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<td>Danny Hariram</td>
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Speaking Up - How to Raise a Concern/04034/5.0

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James Day | Trust Secretary | 31st October 2019
Helen Clarke | Head of Governance | 31st October 2019
JCNC | Members present at JCNC | 9th October 2019
Jennifer Canham | Associate Director of Human Resources | 7th November 2019
Clive Edwards | Staff Side Lead | 7th November 2019

Related Trust Policies (to be read in conjunction with)
- 04032 Grievance Policy
- 04029 Disciplinary Policy
- 04001 Equality & Diversity Policy
- 07025 Counter Fraud and Corruption Policy
- 04002 Bullying & Harassment
- MSEPO-19015 Procedure Report Management of Incidents and Serious Incidents
- 10022 Social Media Personal Use by Staff
- MSBPO-18003 Overarching Information Sharing Protocol
- Recruitment and Selection
- MSEPO-19014 Policy for Management of Incidents

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3.0 | Debbie Sinclair | Practices unchanged Extended | June 2011
3.1 | Colleen Hart | | November 2014
3.3 | Kate Leeke/Colleen Hart | WD changes to reflect Freedom to Speak up Report | 17 August 2015
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5.0 | Nada Rogers | Full Review and inclusion of external Guardian Service | 13th November 2019

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1.0 Purpose

1.1 The purpose of the ‘Speaking up – How to Raise a Concern Policy is to encourage and enable staff to raise clinical and other concerns within the Trust in a constructive and positive manner, rather than overlooking a problem or “blowing the whistle” outside of the organisation.

1.2 The purpose of this policy is to also provide a framework that reflects the recommendations arising out of the Francis ‘Freedom to Speak Up’ report published February 2015 that enables staff to feel able to raise concerns through a range of identified ‘speaking up’ leads and communication methods whilst also providing assurance that the Trust takes staff concerns seriously and will respond appropriately.

1.3 The purpose of this policy is to facilitate an open culture in the Trust that reflects the recommendations of the Francis ‘Freedom to Speak Up’ report and therefore reassures staff that concerns raised correctly under this policy will be listened to and acted on appropriately. Staff who raise concerns which they reasonably believe are in the public interest are protected from adverse treatment by the Trust or from suffering detriment, such as bullying or harassment, from another worker.

1.4 The Trust is committed to delivering safe, high quality services. In order to achieve the highest possible standards of service to patients, staff are encouraged to use this policy to report any malpractice, illegal acts, or omissions by people working at the trust, whether on a paid or voluntary basis.

2.0 Background and Policy

2.1 The ‘Freedom to Speak up’ report follows the earlier Francis Report on the Mid Staffordshire NHS Foundation Trust Public Inquiry which clearly indicated that staff did not feel safe raising their concerns about the patient care that was being delivered. A key theme of the report was the requirement for openness, transparency and candour about matters of concern. As a consequence of the report, whistleblowing guidance for workers and employers in Health and Social Care, entitled 'Raising Concerns at Work', has been published nationally and endorsed by the Social Partnership Forum and the Social Care Institute for Excellence. This guidance has also been used as a basis to inform this policy (previously known as the Whistleblowing Policy).

2.2 The Trust will not tolerate any harassment or intimidation of members of staff who raise concerns under this policy, including informal pressure brought to bear upon them. The Trust will therefore take appropriate action to protect any member of staff who raises concerns which is in the public interest, and will take disciplinary action against any member of staff who attempts to intimidate or deter them.

2.3 The term that is often used when staff raise a concern at work is ‘Whistleblowing’. Whistleblowing is when a worker reports suspected wrongdoing at work. Officially this is called 'making a disclosure in the public interest'. A worker can report things that they are concerned about, i.e. financial irregularities or health and safety concerns, or if they feel anyone is neglecting their duties.
2.4 Whistleblowing should be used to report any such wrongdoing / concerns within the organisation (for example, financial irregularities, health and safety concerns), rather than to raise a personal grievance (for example, an allegation of bullying or harassment, or a complaint that a contract of employment has been breached).

2.5 Individuals may be worried about raising such issues for a variety of reasons. However, the Trust would rather the matter was raised when it is just a concern, rather than wait for proof. For example, a concern can be in relation to observing what is perceived as poor patient care or inappropriate behaviour towards a member of staff. The Trust believes by raising such concerns rather than wait for the gathering of evidence, it would be in the best interest of the public, patients, carers, staff and the organisation in the longer term and has put in place mechanisms to facilitate this practise, including the guidance given in this policy (paragraph 5.7 clarifies the process for commissioning a formal investigation).

3.0 Scope

3.1 This policy covers all employees, trainees, bank and agency staff, volunteers and other contractors working on site or on behalf of the Trust.

3.2 There is no minimum time that an employee has to work with the Trust before they can raise a concern.

4.0 Other Policies and Procedures

4.1 This Policy complements various professional or ethical rules guidelines and codes of conduct, e.g. The NMC Code of Professional Conduct and the GMS Guidance on Contractual Arrangements in Health Care, Data Protection Act and Freedom of Information Act.

4.2 The Trust has a range of policies and procedures, which deal with standards of behaviour at work. These policies cover Discipline, Grievance, Harassment and Bullying, and Recruitment and Selection. Employees are encouraged to use the provisions of those policies when appropriate.

4.3 Although any concerns may initially be raised under this policy, it might be more appropriate to deal with them under another policy or procedure, for example:

- Investigations of fraud – under Counter Fraud and Corruption Policy; register number 07025;
- MSEPO-19014 Policy for Management of Incidents.

4.4 Where an employee has a grievance, this policy will not apply. Please refer to the Trust’s Grievance policy; register number 04032.
5.0 Roles and Responsibilities

5.1 The Francis Freedom to Speak Up report recommends the introduction of several roles to enable staff to raise concerns and to ensure there is a robust process in place to ensure concerns are properly investigated and acted upon. These roles are:

- Freedom to Speaking up Guardian;
- Non-Executive Director named ‘Speaking up’ lead;
- Director named ‘Speaking up’ lead;
- Department ‘Speaking up’ representative.

5.2 The Trust has commissioned an external service provider to be available to staff to ensure concerns are recorded, and co-ordinated through one central point. This role is known as The Guardian Service.

5.3 The following paragraphs summarise the key responsibilities of these roles along with other relevant roles, starting with the responsibilities of an employee given their vital role in raising concerns.

5.4 Employees’ Responsibilities

5.4.1 To report any incident where there is the potential for or actual harm caused to patients, the public or staff in accordance with the MSEPO-19014 Policy for Management of Incidents.

5.4.2 To raise concerns internally that may relate to danger, risk, malpractice or wrongdoing in the workplace in an objective, factual way, and giving reasonable time for the Trust to have an opportunity to resolve the issue before raising the concern with an external body (see paragraph 5.7).

5.4.3 To provide information and supporting documentation to allow for appropriate investigation if applicable.

5.4.4 To raise genuine concerns. Any employee who on investigation is proven to have maliciously made claims will be subject to disciplinary action.

5.4.5 To be aware that as the person raising the concern, the employee is considered to be a witness and not a complainant. Any subsequent investigation will aim to identify the facts and enable an informed decision as to the appropriate action to be taken.

5.5 Designated Officer’s Responsibilities

5.5.1 The Designated Officer for the purposes of this policy will be the Associate Director of Human Resources.

5.5.2 Has a duty to ensure that staff are aware of how to raise concerns and to manage the externally commissioned service for staff.

5.5.3 Will ensure that the relevant director or manager responsible for the area or concern which has been raised, will appoint an investigating officer where appropriate and to
ensure the investigation is completed within the timescales in this policy in line with recommendations in the Francis Report ensuring that the Investigating Officer meets the following criteria:

- Has appropriate expertise;
- Regarded as genuinely independent by the Designated Officer and trained to undertake investigations;
- Has sufficient time to undertake the investigation.

5.5.4 Will ensure that the Guardian Service provides regular feedback to the individual raising the concern so they know their concern has been listened to and being addressed and to the Associate Director of Human Resources and the Safeguarding Team if the case is also a safeguarding issue.

5.5.5 Maintain confidentiality and ensure the Trust values are adhered to at all times.

5.5.6 Will oversee the investigation process, undertaking regular reviews of the investigation to assess progress, and receive investigation reports, including a review of any recommendations that might arise out of the investigation and report to the Associate Director of Human Resources to determine what action should be taken.

5.5.7 Co-ordinate any recommendations arising out of an investigation and ensuring the appointed ‘Speaking up’ Executive lead has sight of all recommendations and subsequent implementation plans.

5.5.8 To compile relevant information to be submitted in the Trust’s Quality Account Report.

5.6 **Managers’ Responsibilities**

5.6.1 To ensure staff are familiar with and know where to access this policy.

5.6.2 To apply the Trust’s values and behaviours in their management of the service and staff in order to facilitate a local just culture where staff feel able to raise concerns.

5.6.3 To be available to receive verbal and written concerns that meets the definition of Whistleblowing and pass to the Designated Officer for recording and appropriate action.

5.6.4 To ensure the policy is applied consistently in a way which does not discriminate.

5.7 **Department ‘Speaking up’ representative**

5.7.1 To be the named person to receive reports of concern within a specific service area.

5.7.2 To ensure confidentiality is maintained in relation to any concern raised which will also help instil a culture of trust where staff feel able to raise concerns in confidence.

5.7.3 To ensure the Designated Officer is informed of any concerns raised so appropriate action can be taken.

5.7.4 To ensure the individual who raised the concern is kept informed of the actions taken following their decision to speak up.
5.8 **Named ‘Speaking up’ Director to receive concerns - Trust Secretary and Director of Strategy**

5.8.1 To be available to receive concerns and assure staff that they will listen and take their concern seriously.

5.8.2 To liaise with the Guardian Service to ensure concerns are dealt with appropriately and swiftly.

5.8.3 To lead on ensuring the Trust culture encourages and enables staff to raise concerns at all levels by inviting representation from each department to be a nominated person to receive concerns from colleagues and act as the Department ‘Speaking up’ representative.

5.8.4 To reinforce the concept of raising concerns as a safety and quality issue, including responsibility for policy and practice.

5.8.5 To monitor the application of the policy to ensure it is applied in a fair and consistent way by commissioning audits after 6 months and 12 months of implementation, to test its effectiveness and make recommendations for improvements. Audits may be undertaken by the Trust’s internal auditors or an impartial appropriately qualified officer, e.g. The Guardian Service.

5.8.6 To ensure the Trust Board, via the People and Organisational Development Committee is kept fully informed as to the concerns being raised and the actions being taken to address them and that the Senior Management Group and JCNC on a quarterly basis receives a report that summarises the number and nature of concerns raised, and actions taken to ensure lessons are learnt and improved practices introduced.

5.9 **Named ‘Speaking up’ Non-Executive Director – Chairman of the Patient Safety and Quality Committee in Common**

5.9.1 To be available to receive concerns and assure staff that they will listen and take their concern seriously.

5.9.2 Liaise with the Guardian Service to ensure concerns raised are being dealt with appropriately and swiftly.

5.9.3 To regularly review all concerns that have been logged formally to ensure they are being dealt with appropriately.

5.9.4 Hold the Director Lead to account to provide regular reports on concerns raised to the Board.

5.10 **The Guardian Service**

5.10.1 The externally commissioned service will act as an independent and impartial source of advice to staff, with access to anyone in the organisation, including the Managing Director and Chief Executive, or if necessary outside the organisation.
5.10.2 To ensure the primary focus is on the safety issue, that the case is handled appropriately, investigated promptly and issues addressed; and that there are no repercussions for the person who raised the concern.

5.10.3 To act as an ‘honest broker’ to verify that if there were pre-existing performance issues that was already being addressed, these should continue and cannot be portrayed as a consequence of speaking up.

5.10.4 To proactively network with the aim of sharing good practice and to identify common issues and themes.

5.11 Chief Executive on behalf of the Board

5.11.1 To apply the actions for local Boards as identified in the ‘Freedom to Speak Up’ report.

5.11.2 To appoint a ‘Speaking up’ Trust Guardian, named Non-Executive Director and Director to receive concerns.

5.11.3 To ensure the Trust creates and maintains a culture of safety and learning that is free from bullying with policy and practise resting with the Executive board member who has responsibility for safety and quality.

5.11.4 To be accountable for ensuring that there is no victimisation of or retaliation against whistle-blowers.

5.11.5 To put in place effective systems to enable the Board to keep track of what is happening with the Trust and to receive regular reports on the application of this policy and actions taken to address concerns raised by staff.

5.11.6 To ensure the Duty of Candour is being applied by those providing regulated duties on behalf of the Trust (see section 11.3 below).

5.11.7 Arrange for the Trust’s published Quality Account to include quantitative and qualitative data about formally reported concerns.

5.12 Investigating Officers’ responsibilities

5.12.1 To conduct a fair and objective investigation that meets the aims of the Terms of Reference for the investigation provided by the relevant commissioning manager if appropriate.

5.12.2 The Investigating Officer once appointed, if necessary, will arrange to meet with the employee within 14 days where practicable to do so and depending on the nature of the concern and urgency, to discuss their concern, and agree a timetable for resolution.

5.12.3 The Investigating Officer will interview any witnesses, examine any documents as part of the investigation, and will write an investigation report which will be submitted to the Designated Officer. The Guardian or commissioning manager may ask the Investigating Officer to provide a summary of the investigation to the employee who
raised the concern. The employee may be accompanied to any such feedback meeting if they so wish.

5.12.4 To keep written records as appropriate and ensure confidentiality.

5.13 **Human Resources Responsibilities**

5.13.1 To ensure all staff are made aware of this Policy and how they can access it through a range of communications and training methods such as face to face sessions, pamphlet and training film, including the range of options for ‘speak up’ and raising concerns.

5.13.2 To advise managers and individuals and ensure they receive appropriate advice and guidance, including training and coaching as required.

5.13.3 To provide bespoke training for employees taking on the role of departmental ‘Speaking Up’ representative.

5.13.4 To provide a 24/7 confidential ‘Speaking up Hotline’ service and dedicated email address ensuring the service is well publicised to staff as a safe option to raise concerns.

5.13.5 Alert the Guardian of any concern raised via HR that meets the definition of whistleblowing.

5.13.6 To ensure that assistance is provided to employees who have difficulty in preparing written statements.

5.13.7 Ensure that this policy and procedure complies with legislative requirements.

5.14 **Trade union/staff side representative responsibilities**

5.14.1 To provide advice and support to the member of staff throughout the process of raising a concern

5.14.2 To ensure that assistance is provided to employees who have difficulty in preparing written statements.

5.14.3 To follow up with the member to assess progress of concern raised.

5.15 **Risk Manager’s Responsibilities**

5.15.1 Ensure that incident reports that meet the definition of whistleblowing are identified as such and addressed in accordance with this policy.

5.15.2 Alert the Guardian of any concerns that meet the definition of Whistleblowing so that they can be actioned swiftly and appropriately.

5.16 **Occupational Health Department**

5.16.1 Provide support in the form of counselling and referral to other psychological support
required to help reduce the risk of the stress and repercussions associated with raising a concern.

6.0 Safeguards and Confidentiality

6.1 All concerns raised under this policy will be treated in a confidential and sensitive manner. Members of staff can request that their identity is kept confidential, and every effort will be made to ensure this happens. However, there may be circumstances in which, because of the nature of the investigation, it will be necessary to disclose their identity e.g. this could occur in connection with associated disciplinary, legal or police investigations. Where this is the case, this will be fully discussed first with the member of staff and reminded to seek advice from their trade union if they are a member of a trade union.

6.2 Concerns raised anonymously can be more difficult to deal with and investigate appropriately as the investigating officer may have little or no confirmed evidence to substantiate the allegations, and cannot obtain further information from the member of staff or give them feedback. More action is likely or possible if concerns are not raised anonymously.

6.3 In accordance with the Enterprise and Regulatory Reform Act, colleagues who victimise or harass whistle blowers can be held personally liable for their actions, as well as vicarious liability on the part of the Trust. Any members of staff found to be victimising or harassing other members of staff who have raised a whistleblowing concern will be subject to disciplinary action.

6.4 This policy is designed to offer protection to staff who raise concerns, provided that they do so in the public interest and in the reasonable belief that danger, risk, malpractice or wrongdoing is involved. In order to protect other staff and the reputation of the Trust, any member of staff who uses this policy to make frivolous, malicious or vexatious accusations, or for personal gain, will be subject to disciplinary action.

7.0 Raising a Concern

7.1 The Trust is committed to applying the principles set out in the Francis “Freedom to Speak Up” report and has therefore, introduced a range of methods for staff to raise concerns.

7.2 If staff have a concern about risk, malpractice or wrongdoing at work, they should raise it first, if they feel able to, with their line manager or lead clinician in the first instance. Staff do not need to have firm evidence before raising a concern where appropriate.

7.3 If staff feel unable to raise the matter with their immediate line manager or lead clinician for whatever reason, or it is felt that the line manager or lead clinician has failed to undertake a proper investigation they can raise their concern by contacting the Guardian Service by phone or email. The Guardian Service are available for staff to raise concerns 24/7. They offer an independent, strictly confidential, non-judgemental,
supportive staff liaison service. Contact details as follows:
Phone: 0333 001 5126
Email: contact@theguardianservice.co.uk

7.4 Where abuse of a patient has occurred or thought to have occurred (or patients) the relevant safeguarding team must be informed as soon as possible. Where appropriate you may also wish to contact the Trust’s Risk Management Team, details of which can be found on intranet.

7.5 If the above 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 individuals listed above, you may contact the Managing Director, Medical Director or Director of Nursing.

7.6 The avenue to raise concerns is by contacting the Guardian Service. Their role is to hear concerns and report them to the chief executive or board or they may also report directly to the national officer. If your concern is about the Managing Director, you should raise your concern with the Senior Independent Director who will decide on how the matter should be taken forward.

7.7 If staff feel unable to speak to any of the above, concerns can be made in confidence by contacting the Trust’s ‘Speak up Hotline’ on 01245 514519 and leave a message. The number is checked daily for messages. All messages are logged and responded to within 24 hours, Monday to Friday. Staff also have the option via a dedicated email address which is speakup@meht.nhs.uk.

7.8 If staff remain unsure about whether and how to raise a concern, independent advice is available from the relevant Trade Union Representative/Professional Organisation or the Independent Public Concern at Work organisation.

7.9 Any concerns raised will be referred to the Guardian Service to formally record the concern and to liaise with the Commissioning Manager for an investigation.

7.10 A meeting will be arranged by the Guardian with the employee within 7 days where practicable to do so and depending on the nature of the concern and urgency to discuss the matter further. This will involve discussion of the concern raised and any proposed action to address the concern with the outcome being summarised in writing. Depending on the situation it may need to be investigated further and a proposed timetable for resolution would be agreed.

7.11 Whilst the purpose of the policy is to enable the Trust to investigate possible malpractice or wrongdoing and take appropriate steps to deal with it, the Trust is also committed to creating an open and transparent culture and will therefore give staff as much feedback as is appropriate at the time. Please note, however, that it may not be appropriate to share the precise action taken where this would infringe a duty of confidence owed to someone else.

7.12 Whilst the Trust endeavours to ensure that this policy provides the reassurance staff need to raise a concern internally, if having gone through this process, staff remain concerned and it is in the best interests of patients, the public and staff, it is important
that an appropriate regulator is informed. A list of recognised regulators (known as ‘Prescribed Persons’ under the Public Interest Disclosure Act 1998 (PIDA - see section 11.1)) and contact details can be found at Appendix 3.

7.13 Disclosures to ‘Prescribed Persons' will be protected where the concern meets the test for internal disclosures, and additionally where staff honestly and reasonably believe that the information and any allegation contained in it are substantially true.

8.0 Raising a Concern via the Media

8.1 A member of staff might also contemplate the possibility of disclosing his/her concern to the media or via social media channels. Any employee considering such a disclosure should bear in mind that this action may result in them losing ‘whistleblowing’ protection under the law, and could potentially compromise the investigation process into the concerns. Under PIDA, disclosures are only protected where there is a justifiable cause for going external and placing a wider disclosure, and the disclosure is reasonable.

8.2 It is strongly recommended that any employee who is contemplating making a disclosure to the media first seeks specialist guidance from professional or other representative bodies. Staff may wish to discuss matters further with colleagues and line managers as appropriate. Before taking any such action, the employee should:

- Seek advice from HR or their trade union representative;
- Consult the Trust’s Social Media Personal Use by Staff; register number 10022;
- Inform the ‘Speak Up’ Executive lead (Director lead for Safety) of their intention who will be able to advise on the implications for the employee and the Trust if they choose to report the concern to the media, ensuring they are fully informed in their decision making.

9.0 Support and Further Information

9.1 If considering raising a concern about the standard of care or any aspect of the Trust activities, members of staff are encouraged to seek help and advice from:

- Recognised Trade Union or professional body;
- The Human Resources Manager for your department.
- Occupational health for advice on accessing counselling and psychotherapy services;
- Public Concern at Work (recognised and respected whistleblowing charity):
  - Website: www.pcaw.org.uk/;
  - Whistleblowing Advice Line: 020 7404 6609;
  - General enquiries: 020 3117 2520;
  - UK advice line (email): whistle@pcaw.org.uk;

9.2 If the concern is specifically about fraud or corruption, staff should contact:
The Local Counter Fraud specialist on / Mark Kidd Assistant Manager RSM Mark.Kidd@rsmuk.com 0203291 8000 or
NHS Fraud and Corruption Reporting Line on 0800 028 4060.

10.0 Equality and Human Rights Impact Statement

10.1 The Trust is committed to the provision of a service that is fair accessible and meets the needs of all individuals. An Equality Impact Assessment relating to this policy is attached at Appendix 1.

11.0 Relevant Legislation

11.1 Public Interest Disclosure Act 1998

11.1.1 Following a number of high profile events, the government introduced the Public Interest Disclosure Act 1998 (PIDA).

11.1.2 The Act covers all workers including those on temporary contracts or supplied by an Agency and trainees and provides legal protection against detriment for workers who raise concerns in the public interest. This is known as making a disclosure and can be concerns about a danger, risk, malpractice or wrongdoing in the workplace which affects others.

11.1.3 To be protected the disclosure must be in the public interest, the worker must have a reasonable belief that the information shows that one of the categories of wrongdoing listed in the legislation has occurred, or is likely to occur, and the concern must be raised in the correct way.

11.1.4 The public interest means the public good, not what is of interest to the public, and not the private interests of a person raising the concern.

11.1.5 PIDA details six subject areas under which disclosures have to fit so as to be “qualifying disclosures” they are:

- Criminal offences;
- Failure to comply with legal obligations;
- Miscarriages of justice;
- Threats to health and safety of an individual;
- Damage to the environment;
- A deliberate attempt to cover up any of the above.

11.1.6 Although there are circumstances in which it might be appropriate to raise concerns more widely (e.g. to MPs, the police, or other prescribed bodies such as the Audit Commission or the Health & Safety Executive), it should be noted that the Act is not a general charter for staff to air any complaint, personal or otherwise, in the media or in social media channels.
11.2 **Enterprise and Regulatory Reform Act 2013**

11.2.1 In accordance with the Enterprise and Regulatory Reform Act 2013, colleagues who victimise or harass whistleblowers can be held personally liable for their actions, as well as vicarious liability on the part of the Trust. Any members of staff found to be victimising or harassing other members of staff who have raised a whistleblowing concern will be subject to disciplinary action.

11.3 **Statutory Duty of Candour**

11.3.1 Regulation 20 of the Health and Social Care 2008 (Regulated Activities) Regulations 2014 sets out what is required of all health and social care providers.

11.3.2 Known as ‘The General Duty’, The Duty of Candour has been introduced to ensure that providers (including the Trust) are open and transparent with people who use their services in relation to their care and treatment. More information about the duty of Candour can be found on the Care Quality Commission website.

12.0 **Communication and Implementation**

12.1 Staff will be made aware of this policy through reference at corporate and local induction and dissemination via Staff Focus. The document will be available on the MEHT Intranet and on the Trust website; implementation is immediate upon ratification. Managers are also required to make hard copies available for staff who don’t readily have access to the Trust intranet.

12.2 Training through a variety of methods will be made available to designated departmental ‘speak up’ representatives, Managers and staff on raising concerns.

12.3 Other forms of communication will be implemented to ensure staff are aware of the process for raising concerns such as providing an easy to understand leaflet highlighting the Speaking up confidential hotline and other ways to raise concerns, posters being placed around the Trust and a screen saver message.

12.4 As part of the Trust's commitment to creating an open culture and to reinforce the need for shared learning from concerns raised, articles will appear in the staff communications informing staff of resulting improvements in patient safety.

13.0 **Auditing and Monitoring**

13.1 The Trust’s Associate Director for Speaking up will ensure that the arrangements for review are in place by commissioning audits after 6 months and 12 months implementation to test its effectiveness and make recommendations for improvements. Audits may be undertaken by the Trust’s internal auditors or an impartial appropriately qualified officer, e.g. named Speaking up Guardian.

13.2 The Trust’s Associate Director for Speaking up will also provide reports to the Trust Board and JCNC on a quarterly basis that summarises the number and nature of
concerns raised, and actions taken to ensure lessons are learnt and improved practices introduced.

13.3 The Trust will monitor feedback from CQC inspection reports and patient and staff surveys to identify and address areas for concern.

13.4 The Trust’s ‘Speaking up Hotline’ will be checked on a daily basis (Monday to Friday). Monitoring of the helpline is verified by the Deputy Director of HR on a monthly basis and subject to regular auditing commissioned by the Trust’s Speaking up Executive Director.

13.5 An internal review of all cases reported will take place as directed by the Non-Executive named lead for raising concerns and implemented by the Designated Officer.

13.6 The Trust’s Risk Manager will highlight any references on Datix and will refer them to the Guardian to commission an investigation.

13.7 The Guardian will facilitate the inclusion of quantitative and qualitative data about formally reported concerns in published Quality Accounts.

13.8 The Designated Officer, the Associate Director of Human Resources, will keep the ‘Speaking up’ Director lead informed of any issues which have been raised through the Media and provide annual reports to the Site Governance Forum. Cases will be included in the reports presented to the People and Organisational Development Committee in Common.

13.9 Patient and local Staff surveys will also be a source of information and feedback on the raising of concerns and subsequent actions taken as to whether sustainable improvements have been made.

14.0 References

Freedom to Speak Up - An independent review into creating an open and honest reporting culture in the NHS by Sir Robert Francis QC, February 2015  
The Public Interest Disclosure Act (1998)  
Statutory Duty of Candour, Regulation 20, Care Quality Commission  
‘Being Open’ Guidance  
Enterprise and Regulatory Reform Act 2013  
Speak up for the NHS – The Social Partnership Forum  
Public Concern at Work (PCaW – Registered Charity)  
ACAS  
Raising Concerns at Work: Whistleblowing Guidance for Workers and Employers in Health and Social Care.
## Appendix 1: Preliminary Equality Analysis

This assessment relates to: Speaking Up – How to Raise a Concern/04034

<table>
<thead>
<tr>
<th>A change in a service to patients</th>
<th>A change to an existing policy</th>
<th>X</th>
<th>A change to the way staff work</th>
</tr>
</thead>
<tbody>
<tr>
<td>A new policy</td>
<td>Something else (please give details)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Questions | Answers

1. **What are you proposing to change?**
   - Full Review

2. **Why are you making this change?**
   - 3 year review

3. **Who benefits from this change and how?**
   - Staff and Patients

4. **Is anyone likely to suffer any negative impact as a result of this change?**
   - If no, please record reasons here and sign and date this assessment. If **yes**, please complete a full EIA.
   - No

5. **a) Will you be undertaking any consultation as part of this change?**
   - Refer to pages 1 and 2

   **b) If so, with whom?**

Preliminary analysis completed by:

<table>
<thead>
<tr>
<th>Name</th>
<th>Job Title</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nada Rogers</td>
<td>HR Consultant</td>
<td>October 2019</td>
</tr>
</tbody>
</table>
Appendix 2

Speaking up - Raising Concerns Disclosure Form

STRICTLY CONFIDENTIAL

This form is to be completed by individuals who want to raise a concern under the Public Interest Disclosure Act, 1998 and be done so in accordance the requirements of Data Protection Act and/or the Computer Misuse Act to avoid confidentiality or data misuse breaches (see Information Governance Policy and Confidentiality and Data Protection).

Please send when complete to the Manager who you initially raised your concern with, in an envelope marked Private and Confidential.

Section 1 – Details of the Person Raising the Concern

If you wish to remain anonymous, please go straight to section 2. However, please note that whilst such concerns will be given due consideration, concerns raised anonymously can be more difficult to deal with and investigate appropriately More action is likely or possible if concerns are not raised anonymously.

Name:..........................................................................................................................

Home Address:...........................................................................................................
..........................................................................................................................
..........................................................................................................................

Home contact number/mobile:..............................................................................

Work Address:..........................................................................................................
..........................................................................................................................
..........................................................................................................................

Work contact number/mobile:................................................................................

Which address do you wish any correspondence to be sent to?

Home Address/Work Address (please delete as appropriate)

Date disclosure form submitted:..............................................................................

Section 2 – Details of the Disclosure

What is your concern about? (please tick)

  o Patient/service user care
  o Patient/service user safety
  o Conduct (including malpractice, unethical conduct)
Speaking Up - How to Raise a Concern/04034/5.0

- Criminal offence/legal obligation
- Professional/clinical practice or competence

Other (please state)...................................................................................................................

Who is involved? Please list witnesses and anyone carrying out the act causing you concern, and the date(s), time and place(s) the act occurred:

..............................................................................................................................................
..............................................................................................................................................

Please describe what has happened/what you think will happen. Please provide as much detail as you can (use additional sheets of paper as needed):

..............................................................................................................................................
..............................................................................................................................................

Section 3 – Personal Involvement/Personal Interest

Please declare any personal interest you may have in this matter (i.e. does the outcome of this matter have the potential to affect you personally in any way?)

..............................................................................................................................................

Have you personally been involved in this matter previously? YES/NO
If yes, please outline your involvement:
..............................................................................................................................................

Section 4 – Expressed Preferences

Do you wish your identity to be kept confidential (bearing in mind that, depending on the nature of the investigation or disclosure, it may become necessary to disclose your identity)? YES/NO
Appendix 3

List of Prescribed Persons

The secondary legislation under PIDA lists ‘prescribed persons’. The following are the most relevant to the health and care sectors:

Care Quality Commission – 03000 616 161 – www.cqc.org.uk

NHS England and Improvement – 0300 123 2257

www.improvement.nhs.uk

Nursing and Midwifery Council (NMC) – www.nmc-uk.org

General Chiropractic Council (GCC) – www.gcc-uk.org/page.cfm


General Medical Council (GMC) – 0161 923 6602 – www.gmc-uk.org

Health and Care Professions Council (HCPC) – 0845 300 6184 – www.hpc-uk.org

General Optical Council (GOC) – www.optical.org

General Osteopathic Council (GOsC) – www.osteopathy.org.uk

General Pharmaceutical Council (GPhC) – www.pharmacyregulation.org Audit

Commission for England and Wales – wwwaudit-commission.gov.uk Charity

Commissioners for England and Wales – www.charitycommission.gov.uk

Comptroller and Auditor General

Children’s Commissioner

Health and Safety Executive – www.hse.gov.uk

Information Commissioner

Pensions Regulator – www.thepensionsregulator.gov.uk

Other persons to which a protected disclosure may be made:

These include the Secretary of State for Health and other health and social care Ministers, and legal advisers (provided other criteria and procedural requirements in PIDA are met). With effect from 6 April 2014, members of the House of Commons (MP’s) have been added to the list of prescribed persons, in respect of any matter listed in the Schedule (which includes health and social care).
Other bodies to which a concern may be raised, but it will not be treated as a protected disclosure within the meaning of PIDA:


Professional Standards Authority for Health and Social Care – 020 7389 8030 www.professionalstandards.org.uk

The NHS Fraud and Corruption Reporting Line – 0800 028 40 60 – email: ciu@nhsprotect.gsi.gov.uk –