

Policy Review

Date of Trust Board: 26th February 2009

Agenda Item: XX

Name of Policy:	Public Interest Disclosure Act Policy <i>How Staff Raise Concerns At Work</i>	
Author by Title:	Deputy Director of HR	
Enquiries to:	Emma Cain	
Date prepared:	31 st January 2009	
Purpose of Policy:	The Public Interest Disclosure Policy is primarily for the raising of concerns where the interests of others or of the organisation itself are at risk. The policy informs individual's on how to raised these concerns.	
Key Point/s:	<ul style="list-style-type: none"> The policy has been reviewed and updated to include appropriate reference to Counter Fraud Specialist Involvement. <p><i>If replacing / /updating sections please show on table overleaf 'current paragraph' and 'proposed paragraph' for ease of reference.</i></p>	
Policy reviewed by:		
<i>Name of Committee:</i>	<i>Date:</i>	<i>Status:</i> <i>Approved/Rejected/Amended</i>
JNCC	19 th February 2009	Approved
Implementation:		
Communication Plan:	Yes	
Training Plan:	Yes	
Implementation Plan:	Yes	
Equality Impact Assessment:	Yes / No / Not Applicable	
Date for further review:	February 2011	
Recommendation:	To approve	

Name of Policy:

Changes for Board Approval as detailed below:

Current paragraph / section	Proposed paragraph / section
4.0 Other Policies and Procedures Manchester Mental Health and Social Care Trust, have a number of policies and procedures that deal with standards of behaviour at work. These include Discipline, Grievance and Harassment and Bullying. The provisions of these policies should be used when appropriate. For example if you are aggrieved about your personal position you should use the grievance procedure. Your manager, Human Resource Department or Trade Union representative can advise you on the correct procedure to use.	The same as before with the following paragraph added: The Care Trust also have in place an Anti-Fraud and Corruption Policy and Response Plan which is designed to cover concerns relating to financial malpractice/irregularities, again this policy can be utilised where appropriate or alternatively staff may refer matters of this nature to the Local Counter Fraud Specialist. Full details of how to do this are contained in the aforementioned policy which can be found on the Trust Intranet

Human Resource Directorate

Public Interest Disclosure Act Policy

How Staff Raise Concerns At Work

Implementation Date:	March 2005
Review Date:	March 2006
Review Date	November 2007
Review Date	February 2009
Review Date	February 2011

POLICY HISTORY

- **Accepted by Trust Board of MMHP December 2001 as Whistle-blowing Policy**
- **Revision 1 circulated February 2002**
- **Revision 2 circulated August 2002**
- **Review consultation July 03**
- **First Draft as Public Interest Disclosure Act Policy November 2003**
- **Second Draft Public Interest Disclosure Act Policy April 2004**
- **Final Draft as Public Interest Disclosure Act Policy January 2005**
- **Board Approved March 2005**
- **Reviewed March 2006**
- **Reviewed November 2007**
- **Reviewed January 2009**

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Public Interest Disclosure Policy

1.0 Context

The Public Interest Disclosure Act 1998 is a piece of legislation which requires organisations to put in place policies and procedures that enable staff to express their concerns when they believe something is seriously wrong in the workplace.

The Act protects staff who raise concerns or make disclosures from victimisation and dismissal when they speak out, but their concerns must be genuine. Manchester Mental Health and Social Care Trust would want to encourage staff to feel that they are able to raise concerns internally in the first instance.

The Act protects all workers including agency nursing staff, therapists, social care staff, health care assistants, trainees and students. It seeks to ensure that workers who act responsibly receive protection.

2.0 Introduction

Often we have concerns about what is happening at work. Usually these concerns are easily resolved. However, when they are about unlawful conduct, financial malpractice or dangers to the public or the environment 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.

This Act reflects public concern about the difficulties for workers in being able to speak out when they believe something is seriously wrong and are not sure what to do next.

Manchester Mental Health and Social Care Trust has introduced this procedure to enable you to raise your concerns about such malpractice at an early stage and in the right way. MMHSCCT would rather that you raised the matter when it is just a concern rather than wait for proof.

2.1 Who does the policy cover?

The policy applies to all staff employed by Manchester Mental Health And Social Care Trust or seconded to the Trust, to agency staff, students, trainees and any other person who has concerns that they wish to raise; this may include volunteers (although it should be noted that volunteers are not currently protected under the legislation), or employees of other organisations.

3.0 What To Report

This Public Interest Disclosure Policy is primarily for concerns where the interests of others or of the organisation itself are at risk. Concerns may be about some of the following, though this list is not exhaustive

- A criminal act
- A failure to comply with legal obligation (including breach of contract, negligence)
- A miscarriage of justice
- A danger to health and safety
- Damage to the environment
- Serious malpractice
- Financial malpractice/irregularities
- An attempt to cover up any of these.

If something is troubling you, which you think MMHSCT should know about or look into, please use this procedure. It is sufficient for you the worker to have a reasonable belief that the information is correct.

If in doubt - raise it!

4.0 Other Policies and Procedures

Manchester Mental Health and Social Care Trust, have a number of policies and procedures that deal with standards of behaviour at work. These include Discipline, Grievance and Harassment and Bullying. The provisions of these policies should be used when appropriate. For example if you are aggrieved about your personal position you should use the grievance procedure. Your manager, Human Resource Department or Trade Union representative can advise you on the correct procedure to use.

The Care Trust also have in place an Anti-Fraud and Corruption Policy and Response Plan which is designed to cover concerns relating to financial malpractice/irregularities, again this policy can be utilised where appropriate or alternatively staff may refer matters of this nature to the Local Counter Fraud Specialist. Full details of how to do this are contained in the aforementioned policy which can be found on the Trust Intranet.

5.0 Duty to Report

Some areas of existing practice carry a duty to report, for example where there are child protection issues.

This policy builds on existing good practice and invites all staff to behave responsibly, to uphold the reputation of the organisation and maintain public confidence. Equally it gives managers of the organisation the responsibility to deal with concerns efficiently, effectively and fairly even when the information received may be unwelcome.

6.0 Manchester Mental Health and Social Care Trust assurances to you

6.1 *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. This assurance is not extended to someone who maliciously raises a matter they know to be untrue.

6.2 *Your confidence*

We will not tolerate the harassment or victimisation of anyone raising a genuine 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 try not to disclose it, however you need to understand that there may be situations where we are not able to resolve the concern without revealing your identity (for instance because your evidence is needed in court, or you are required to attend a disciplinary hearing).

There will be some circumstances, where the matter raised is particularly serious and where the 'evidence' provided by the staff raising concerns is so important, that it is not possible to guarantee further confidentiality. This possibility should be discussed at the earliest stage with the member of staff.

7.0 Anonymous Reports

If you do not tell us who you are, it will be much more difficult to look into the matter or to protect your position or to give you feedback. Accordingly, while MMHSCT will consider anonymous reports, and investigate them as far as is possible, it is not the most satisfactory way to raise concerns.

8.0 How MMHSCT 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. A designated officer will be the point of contact who will handle the matter. They will explain the process of investigation and will write to you summarising your concern, which will be agreed by both parties. Where possible the designated officer will give feedback to the staff member raising concerns within an agreed timescale. Designated officers will have access to the most senior person in the organisation.

When you raise the 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.

While the purpose of this policy is to enable us to investigate possible malpractice and take appropriate steps to deal with it, we will give you as much feedback as we properly can. We will confirm our response to you in writing.

It should be noted, 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.

9.0 How to raise a concern internally

9.1 Step one

If you have a serious concern we hope you will feel able to raise it first with your manager. This may be done orally or in writing. Where possible the line manager will attempt to resolve the matter, if that is not possible the line manager will then refer the matter to one of the designated officers.

9.2 Step two

If you feel unable to raise the matter with your manager, for whatever reason, please raise the matter directly with one of the designated officers, see Appendix 2.

9.3 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:

Chief Executive
Manchester Mental Health and Social Care Trust
70 Manchester Road
Chorlton-cum-Hardy
Manchester M21 9UN

OR

Telephone via 0161 882 1057

9.4 Complaints about the Chief Executive

If exceptionally the complaint is about the Chief Executive, this should be made to the Chair who will decide on how the investigation will proceed. This may include an external investigation.

Please contact

Ms Wyn Dignan (Chair)
Manchester Mental Health and Social Care Trust
Trust HQ, 2nd Floor,
Chorlton House,
70 Manchester Road
Chorlton-cum-Hardy,
Manchester M21 9UN

10.0 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*
- The independent charity Public Concern at Work, Suite 306, 16 Baldwins Gardens EC1N 7RJ London Telephone 0207 404 6609, Fax 0207 4046576, email xxxxxxxx@xxxx.xx.xx. Their lawyers can give you free confidential advice at any stage about how to raise a concern about serious malpractice at work.

11.0 External contacts

It is hoped this policy gives all staff employed by MMHSCT the reassurance you need to raise such matters internally. It is recognised that there may be circumstances where you can properly report matters to outside bodies, such as regulators the Health and Safety Executive or Department of Health, or the police. 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.

12.0 Role of the Trade Union

Manchester Mental Health and Social Care Trust, recognises employees may wish to seek advice and be represented by their Trade Union officers when using the provisions of this policy, and acknowledges and endorses the role that Trade Unions officers play in this area.

13. 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.

14.0 Monitoring

Manchester Mental Health and Social Care Trust will monitor the use of the policy to ensure that it is being used effectively and fairly. The information from the use of the monitoring sheet (Appendix 1) will be used to improve the policy at its regular review.

Manchester Mental Health and Social Care Trust

Public Interest Disclosure Policy - Monitoring Sheet.

(To be completed by designated officers only)

.....
.....

Date contacted by staff member/line manager.....

Date staff member seen.....

Was matter raised in confidence Yes ☐ No ☐

If yes state

reason.....
.....
.....

What was the outcome (Tick all that apply)

Investigation by line manager

Staff suspended

Staff re-instated

No evidence of wrong doing

No disciplinary action taken

Disciplinary action instigated

Disclosure found to be malicious

**Practice issues improved (Say
how).....**

.....
.....

Was the staff member who made the disclosure satisfied with outcome

Yes ☐ No ☐

**Any key policy issues
raised?.....**

.....
.....

Signed Designated Officer..... Date.....

Trust Designated Officers

- Medical Director
- Associate Director Service Governance
- Chair Manchester Mental Health and Social Care Trust
- Identified Non Executive Director, Manchester Mental Health and Social Care Trust

The above designated officers can all be contacted in writing at

Manchester Mental Health and Social Care Trust
Trust HQ, 2nd Floor,
Chorlton House
70 Manchester Road
Chorlton-cum-Hardy
Manchester M21 9UN

OR

Telephone via 0161 882 1378