

Document Title: Whistleblowing Policy and Procedure			
Document Purpose:	To provide a mechanism for dealing with concerns raised by staff in relation to unlawful conduct, mal practice, fraud, breaches of codes of professional conduct, dangers to the public, treatment of patients and clients, threats to the environment or health & safety issues.		
Document Statement:	This Policy aims to provide a safe mechanism for staff to raise genuine concerns at the highest levels of the organisation without fear of retribution		
Document Application:	All managers and staff		
Responsible for Implementation:	Director of Personnel & Organisational Development		
Main imperatives of this Document are: <ol style="list-style-type: none"> 1. To provide a mechanism for raising genuine concerns 2. To provide staff with assurances that concerns can be raised in good faith without fear of their employment being at risk 			
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Associated Documents <ol style="list-style-type: none"> 1. Bullying & Harassment Policy 2. Grievance & Disputes Procedure 3. Counter Fraud Policy 4. NHS Terms & Conditions of Service Handbook 			
APPROVAL RECORD			
Validated by Facilitator:	Patient Safety Team/ Document Control Group	Date: April 2011	
Agreed by Specialist Group:	Joint Negotiating Committee (JNC)	Date: July 2011	
Approved by Board:	Board of Directors	Date:	

DOCUMENT HISTORY**Revision History**

Revision Date	Previous Revision date	Summary of Changes	Changes marked
May 2009	March 2007	Updating of contacts listed under Section 4 and Section 6	
March 2010	May 2009	<ul style="list-style-type: none"> - Clarification on timescales for responding to concerns raised under the policy - Inclusion of detail on roles and responsibilities 	Section 6 Section 2
September 2010	March 2010	<ul style="list-style-type: none"> - Clarification on who policy applies to - Email address for public concern at work - Inclusion of reference to the NHS T&C of Service regarding employee's contractual right to raise concerns 	Section 1 Section 8
March 2011	September 2010	<ul style="list-style-type: none"> - General review of policy. Additional sections including Training and Ratification. 	Sections 12 & 13
July 2011	March 2011	<ul style="list-style-type: none"> - Amendment to indicate that independent advice can be sought from members of the Staff Council and Staff Governors. 	Section 8

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Valid on day of printing ONLY

1. INTRODUCTION

All of us, at one time or another have concerns about what is happening at work. Usually these concerns are easily resolved. However, **when they are about unlawful conduct, financial malpractice, breaches of codes of conduct, ill-treatment of patients/clients, disregard of health and safety rules, dangers to the public or the environment or any other similar matter**, it can be difficult to know what to do.

You may be worried about raising such issues or may want to keep the concerns 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 organisation. 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. You may also be afraid of recriminations or have concerns about your personal safety, should your identity be disclosed to the subject(s) of your concern.

Basildon & Thurrock University Hospitals NHS Foundation Trust is committed to achieving the highest possible standards of service and the highest ethical standards in public life and in all of its practices. The Trust has therefore introduced this procedure to encourage freedom of speech and to enable you to raise your concerns about such malpractice at an early stage and in the right way. We would rather that you raised the matter when it is just a concern rather than wait for proof.

This Policy applies to all those who work for us, whether full time, part time, employed through an Agency or contractors, as a volunteer or student on a placement. If something is troubling you which you think we should know about or look into, please use this procedure. If, however, you are aggrieved about your personal position, i.e. the terms & conditions of service/conditions of work, please discuss with your manager, Personnel or union representative in the first instance. If these are not resolved to your personal satisfaction you may then wish to evoke the Grievance Procedure - which you can get from your manager or the Personnel Department. This Whistleblowing Policy and Procedure is **primarily for concerns where the interests of others or of the organisation itself are at risk**.

If in doubt - raise it!

2. ROLES AND RESPONSIBILITIES

2.1 Chief Executive

The Chief Executive has overall responsibility for the policy. The Chief Executive / Chairman will be responsible for an initial assessment of any concerns highlighted to them under the policy and consider appropriate further action

2.2 Director of Personnel and Organisational Development / Director of Finance.

The Director of Personnel and Organisational Development / Director of Finance and Continuous Improvement will be responsible for an initial assessment of any concerns that have been highlighted to them under the policy and consider appropriate further action.

They will ensure that concerns are responded to within the timescales detailed in the policy.

2.3 Personnel Department

The Personnel Department will ensure that the policy is reviewed as and when policy and legislative changes necessitate the same. The Personnel Department will ensure that data on concerns raised under this policy is recorded centrally and presented to the Workforce Governance Committee for periodic review.

2.4 Managers

It is the responsibility of every manager in the Trust to consider any concerns brought to their attention under the policy and either escalate them to the next level of management or seek advice from the Personnel Department for further action.

2.5 Individual Member of staff

It is the responsibility of every member of staff to report malpractice and/or fraud using the appropriate channels detailed in this policy. It is the responsibility of every member of staff to cooperate and assist with any internal inquiries or formal investigations that are necessitated.

3. 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, it does not matter if you are mistaken. Of course we do not extend this assurance to someone who maliciously raises a matter they know is untrue - the Trust may choose to discipline such individuals under these circumstances. Such acts of disclosure are endorsed by the Public Interest Disclosure Act 1998 and no employee shall suffer as a result of reporting reasonably held suspicions under the provisions of this Act.

Your confidence

We will not tolerate the harassment or victimisation of anyone raising a concern. However, we recognise that you may nonetheless want to raise a concern, in confidence, under this policy. If you ask us to protect your identity by keeping your confidence, we will not disclose it without your consent. The exception is when we may be obliged to reveal your identity, on legal advice, where investigation of serious allegations leads to the establishment of an external enquiry, police action against individuals, or potential dismissal of employees. If it becomes clear that any of these may apply, we will discuss with you how we can proceed.

Anonymous Allegations

Remember that if you do not tell us who you are, it will be much more difficult for us to look into the matter or to protect your position or to give you feedback. Accordingly, while we will

consider anonymous reports, this policy is not appropriate for concerns raised anonymously.

4. HOW WE WILL HANDLE THE MATTER

Once you have told us of your concern, we will look into it to assess initially what action should be taken. This may involve an internal inquiry or a more formal investigation. We will tell you who is handling the matter, how you can contact him/her and whether your further assistance may be needed. If you request it, we will write to you summarising your concern and setting out how we propose to handle it.

For matters of **fraud and corruption** staff may discuss their concerns directly with the Director of Finance or the Trust Local Counter Fraud Specialist (LCFS) on 020 8869 7433. An employee may also choose instead to discuss the matter with the National Fraud and Corruption Reporting Line on 0800 028 4060.

When you raise your concern you may be asked how you think the matter might best be resolved. If you do have any personal interest in the matter, we do ask that you tell us at the outset. If your concern falls more properly within the Grievance Procedure we will tell you.

The purpose of this policy is to enable us to investigate possible malpractice and take appropriate steps to deal with it and we will give you as much feedback as we properly can.

If requested, we will confirm our response to you in writing. Please note, however, that we may not be able to tell you the precise action we take where this would infringe a duty of confidence owed by us to someone else.

5. DUTIES OF STAFF AND PROFESSIONALS

In addition to the general duty of staff to disclose malpractice to their employer, most professional NHS staff are also under obligation to their statutory body, such as The General Medical Council, within the Codes of Conduct, to take positive steps to disclose any concerns about colleagues which may affect the care provided. Details can be obtained from the relevant professional body.

The professional bodies for the larger professional Groups in the Trust are:

Nursing and Midwifery Council (NMC) (Tel: 020 7637 7181)

General Medical Council (GMC) (Tel: 0845 357 3456)

Health Professions Council
(for Allied Health Professionals) (Tel: 020 7582 0866)

While we hope this policy gives you the reassurance you need to raise such matters internally, we would rather you raised a matter with an appropriate regulator or body than not at all. If you are acting in good faith and you have evidence to back up your concern, you can also contact:

- Your **Member of Parliament** (*House of Commons 020 7219 3000*)
- For **Health & Safety matters** - Health & Safety Executive (0845 345 0055).
- For **Environmental Dangers** - the *Environment Agency* (08708 506 506)
- For **Fraud and Serious Irregularities** - *Inland Revenue (Tax Evasion Hotline 0800 788 887)*, *HM Revenue and Customs (0800 595000)*, *Serious Fraud Office (020 7239 7272)*.
- For **Financial Matters** - the *Audit Commission (Public Interest Disclosure Line 0845 052 2646)*, *National Audit Office (020 7798 7999)*.
- For **Charity Matters** - *Charity Commission (0845 3000 218)*.
- *Monitor (Independent Regulator of NHS Foundation Trusts) (020 7340 2400*
- For **Safety of Medicines** - *Committee on Safety of Medicines (020 7084 2000)*.
- For **Mental Health Act Matters** - *Mental Health Act Commission (0115 943 7100)*
- For **Child Protection Issues** - *NSPCC (0808 800 5000).*)
- *For concerns relating to Psychology **British Psychological Society** (0116 254 9568)*
- **General Dental Council** for concerns in relation to doctors (020 7887 3800)
- **Royal College of Speech & Language Therapists** (020 7378 1200)
- **Royal Pharmaceutical Society** (020 7735 9141)

This list includes bodies recognised as '**regulators**' under the **Public Interest Disclosure Act** and **statutory organisations** who cover professional areas relevant to the Trust.

6. HOW TO RAISE A CONCERN INTERNALLY

Step one

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

Step two

If you feel unable to raise the matter with your manager, for whatever reason, please raise the matter with:

- 1) Executive Director of the Trust - Director of Finance & Continuous Improvement (telephone: 0845 1553111 ext: 1292)

- 2) Senior Personnel professional – Director of Personnel and Organisational Development
(telephone: 0845 1553111 ext: 1300)

Please say if you want to raise the matter in confidence so that they can make appropriate arrangements.

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 you can contact the Trust's Chairman via extension 3522.

Alternatively, you may also write directly to the Chief Executive at the following address:

Trust Head Office
Level J
Basildon Hospital
Nethermayne
Basildon
Essex
SS16 5UX

You should receive an initial response to your concern within 5 working days. The initial response may not answer all of your concerns as it may take time to investigate. We will endeavour to provide a full response within a calendar month from receipt.

Exceptionally, if appropriate, you may raise the matter with the Secretary of State or the relevant Minister for Devolved Administrations, although you will normally have followed the Trust's internal procedure (steps 1 to 3 above) before considering this approach.

If your concern is about **fraud and corruption**, you should contact the Local Counter Fraud Specialist - details in section 3.

7. CONCERNS ABOUT THE MOST SENIOR PERSON IN THE TRUST

If your concern is about the most senior person in the Trust, you should raise your concern with the Chairman of the Board of Directors. If your concern is about the Chairman of the Board of Directors you should raise your concern with the Senior Independent Non-Executive Director, who will decide on how the matter shall be taken forward. The Chairman and the Senior Independent Non-Executive Director can be contacted through the Company Secretary on extension 3303.

8. INDEPENDENT ADVICE

If you are unsure whether to use this procedure or you want independent advice at any stage, you may contact:

- your union; *or*
- members of the Staff Council or Staff Governors; *or*

- the independent charity Public Concern at Work on (020) 7404 6609 or by email at helpline@pcaw.co.uk. Their lawyers can give you free confidential advice at any stage about how to raise a concern about serious malpractice at work.

9. EXTERNAL CONTACTS

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. '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.

10. 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.

11. AUDIT AND MONITORING

This Policy and Procedure will be monitored and reviewed July 2016 or earlier if legislation requires, by the Director of Personnel and Organisational Development. Data relating to concerns raised under the policy will be centrally recorded and reports will be made to the Workforce Governance Sub Group on a quarterly basis.

12. TRAINING

No formal training is required for the implementation of this policy. Staff will be informed on induction.

13. RATIFICATION

This Policy and Procedure will be agreed by the Joint Negotiating Committee and approved by the Board of Directors. It will be published on the Trust intranet and staff will be informed of the publication via the Trust core brief. Hard copies of the document will be available in designated areas as identified in the Controlled Documents Policy and Procedure.

WHISTLEBLOWING POLICY

JULY 2011

Signed on behalf of the Trust by:

Nigel Taylor
Director of Personnel &
Organisational Development

Date

Signed on behalf of Staff Side by:

Dave Vandenburg
Chair of Staff Side

Date

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