

Whistleblowing policy

A policy on how you can raise your concerns

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To be Reviewed:

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Sponsored by: Operational Executive

This policy / service has been reviewed in accordance with Equalities Legislation on race, disability, age, gender, sexual orientation and gender identity, faith and belief.



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Whistleblowing Policy

A policy on how you can raise your concerns

Background

In 1998 the Government introduced the Public Interest Disclosure Act, which provides a statutory framework and protection for workers pursuing their concerns in good faith.

This policy was designed in response to the Act by a group comprised staff side representatives and managers and has been updated using the guidance¹ produced by the independent whistleblowing charity Public Concern at Work. The group believed that the policy was necessary to:-

- Encourage staff to be open about their concerns rather than feeling that they are bound by corporate rules of secrecy.
- Provide a clear framework for staff to raise their concerns.
- Demonstrate the commitment of the Trust to the spirit of the Act, and how we intend to respond to issues raised.

Scope

- **Who does this policy apply to?**

This policy covers all workers in the CCG. The definition of “workers” includes:

- Employed staff
- Temporary agency staff
- Persons on training courses
- Self employed staff who are working for and supervised by the NHS
- Volunteers
- Workers employed in partner organisation’s carrying out duties in the CCG

- **What should this policy be used for?**

If something is troubling you that you think we should know about or look into, please use this policy and procedure.

If however, you wish to make a complaint about your employment or how you have been treated, please use the grievance policy or the bullying/harassment/dealing with unacceptable behaviour policy, which you can obtain from the intranet or via Human Resources.

¹ *Speak up for a healthy NHS, How to implement and review whistleblowing arrangements in your organisation*, Social Partnership Forum/Public Concern at Work, 2010.

If you have a concern about financial misconduct or fraud please use the CCG fraud policy and response plan.

This Policy is primarily for individuals who work for us and have concerns where the interests of others or of the CCG itself are at risk.

Introduction

All of us at one time or another have concerns about what is happening at work. Usually these are easily resolved. However, when the concern feels serious because it is about a possible danger, professional misconduct or financial malpractice that might affect patients, colleagues or the CCG itself, it can be difficult to know what to do.

You may be worried about raising such an issue and may think it is best to keep it 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, to managers or to the CCG. You may have said something but found that you have spoken to the wrong person or raised the issue in the wrong way and are not sure what to do next.

If in doubt – raise it!

Our commitment to you

The CCG is committed to running the organisation in the best way possible and to do this we need your help. This policy is in place to reassure you that it is safe and acceptable to speak up and to enable you to raise any concern you may have at an early stage and in the right way. Rather than wait for proof, we would prefer you to raise the matter when it is still a concern.

Your safety

As stated above there is a significant level of CCG Governing Body, senior management and staff side support for this policy. If you raise a genuine concern under this policy, you will not be at risk of losing your job or suffering any detriment (such as reprisal or victimisation) as a result. Provided you are acting in good faith (effectively this means honestly), it does not matter if you are mistaken or there is an innocent explanation for your concerns. So please do not think we will ask you to prove it. Of course we do not extend this assurance to someone who maliciously raises a matter they know is untrue.

Your confidence

This policy has been developed with staff side colleagues, and if you wish to have the support of your union at any stage of the process, then we would encourage you to involve them.

With these assurances, we hope you will raise your concern openly. However, we recognise there may be circumstances when you would prefer to speak to someone

in confidence first. If this is the case, please say so at the outset. If you ask us not to disclose your identity, we will not do so without your consent unless required by law. You should understand that there may be times when we are unable to resolve a concern without revealing your identity, for example where your personal evidence is essential. In such cases, we will discuss with you whether and how the matter can best proceed.

Please remember that if you do not tell us who you are it will be much more difficult for us to look into the matter. We will not be able to protect your position or to give you feedback. Accordingly, you should not assume we can provide the assurances we offer in the same way if you report a concern anonymously.

How to raise a concern

If you are unsure about raising a concern at any stage you can get independent advice from your trade union representative or Public Concern at Work (see contact details under Independent Advice below). You could also contact the NHS Whistleblowing Helpline which operates on weekdays between 08.00 and 18.00 with an out of hours answering service available at weekends and on public holidays. The helpline number is 08000 724 725.

Please remember that you do not need to have firm evidence before raising a concern. However, we do ask that you explain as fully as you can the information or circumstances that gave rise to your concern.

Step one

If you have a concern about a risk, malpractice or wrong doing at work, we hope you will feel able to raise it first with your line manager or lead clinician. This may be done verbally or in writing.

Step two

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

Chief Finance Officer

OR

Deputy/Assistant Chief Officer

OR

Chief Nurse

OR

HR Manager

These people have been given special responsibility in dealing with whistleblowing concerns. If you want to raise the matter in confidence, please say so at the outset so that appropriate arrangements can be made.

Contact details for the designated officers are included at Appendix A.

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 Officer/Chair of Governing Body

Contact details for the designated officers in the CCG are included at Appendix A.

In addition the CCG recognizes its accountability within the NHS. In light of this you can also contact:

1. NHS Fraud and Corruption Reporting Line on 0800 028 40 60 (if your concern is about financial malpractice) or online at www.reportnhsfraud.nhs.uk
2. Department of Health (Customer Service Centre, Department of Health, Richmond House, 79 Whitehall, London SW1A 2NS. Email: dhmail@dh.gsi.gov.uk Telephone: 020 7210 4850

How we will handle the matter

Once you have told us of your concern, we will assess it and consider what action may be appropriate. This may involve an informal review, internal inquiry or a more formal investigation.

We will tell you:

- who is handling the matter
- how you can contact them
- and what further assistance we may need from you

If you ask, we will also write to you summarising your concern and setting out how we propose to handle it and provide a timeframe for feedback. If we have misunderstood the concern or there is any information missing, please let us know.

When you raise the concern it will be helpful to know 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 we think your concern falls more properly within our Grievance, Bullying, Harassment, Dealing with Unacceptable Behaviour Policies, we will let you know.

Whenever possible, we will give you feedback on the outcome of any investigation. Please note, however, that we may not be able to tell you about the precise actions we take where this would infringe a duty of confidence we owe to another person. While we cannot guarantee that we will respond to all matters in the way you might wish, we will strive to handle the matter fairly and properly. By using this policy you will help us to achieve this.

Independent advice

If you are unsure whether to use this policy or you want confidential advice at any stage, you may contact;

- your union
- the independent whistleblowing charity Public Concern at Work on 020 7404 6609 or by email at helpine@pcaw.co.uk . Their lawyers can talk you through your options and help you raise a concern about malpractice or wrongdoing at work.
- the NHS Whistleblowing Helpline which operates on weekdays between 08.00 and 18.00 with an out of hours answering service available at weekends and on public holidays. The helpline number is 08000 724 725.

External Contacts

Whilst we hope this policy gives you the re-assurance you need to raise your concern internally with us, we recognise that there may be circumstances where you can properly report a concern to an outside body. In fact, we would rather you raised a matter with the appropriate regulator – such as the Care Quality Commission, the independent Regulator of the NHS Foundation Trusts (Monitor), your professional regulator, the Audit Commission or the National Patient Safety Agency – than not at all. Your union or Public Concern at Work will be able to advise you on such an option if you wish.

Contact details for these organisations are included at Appendix B.

Monitoring oversight

The Governing Body is responsible for this policy and will review it periodically. The HR Manager will monitor the daily operation of the policy and if you have any comments or questions, please do not hesitate to let them know.

Who we consulted

This policy has been drawn up in consultation with the South Yorkshire and Bassetlaw CCGs' Social Partnership Forum.

Contact Details

Rotherham CCG

Stage 2 – Chief Finance Officer – Keely Firth
Chief Nurse – Sue Cassin
HR Manager – Peter Smith

Stage 3 – Chief Officer – Chris Edwards

Last updated xxxx

Further Information

BSI Code of Practice on Whistleblowing Arrangements

Organisations can download a free copy of the 2008 British Standards Institution's Code of Practice on Whistleblowing Arrangements from www.pcaw.co.uk/bsi

Public Concern at Work

For information about the Public Interest Disclosure Act 1998, please visit: www.pcaw.co.uk/law/uklegislation.htm

NHS Protect

Weston House
246 High Holborn
London WC1V 7EX
Tel: 020 7895 4500

Care Quality Commission (CQC)

Finsbury Tower
103–105 Bunhill Row
London EC1Y 8TG
Tel: 020 7448 9200

Monitor

4 Matthew Parker Street
London SW1H 0NP
Tel: 020 7340 2400

Audit Commission

1st Floor
Millbank Tower
Millbank
London SW1P 4HQ
Tel: 0844 798 1212
or 020 7828 1212

National Patient Safety Agency (NPSA)

4–8 Maple Street
London W1T 5HD
Tel: 020 7062 1620

Professional regulators

- General Chiropractic Council
44 Wicklow Street
London WC1X 9HL
www.gcc-uk.org
Tel: 020 7713 5155
- General Dental Council
37 Wimpole Street

London W1G 8DQ
www.gdc-uk.org
Tel: 020 7887 3800

- General Medical Council
Regents Place
350 Euston Road
London NW1 3JN
www.gmc-uk.org
Tel: 0161 923 6602
- General Optical Council
41 Harley Street
London W1G 8DJ
www.optical.org
Tel: 020 7580 3898
- Health Professions Council
Park House
184 Kennington Park Road
London SE11 4BU
www.hpc-uk.org
Tel: 0845 300 4472 or 020 7840 9802
- Nursing and Midwifery Council
23 Portland Place
London W1B 1PZ
www.nmc-uk.org
- Royal Pharmaceutical Society of Great Britain
1 Lambeth High Street
London SE1 7JN
www.rpsgb.org.uk
Tel: 020 7735 9141