

**Raising Concerns Policy**

Date	Version
July 2016	7

**Purpose**

To ensure that all staff are aware of how to raise concerns if they believe a concern is not receiving the correct attention.

**Who should read this document?**

All staff.

**Key messages**

The Trust has introduced and revised this Raising Concerns Policy, taking into account the recently published national Raising Concerns Policy, as a recommendation of the review by Sir Robert Francis into whistleblowing in the NHS. This policy aims to ensure that employees and workers can raise their concerns if they believe a concern is not receiving correct attention.

**Accountabilities**

<b>Production</b>	HR and OD Directorate
<b>Review and approval</b>	JSNC
<b>Ratification</b>	Director of People
<b>Dissemination</b>	Director of People
<b>Compliance</b>	Director of People

**Links to other policies and procedures**

- [Bullying and Harassment SOP](#)
- [Child Protection Policy](#)
- [Adverse Events guidance](#)
- [Responding to Formal Complaints SOP](#)
- [Grievance Policy](#)
- [Respecting Religion at Work Guidance – Spiritual & Religious needs of employees.](#)
- [Safeguarding Adults at Risk Policy](#)
- [Health & Safety Policy](#)

**Version History**

V7	Full review in line with national Raising Concerns Policy guidance
V6.3 – March 2013	Full Review
V6.2 – July 2012	Updated to new Trust Policy format and contact details updated with reference to NHS Constitution
V 6.1 – February 2012	Contact details updated throughout policy.
V 6 – March 2011	Trust commitment to valuing people statement amended in line with Equality Act 2010. Electronic Policy paths updated.
V 5.2 – August 2009	Reformatted, dissemination plan and checklist included.
V 5.1 – July 2008	Appendix 2. Updated contact list. Section 10 added. Contact details updated throughout the policy. Revised 4-step procedure. Employee pro forma when raising concerns. Definition of Protected Disclosures added. Reference made to the Public Interest Disclosure Act.

**Last Approval****Due for Review**

*PHNT is committed to creating a fully inclusive and accessible service.*

*Making equality and diversity an integral part of the business will enable us to enhance the services we deliver and better meet the needs of patients and staff.*

*We will treat people with dignity and respect, actively promote equality and diversity, and eliminate all forms of discrimination regardless of (but not limited to) age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage/civil partnership and pregnancy/ maternity.*

**An electronic version of this document is available on the Trust Documents Network Share Folder (G:\TrustDocuments). Larger text, Braille and Audio versions can be made available upon request.**

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## **1 Introduction**

### **Trust Chairman's Forward**

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.

The Trust has revised this policy to enable everyone to raise concerns correctly, so that such issues are addressed at an early stage and in the right way. The Trust welcomes your genuine concerns and is committed to dealing responsibly, promptly, openly and professionally with them. Without your help, we cannot deliver a safe service and protect the interests of patients, staff and the Trust.

## **2 Purpose, including legal or regulatory background**

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. This policy incorporates the key elements of the national Raising Concerns Policy, (produced by NHS Improvement and NHS England) which has been 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 adheres to the principles of the national policy and provides more detail about how we will look into a concern. This policy complies with the requirements of the Public Interest Disclosure Act 1998.

In the first instance please refer to the list of policies and procedures below to ensure the correct process is used.

## **3 Definitions**

Raising Concerns & Whistle blowing – where workers bring information about a wrongdoing to the attention of their employer or a relevant organisation, and are protected in certain circumstances under the Public Interest Disclosure Act 1998.

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.

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).

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

Remember that if you are a NHS employee you may have a 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.

Healthcare professionals who are bound by their code or regulatory standards should refer to their own professional body standards.

This policy is not for people with concerns about their employment that affect only them – that type of concern can be addressed via the Trust's Grievance and Dispute Policy or Harassment and Bullying Procedure.

### **Feel safe to raise a 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 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.

All staff have the right to a confidential self-referral to the Occupational Health & Wellbeing Department to discuss any aspect of health and work that concerns them. If you are concerned about an issue, or about confirming your identity, contact your Trade Union or professional organisation representatives for support and advice.

## 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.

## 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. Further guidance on who to raise concerns with can be found in Annex A. You can also contact the HR Team to get advice in relation to how you can best deal with a concern.

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 Guardian – 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
- our Governance Team

Depending on the seriousness of the concern or if you still remain concerned after this, you can contact:

- Director of People, (Trust's executive director with responsibility for raising concerns)
- Trust Chairman, (our non-executive director with responsibility for raising concerns).

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 these external bodies

- 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.

If your concern relates to **NHS Fraud** you should contact the local Counter Fraud team as detailed in section 4.

If staff have any **clinical concerns** these must be raised immediately with the relevant Clinical Director in writing. You will receive written acknowledgement of your concern. Junior Medical staff are further able to raise their concerns with their Clinical or Education Supervisor and the Director for Medical Education.

If your concern suggests or relates to **a serious incident**, an investigation will be carried out in accordance with the Serious Incident Framework.

### Advice and support

Details on the local support available to you can be found on StaffNet. However, you can also contact the Whistleblowing Helpline for the NHS and social care on 0800 724 725, your professional body or a trade union representative (internal ext. 39274).

## 6 How do 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.

## 7 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 B). 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 5 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.

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.

## 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 Trust 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 Trust Board supports staff raising concerns and wants you to feel free to speak up.

## 8 What are qualifying and protected disclosures

A qualifying disclosure is defined as any disclosure of information which, in the reasonable belief of the staff member making the disclosure, tends to show one or more of the following:

- there is a risk to patient safety;
- that a criminal offence has been committed, is being committed or is likely to be committed;

- that a person has failed, is failing or is likely to fail to comply with any legal obligation to which he or she is subject;
- that a miscarriage of justice has occurred, is occurring or is likely to occur;
- that the health or safety of an individual has been endangered, is being or is likely to be endangered;
- that the environment has been damaged, is being damaged or is likely to be damaged;
- that information tending to show any matter falling within any one of the above has been, is being or is likely to be deliberately concealed.

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).

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.

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

The new National Guardian (once fully operational) 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.

## **10 Overall responsibility for the document**

The Director of People has overall responsibility for this document.

## **11 Consultation and ratification**

The Director of People is responsible for ratifying this document and has overall responsibility for the dissemination, implementation and review of this policy.

## **12 Dissemination and implementation**

Following approval and ratification, this policy will be adopted across the Trust. Publication of this policy will be publicised in Vital Signs, the Trust's weekly staff news briefing and it will be available electronically on the TrustDocument Network Shared Folder.

## **13 Review, monitoring compliance and effectiveness**

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

Monitoring of the policy and procedure will be undertaken by the Deputy Director of HR. This Policy will be reviewed in accordance with the Trust's Policy on the Development and Management of Trust wide Documents, by the HR and OD Directorate, management, and staff side through the JSNC mechanism.

On an annual basis, a review of any formal disclosures made under this policy will be undertaken by the Deputy Director of HR, to establish through discussion with the discloser and other Trust colleagues, how effective the process was. These results will be reported to the Director of People and any concerns will be reported to the HR and OD Committee.

The standards and Key Performance Indicators identified with the implementation of this policy are the NHSLA and Standards as determined by the Care Quality Commission.

The Trust will undertake a regular review of this policy. It should be noted that the responsibilities in this policy are legally enforceable and that managers (and employees where applicable) failing to uphold their responsibilities may find themselves in breach of internal disciplinary policies and legislation.

Information for equality monitoring will be recorded as required to ensure equality regulations are met in respect of any formal process commenced under this policy.

<b>Core Information</b>				
<b>Document Title</b>	Raising Concerns Policy			
<b>Date Finalised</b>	June 2016			
<b>Dissemination Lead</b>	HR Business Partner			
<b>Previous Documents</b>				
<b>Previous document in use?</b>	Yes			
<b>Action to retrieve old copies.</b>				
<b>Dissemination Plan</b>				
<b>Recipient(s)</b>	<b>When</b>	<b>How</b>	<b>Responsibility</b>	<b>Progress update</b>

<b>Review</b>		
<b>Title</b>	Is the title clear and unambiguous?	Yes
	Is it clear whether the document is a policy, procedure, protocol, framework, APN or SOP?	Yes
	Does the style & format comply?	Yes
<b>Rationale</b>	Are reasons for development of the document stated?	Yes
<b>Development Process</b>	Is the method described in brief?	Yes
	Are people involved in the development identified?	Yes
	Has a reasonable attempt has been made to ensure relevant expertise has been used?	Yes
	Is there evidence of consultation with stakeholders and users?	Yes
<b>Content</b>	Is the objective of the document clear?	Yes
	Is the target population clear and unambiguous?	Yes
	Are the intended outcomes described?	Yes
	Are the statements clear and unambiguous?	Yes
<b>Evidence Base</b>	Is the type of evidence to support the document identified explicitly?	Yes
	Are key references cited and in full?	Yes
	Are supporting documents referenced?	Yes
<b>Approval</b>	Does the document identify which committee/group will review it?	Yes
	If appropriate have the joint Human Resources/staff side committee (or equivalent) approved the document?	Yes
	Does the document identify which Executive Director will ratify it?	Yes
<b>Dissemination &amp; Implementation</b>	Is there an outline/plan to identify how this will be done?	Yes
	Does the plan include the necessary training/support to ensure compliance?	Yes
<b>Document Control</b>	Does the document identify where it will be held?	Yes
	Have archiving arrangements for superseded documents been addressed?	Yes
<b>Monitoring Compliance &amp; Effectiveness</b>	Are there measurable standards or KPIs to support the monitoring of compliance with and effectiveness of the document?	Yes
	Is there a plan to review or audit compliance with the document?	Yes
<b>Review Date</b>	Is the review date identified?	Yes
	Is the frequency of review identified? If so is it acceptable?	Yes
<b>Overall Responsibility</b>	Is it clear who will be responsible for co-ordinating the dissemination, implementation and review of the document?	Yes

<b>Core Information</b>	
<b>Manager</b>	Richard Maguire
<b>Directorate</b>	HR
<b>Date</b>	July 2016
<b>Title</b>	Raising Concerns Policy
<b>What are the aims, objectives &amp; projected outcomes?</b>	To ensure that all staff are aware of how to raise concerns if they believe a concern is not receiving the correct attention.
<b>Collecting data</b>	
<b>Race</b>	There is no evidence to suggest there is a disproportionate impact on race.
<b>Religion</b>	There is no evidence to suggest there is a disproportionate impact on religion.
<b>Disability</b>	There is no evidence to suggest there is a disproportionate impact on disability. Where an individual has a disability the Trust will ensure that reasonable adjustments are made to facilitate the raising of or dealing with concerns.
<b>Sex</b>	There is no evidence to suggest there is a disproportionate impact on sex.
<b>Gender Identity</b>	There is no evidence to suggest there is a disproportionate impact on on gender identity.
<b>Sexual Orientation</b>	There is no evidence to suggest there is a disproportionate impact on sexual orientation.
<b>Age</b>	There is no evidence to suggest there is a disproportionate impact on age.
<b>Socio-Economic</b>	No impact.
<b>Human Rights</b>	Positive impact.
<b>What are the overall trends/patterns in the above data?</b>	That there are no significant impacts.
<b>Specific issues and data gaps that may need to be addressed through consultation or further research</b>	None.
<b>Involving and consulting stakeholders</b>	
<b>Internal involvement and consultation</b>	Director of People; JSNC; HR Operations
<b>External involvement and consultation</b>	National Raising Concerns Policy

Impact Assessment				
<b>Overall assessment and analysis of the evidence</b>		No concern and overall a positive impact moving forward.		
Action Plan				
Action	Owner	Risks	Completion Date	Progress update
Monitoring of workforce data on a regular basis	HR Business Partner		On-going	Action will be taken as and when required.

If you have a concern, as an Employee or worker, read this Policy and if unsure, consider taking advice from the HR Team, your trade union or professional association.

Check that the Raising Concerns Policy is the correct policy to use.

If the issue is fraud, clinical concerns or relating to a serious incident, refer to section 5 of the Policy.

### **Step 1.**

Raise the concern with your line manager, lead clinician or tutor, either verbally or in writing, including email.

### **Step 2.**

If it is not appropriate to raise the issue with the line manager, or the response at step 1 was inadequate, raise the concern with the Freedom to Speak Up Guardian.

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 3.**

If the issue is so serious and cannot be dealt with at Step 2, or the response at Step 2 is inadequate, raise the concern with the Director of People or the Trust Chairman.

### **Step 4.**

Alternatively refer the matter to external agencies as set out in this Policy.

