



## Staff Guide Freedom to Speak Up, Raising Concerns Policy

A guide for staff

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## SHPCA & Speaking Up Position Statement

### 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.

### This policy

The **aims of this policy** are to:

- Encourage staff to report concerns or suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected.
- Provide staff with guidance as to how to raise those concerns.
- Reassure staff that they should be able to raise genuine concerns in good faith without fear of reprisals, even if they turn out to be mistaken.

This policy reflects the principles of Freedom to speak up: raising concerns (whistleblowing) policy for the NHS, April 2016 and Freedom to speak up in Primary Care: Guidance to primary care providers on supporting whistleblowing in the NHS, NHS England, November 2016. It is based on the 'standard integrated policy' recommended as part of the Francis Inquiry into whistleblowing in the NHS. (See Annex A for supporting Vision)

As a provider of NHS services, SHPCA adopts this policy/adheres to its principles and provides more detail about how we will look into a concern (see flowchart at Annex B).

This policy does not form part of the employee contract of employment, however outcomes following a formal process may then become relevant to an employee's terms and conditions of employment.

### 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 <https://nhsfraudandsecurity.co.uk/>)

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

[For further examples, please see the Health Education England video](#)

Remember that if you are a healthcare professional you may have a professional duty to report a concern. **If in doubt, please raise it.**

**Don't wait for proof. We would like you to raise the matter while it is still a concern.** It doesn't matter if you turn out to be mistaken as long as you are genuinely troubled.

This policy is **not for people with concerns about their employment that affect only them** – that type of concern is better suited to our Grievance policy.

Individuals employed by external organisations will normally be able to raise any concerns support via their employer's own whistleblowing policies, procedures and support mechanisms. However, if an individual prefers not to raise it with them for any reason or feels that the issue should also be raised with SHPCA, they can contact us through the Freedom to Speak Up Lead, Head of Quality & Governance or Chief Operating Officer. Our process for this is at Annex C.

### **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.

### **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. For example, it may be more difficult or impossible to investigate if SHPCA cannot obtain further information from the staff member. It is also more difficult to establish whether any allegations are credible and have been made in good faith. Whistleblowers who are concerned about possible reprisals if their identity is revealed should come forward to the Freedom to Speak Up Guardian and appropriate measures can then be taken to preserve

confidentiality. If there is in any doubt advice can be sought from SCW HR or Public Concern at Work, the independent whistleblowing charity, who offer a confidential helpline (020 7404 6609 or go to [www.pcaw.org.uk](http://www.pcaw.org.uk)).

## **Fraud**

In cases of fraud, reference may also be drawn to the Local Anti-Fraud, Bribery & Corruption Policy. Whistleblowing in relation to conflicts of interest or business conduct will need to refer to SHPCA Standards of Business Conduct and Managing Conflict of Interest Policy, and SHPCA's Conflicts of Interest Guardian.

For concerns regarding violence, intimidation, bullying, harassment, discrimination or victimisation in relation to individual SHPCA employees, please refer to SHPCA's Bullying and Harassment Policy.

However, where the matter is even more serious, or it is felt that the line manager has not addressed the concern, or a staff member or an ex-employee prefers not to raise it with them for any reason, contact should be made with one of the following:

1. The Freedom to Speak Up Guardian
2. SCW HR
3. Other trusted high profile position, such as SHPCA's Directors and Senior Managers.

SHPCA will arrange a meeting with the staff member as soon as possible to discuss their concern. A colleague or union representative may be brought to any meetings under this policy. The companion must respect the confidentiality of the disclosure and any subsequent investigation.

SHPCA will take down a written summary of the concern and provide the staff member with a copy after the meeting. SHPCA will also aim to give an indication of how SHPCA propose to deal with the matter.

## **Who can raise concerns?**

Anyone who works (or has worked) in the NHS, or for an independent organisation such as SHPCA that provides NHS services can raise concerns. This includes substantive employees, sessional staff, agency workers, temporary workers, students, volunteers and governors.

**This policy does not cover concerns raised by patients and members of the public**, who should refer to SHPCAs 4Cs Policy, this encompasses concerns, complaints, comments and compliments.

## **Who should I raise my concern with?**

In many circumstances the easiest way to get your concern resolved will be to raise it informally with your line manager (or lead clinician). 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) does not resolve matters, or you do not feel able to raise it with them, you can contact one of the following people:

- **SHPCA Freedom to Speak Up Guardian** - Dr Janet Naylor

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 operating officer, the Chair or if necessary, outside the organisation.

**Annex C sets out how a concern might be escalated.**

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

- **SHPCA Senior Manager** with responsibility for whistleblowing: Lee Busher, Head of Governance, Quality & Safety – [Lee.Busher3@nhs.net](mailto:Lee.Busher3@nhs.net)
- **SHPCA Chair:** Dr Kathryn Bannell [Kathryn.Bannell@nhs.net](mailto:Kathryn.Bannell@nhs.net)
- **SHPCA Chief Operating Officer** – Kerry Cooper [Kerry.cooper3@nhs.net](mailto:Kerry.cooper3@nhs.net)

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 directly with external bodies, listed at Annex C**

## 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. Please see the Flowchart at Annex B to help you decide what to do.

## What will we do?

SHPCA is committed to conducting business with honesty and integrity, and we expect our staff to maintain high standards. However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring or to address them when they do occur. SHPCA is committed to acting in line with the Just Culture guidance and approach (see Annex C)

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 D). We are committed to listening to our staff, learning lessons and improving care. On receiving your concern, it will be logged, and you will receive an acknowledgement of this within three 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 on your feedback.

## **INVESTIGATION**

Where you have been unable to resolve the matter quickly (i.e. within a few days) with your line manager 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. If your concern suggests a Serious Incident has occurred an investigation will be carried out in accordance with the Managing Events - Incident Policy/Framework.

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.

### **Where can I go for advice and support?**

Details on the local support available to you can be found on the SHPCA staff intranet.

However, you can also contact the Whistleblowing Helpline: <https://speakup.direct/>

For the NHS and social care, you can contact your own professional body or trade union representative if you are a member.

You can also contact the **National Guardian's Office**:

National Guardian's Office  
151 Buckingham Palace Road  
London  
SW1 9SZ  
Tel: 0300 067 9000

**Email:** [enquiries@nationalguardianoffice.org.uk](mailto:enquiries@nationalguardianoffice.org.uk)

**Website:** [www.nationalguardian.org.uk](http://www.nationalguardian.org.uk)

## **SHPCA Staff**

Staff have the option of support including our **Employee Assistance Programme**, 24 hours a day, 7 days a week: Tel: 0800 783 2808 or through the

[website: www.healthassuredeap.co.uk](http://www.healthassuredeap.co.uk)

Username: HIW Password: EAP

## **How will we communicate 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. Where possible, we will share the full investigation report with you (whilst 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.

## **Further Relevant Policies and Details**

### **Protected disclosures More Information**

Certain conditions must be met for a whistleblower to qualify for protection under the Public Interest Disclosure Act 1998 (PIDA), depending on to whom the disclosure is being made and whether it is being made internally or externally

Workers are encouraged to raise their concerns with their employer (an internal disclosure) with a view that the employer will then have an opportunity to address the issues raised. If a worker makes a qualifying disclosure internally to an employer (or other reasonable person) they will be protected.

If a disclosure is made externally, there are certain conditions which must be met before a disclosure will be protected. One of these conditions must be met if a worker is considering making an external disclosure (this does not apply to disclosures made to legal advisors).

If the disclosure is made to a prescribed person, the worker must reasonably believe that the concern being raised is one which is relevant to the prescribed person (see below).

A worker can also be protected if they reasonably believe that the disclosure is substantially true, the disclosure is not made for personal gain i.e. is in the public interest, it is reasonable to make the disclosure and one of the following conditions apply:

At the time the disclosure is made, the worker reasonably believes that s/he will be subjected to a detriment by their employer if the disclosure is made to the employer; or

The worker reasonably believes that it is likely that evidence relating to the failure / wrongdoing will be concealed or destroyed if the disclosure is made to the employer; or

The worker has previously made a disclosure to his / her employer.

Additional conditions apply to other wider disclosures to the police, an MP or the media. These disclosures can be protected if the worker reasonably believes that the disclosure is substantially true, the disclosure is of an exceptionally serious nature, and it is reasonable to make the disclosure

### **Prescribed persons / organisations**

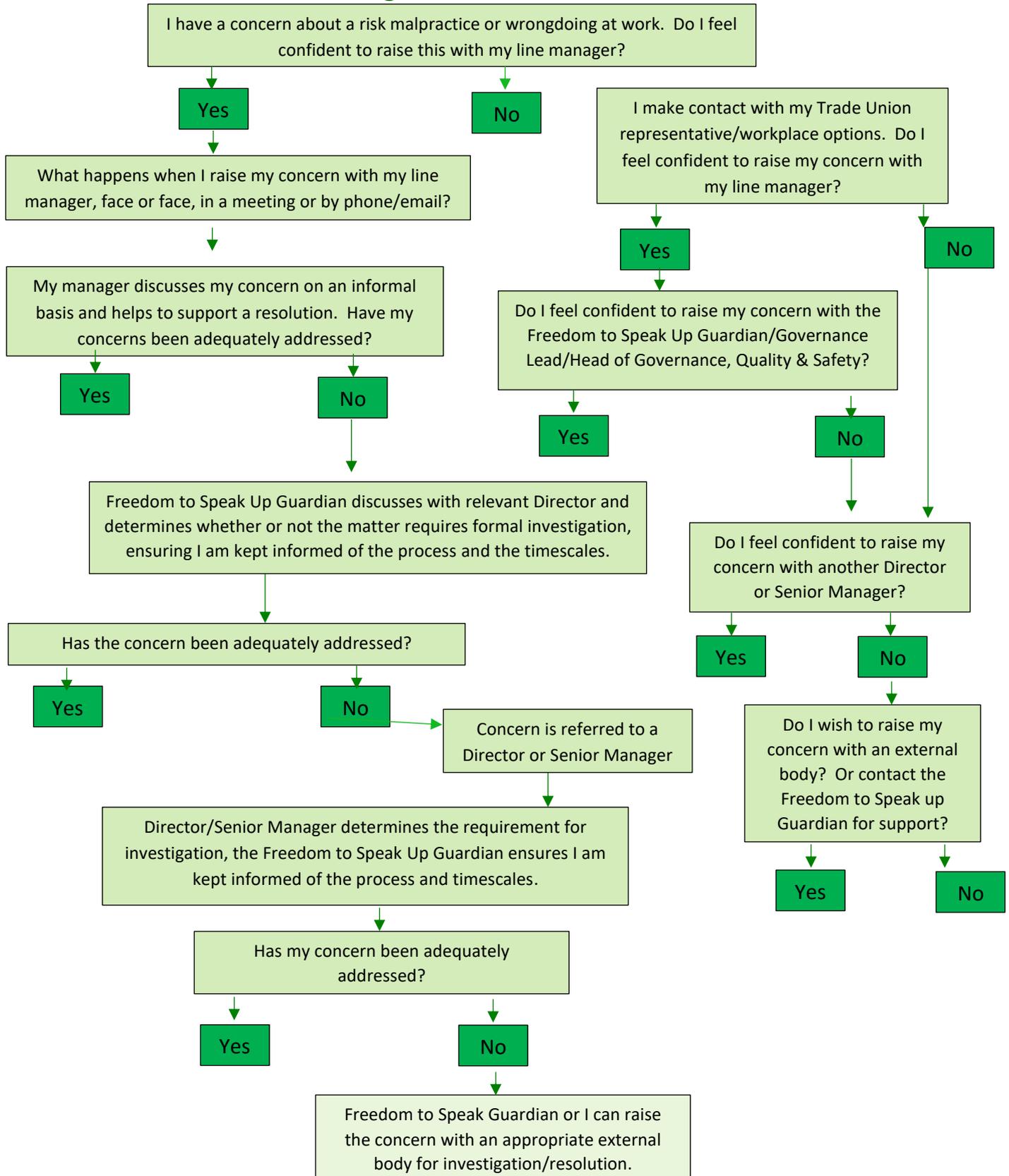
Special provision is made for disclosures to organisations prescribed under PIDA. Such disclosures will be protected where the whistleblower meets the tests for internal disclosures and additionally, honestly and reasonable believes that the information and any allegation contained in it are substantially true. Please note that SHPCA is not currently a prescribed organisation under PIDA and as such can only take limited action in relation to whistleblowing concerns in respect of other external organisations.

## Annex A – A Vision for raising concerns

From The Francis Report (2015) Freedom to Speak Up: Independent Report into creating an open and honest reporting culture in the NHS



## Annex B – Flowchart for raising concerns



## **Annex C – Process for Raising and Escalating a Concern – including with outside bodies**

### **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 or their deputy:

**FTSU Guardian: Janet Naylor – [Janet.Naylor1@nhs.net](mailto:Janet.Naylor1@nhs.net)**

**FRSU Senior Manager Lead: Lee Busher – [Lee.Busher3@nhs.net](mailto:Lee.Busher3@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 COO

### **Step four – EXTERNAL BODIES**

You can raise concerns formally with external bodies:

**Our local CCGs:** Fareham & Gosport and South Eastern Hampshire

### **Vulnerable Adults, Young People and Children**

If there are concerns that people using the service are not being cared for properly or a concern about the safety of vulnerable adults or children, concerns can be raised with the local authority (local council) via the Hampshire Multiagency Safeguarding Hub (0300 555 1384),

**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 qualify for protection under the Public Interest Disclosure Act 1998 (PIDA), depending on to whom the disclosure is being made and whether the concern it is being made internally or externally.

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. SHPCA is not a prescribed organisation under PIDA and as such can only take limited action in relation to whistleblowing concerns in respect of other external organisations.

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.

You can also seek independent advice before raising a concern with your trade union/professional regulatory body, or refer to guidance issued by them.

### **National Guardian – Freedom to Speak Up**

The national guardian can independently review how staff have been treated having raised concerns where organisations may have failed to follow good practice, and this can include working with some of the other bodies referred to above to take any necessary action:

National Guardian's Office

151 Buckingham Palace Road

London

SW1 9SZ

**Tel:** 0300 067 9000

**Email:** [enquiries@nationalguardianoffice.org.uk](mailto:enquiries@nationalguardianoffice.org.uk)

**Website:** [www.nationalguardian.org.uk](http://www.nationalguardian.org.uk)