Up Guardians** (FTSUG)
- Email ftsug@nnuh.nhs.uk or directly -
 - Lead Freedom to Speak Up Guardian - Frances Dawson
01603 286891 ext 2891 07874 637410 call or text .
email: frances.dawson@nnuh.nhs.uk
 - Rob Boyce. Tel: 01603 288957 ext 4957 email:
robert.boyce@nnuh.nhs.uk
 - Annie Cook. email: annie.cook@nnuh.nhs.uk
 - Terry Davies. email: tdavies@norwich.serco.com

Freedom To Speak Up: Raising Concerns (Whistleblowing) Policy

- Carrie Moore. email Carrie.moore@nnuh.nhs.uk
- Julia Ali. email Julia.ali@nnuh.nhs.uk

The FTSUGs 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 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 measures are taken to protect your identity.

Step three

If you still remain concerned after this, you can contact in writing or email the following:

- Chief Executive (email; Sam.Higginson@nnuh.nhs.uk)
- Chairman (email: david.white@nnuh.nhs.uk)
- Our non-executive director (NED) with responsibility for whistleblowing is Sandra Dineen and may be contacted via Trust Management Office on telephone 01603 287155.

Norfolk and Norwich University Hospital NHS Trust
Trust Management
West Block: Level 4
Colney Lane
Norwich
Norfolk
NR4 7UY

Step four

You can raise concerns formally with external bodies as prescribed on page 8

Freedom To Speak Up: Raising Concerns (Whistleblowing) Policy

Annex B: A vision for raising concerns in the NHS



Annex C: Manager Checklist: responding to concerns

Freedom To Speak Up: Raising Concerns (Whistleblowing) Policy

Below is a checklist which is intended to offer some helpful prompts for managers to deal with issues effectively and professionally.

STEP 1: PREPARATION

- ✎ Make sure you are aware of and understand NNUH's Freedom to Speak Up: raising concerns (whistleblowing) Policy and your responsibilities as a manager when handling concerns raised by staff.
- ✎ Have regular conversations with staff as part of team meetings/one to ones and the appraisal/performance process to make sure they are aware of and understand the organisation's local arrangements and are confident to use them.
- ✎ While you should encourage staff to follow internal processes, it is equally important for them to know how to raise concerns with a regulator or other relevant body, and when it would be appropriate to do so.
- ✎ All communications with staff should make clear the differences between a grievance and raising a (whistleblowing) concern. They can then make a more informed judgement about how to raise issues with you or other lines of management.
- ✎ Reinforce the organisation's stance and actions to be taken where individuals raise malicious or false allegations and/or subject colleagues who have raised concerns to bullying, harassment or other forms of victimisation. Ensure staff are clear about where they can go for advice and support should they be subjected to any such negative behaviours.
- ✎ Engage with the organisation's Freedom to Speak Up (FTSU) Guardians/ other designated officers and/ or human resources to ensure you have all the advice and support you need to deal with issues quickly and effectively.
- ✎ All staff and managers should be encouraged to undertake appropriate training on raising and responding to concerns.

STEP 2: PROCESS

- ✎ Always offer individuals a scheduled conversation in a private environment.
- ✎ Be mindful that individuals may not feel comfortable meeting face-to-face. In such cases, offer them opportunity to talk at a mutually convenient time over the telephone.
- ✎ Where you have arranged a face-to-face meeting, remind the individual that they have a right to bring someone with them for support during the conversation should they wish to. This may be a colleague from another team/department or union representative.
- ✎ For face-to-face meetings, consider whether you require a note taker to take an accurate record of the discussion. This should be agreed with the individual raising the concern in advance.

STEP 3: DURING THE MEETING

Freedom To Speak Up: Raising Concerns (Whistleblowing) Policy

- ✎ Thank the individual for raising the matter with you.
- ✎ Commit to taking their issues seriously.
- ✎ If the individual has requested confidentiality, respect this as far as is reasonably possible, referring to their identity strictly on a need to know basis. The same degree of confidentiality should be offered to other individuals implicated in issues being raised. Make clear any circumstances when keeping their identity confidential may not be guaranteed.
- ✎ Recognise that this may be a troubling time for them and offer reassurance.
- ✎ Listen carefully to the issues being raised and determine whether or not it should be handled under the Freedom to Speak Up: raising concerns (whistleblowing) policy.
- ✎ If it is very clear that the issues raised do not fall under the Freedom to Speak Up: raising concerns (whistleblowing) Policy, explain why to the individual. You may wish to seek further advice from human resources before advising them on the appropriate route to take.
- ✎ Focus on the issues being raised - avoid making any pre-judgements about the individual raising the concern.
- ✎ Reinforce that it is the organisation's position to support and protect those who genuinely raise concerns, even if their issues prove to be mistaken.
- ✎ Outline what advice and support is available to them, signposting to the FTSU guardians, human resources, trade union representation, Workplace Health and Wellbeing and/or external bodies such as the national Whistleblowing Helpline or Protect (previously PCaW)
- ✎ Manage expectations about what can be shared once the investigation has concluded. Due to legal obligations of confidentiality, it may not be possible to provide information about any disciplinary action taken against other members of staff.
- ✎ Be clear on what the individual should do if he/ she feels victimised or bullied by colleagues or peers as a direct result of them raising a concern, offering support and reassurance.
- ✎ Ensure you make clear, concise notes of all discussions/meetings (including dates of when they took place). You should offer a copy to the individual raising the concern to ensure you have fully understood the issues being raised and to confirm agreed actions to be taken, if any are identified. Retain all notes securely, to maintain confidentiality.
- ✎ Assess any immediate risk and decide whether escalation/investigation is required outside the management structure and report any safety issues to the appropriate departments/bodies.

Freedom To Speak Up: Raising Concerns (Whistleblowing) Policy

STEP 4: AFTER THE MEETING

-  Determine whether other staff, patients or their families, need to be involved in the investigation process.
-  If the situation arises where it is not possible to resolve the concern without revealing the individual's identity beyond a 'need to know' basis (for example, where you are legally obliged to disclose it) you must advise the individual before proceeding.
-  Explore mediation/ counselling/ coaching where team relationships in a team have broken down, seeking support from human resources and/ or staff side. This may be particularly helpful in preventing any risk of bullying or harassment from colleagues and peers that may be resultant from an individual raising concerns.
-  Assess any immediate risk and decide whether escalation/investigation is required outside the management structure and report any safety issues to the appropriate departments/bodies.

STEP 5: NEXT STEPS

-  Upon conclusion of any investigation, inform the individual raising the concern of the outcome and any actions taken/proposed (subject to normal requirements to protect the confidentiality of staff). If no action is to be taken, the reasons for this should be explained to the individual raising the concern.
-  Feedback outcomes to the FTSU guardians so that they can accurately report to the board/governance teams on how effective internal processes have been and make recommendations for improvement.
-  All records and correspondence should be marked 'in confidence' and be kept securely in line with the organisation's record management policy. At all stages, documentation should be managed in compliance with the requirements of the Data Protection Act 1998 (as amended).
-  Once the matter has been concluded, ask the individual raising the concern for their feedback on the process to ensure improvements are made based on lived experiences and learning.
-  If the individual raising the concern is unhappy with the way that their issues have been handled, they should be encouraged to raise this with the FTSU guardians. If they continue to be dissatisfied, the individual should be informed of their right to escalate this to the director of workforce, the chairman of the organisation or one of the non-executive directors of the board, as may be deemed appropriate.
-  It may be the case that the individual continues to be dissatisfied, to the extent that they choose to leave the organisation. If this is the case, you should inform human resources as a matter of urgency and arrange a meeting to try and understand and resolve the member of staff's ongoing concerns.