

Raising Concerns (Whistleblowing) Policy 2018 - 2021

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1. Introduction

- 1.1 Someone 'whistleblows' when they tell their employer, a regulator, the police, or the media about a dangerous, improper, or illegal activity that they have become aware of through the course of their work.
- 1.2 Whistleblowing can positively influence an organisation, as it can be seen as an early warning system, highlighting risks that could potentially affect staff, patients, the public, as well as the organisation's reputation.
- 1.3 Whistleblowing can inform those who need to know about health and safety risks, potential environmental problems, fraud, corruption, bribery, cover-ups, and many other problems. Often it is only through whistleblowing that this information comes to light and can be addressed before any real damage is done.
- 1.4 Generally, a whistleblowing concern is about a risk, malpractice or wrongdoing that affects others. This should not be confused with a grievance which is a personal complaint about an individual's own employment situation. A whistleblowing concern is where an individual raises information as a witness, whereas a grievance is where the individual is a complainant. The CCGs' Grievance Procedure should be referred to for further information on this.
- 1.1. In April 2018, the four CCGs formed the Greater Nottingham Clinical Commissioning Partnership (GNCCP) and established joint governance arrangements and staffing structures. Whilst this policy has been developed for implementation across the GNCCP to ensure a consistent approach and aligned working practices; it is important to remember that legal requirements remain the responsibility of each individual CCG. As such, each CCG will need to continue to be able to demonstrate its own compliance with the applicable legislation.
- 1.5 The CCGs' Governing Bodies are committed to creating an open, transparent and supportive culture for its workforce. The CCGs recognise the valuable contribution their employees make to the running of public services, and to the protection of the public interest. People are encouraged to speak up with any genuine issues that are concerning them and, under this policy, can do so in confidence and without the fear of reprisal.

- 1.6 The Governing Bodies would rather that matters are raised when they are just a concern, instead of waiting for confirmation. As long as individuals are acting in good faith, it does not matter if there has been a mistake.
- 1.7 The CCGs will not tolerate the harassment or victimisation of anyone raising a genuine concern under this policy and individuals will not be at risk of losing their job or suffering any form of retribution as a result. The Governing Bodies are committed to this policy, and the public interest principle that it promotes.

2. Definitions

The following terms and definitions apply for the purposes of this policy and its associated procedure, (**Appendix A**):

2.1 Concern

For the purpose of this policy a concern can be defined as a reasonable and honest suspicion about a possible fraud, danger, or other serious risk that threatens patients, colleagues, stakeholders, the public, or the organisation's reputation.

Whilst this is not an exhaustive list, examples of incidents that may constitute a cause for concern are:

- Victimisation or harassment of a colleague
- Criminal acts
- Unethical practices, not necessarily of a criminal nature
- Issues regarding staff conduct, including concerns related to equality and diversity
- Serious maladministration
- Dangerous acts (or omissions) that create a hazard to health, safety or the environment
- Fraud, corruption or bribery¹
- Non-compliance with the CCGs' Conflicts of Interest Policy or Gifts Hospitality and Sponsorship Policy
- Non-compliance with a legal obligation

¹ If the concern is regarding fraud, corruption or bribery, then the CCGs' Policy on Fraud, Corruption and Bribery should be referred to for guidance on how to report this.

2.2 External Disclosure

This is the term used for raising a whistleblowing concern externally, for example, with a regulator or independent supervisory body, or as appropriate, the police, MPs, or the media.

Further information on making external disclosures is set out at **Appendix A**.

3. Scope

3.1 This policy relates to all employees and appointees of the CCGs and others working within the organisation in a temporary capacity. These are collectively referred to as 'individuals' hereafter.

3.2 This policy specifically applies to issues of concern relating to the activities of the CCGs.

However, if any issues of concern are identified by individuals within the CCGs that relate to other organisations from which the CCGs commission services, then these should be brought to the attention of the relevant Commissioning Manager (or appropriate senior management within the CCGs) at the earliest convenience. Any such instance would not be classified as whistleblowing or treated in accordance with this policy.

4. Purpose

4.1 The CCGs take all whistleblowing concerns seriously. Therefore, the purpose of this policy is to ensure that individuals feel empowered and assured that it is acceptable and safe to speak up about any concerns they may have, as long as they are made in good faith.

4.2 This policy is designed both to inform individuals of how they can raise concerns, both internally and externally, and to protect them from suffering any detriment.

5. The Public Interest Disclosure Act 1998

5.1 Under the [Public Interest Disclosure Act \(PIDA\) 1998](#), a protected disclosure can be made, if in the reasonable view of the individual, it is "in the public

interest". PIDA also affords protection to those who may suffer victimisation where they have made such a disclosure.

5.2 In line with the Act, the CCGs undertake that no reprisals will be taken against individuals who raise genuine concerns, internally or externally. The CCGs will not tolerate the harassment of anyone raising a genuine concern and it will be a disciplinary matter to victimise bona fide whistleblowers.

5.3 However, this assurance will not extend to individuals who maliciously raise concerns they know to be untrue. All concerns raised will be treated in good faith, however if it is found that an individual has done so with improper motives, disciplinary proceedings may commence against that individual.

6. Confidentiality

6.1 The best way for individuals to raise concerns is to do so openly, as this makes it easier for the CCGs to gain more information in order to better investigate the matter.

6.2 However, the CCGs recognise that individuals may wish to raise their concerns in confidence, so if an individual asks that their identity be protected, then it will not be disclosed without their consent.

6.3 If a situation arises where a concern cannot be resolved without revealing an individual's identity, then it will be discussed with the individual whether and how the matter can proceed. It should be remembered that if identity is withheld, it will be much more difficult to look into the matter and give feedback, or to protect the individual's position.

7. Roles and Responsibilities

7.1 Governing Bodies

The Governing Bodies are responsible for ensuring that there is an effective system in place for individuals to raise concerns. It is also responsible for promoting a culture of openness and transparency, where individuals feel empowered and assured that they are able to discuss their concerns without fear of reproach.

7.2 All Managers

All managers have a responsibility to:

- Ensure this policy is adhered to.
- Contribute to a culture where individuals feel safe to discuss concerns.
- Take concerns seriously and handle them in accordance with **Appendix A – Procedure for Reporting Concerns** and **Appendix B – Handling Whistleblowing: practical tips for managers**.
- Recognise that raising a concern can be a difficult experience for individuals.
- Seek appropriate advice as necessary and communicate relevant findings to others where appropriate.

7.3 Corporate Director

The Corporate Director has delegated responsibility from the Governing Bodies for dealing with concerns, where an individual feels unable, for whatever reason, to contact their line manager directly.

8. Freedom to Speak Up Guardian(s)

Where individuals still have concerns but feel unable to raise these with their Manager or the Corporate Director; the Chairs of the CCGs' Audit and Governance Committees can also provide an independent and impartial source of advice to staff at any stage of raising a concern.

9. Equality and Diversity Statement

9.1 The CCGs are committed to commissioning services which embrace diversity and that promote equality of opportunity including the aims of the public sector equality duty.

9.2 As employers, we are committed to equality of opportunity and to valuing diversity within our workforce. Our goal is to ensure that these commitments are embedded in our day-to-day working practices with our population, colleagues and partners.

9.3 We will provide equality of opportunity and will not tolerate unlawful discrimination on grounds of age, disability, gender identity, marriage or civil

partnership, pregnancy or maternity, race, religion or belief, sex, sexual orientation, or as a result of being any of the following: people with carer responsibilities', people experiencing economic and social deprivation, vulnerable migrants, homeless people, sex workers or gypsies and travellers.

10. Communication, Monitoring and Review

- 10.1 The CCGs will establish effective arrangements for communicating the requirements of this policy and will provide appropriate training to line management in relation to their responsibilities.
- 10.2 The Audit and Governance Committees will review the effectiveness of the CCGs' whistleblowing arrangements on an annual basis.
- 10.3 The Corporate Director will monitor the use of this policy on an ongoing basis.
- 10.4 This policy will be reviewed by the Governing Bodies every three years or in light of any legislative changes.
- 10.5 Any individual who has queries regarding the content of this policy, or has difficulty understanding how this policy relates to their role, should contact the CCGs' Corporate Director.

11. Interaction with other Policies

- 11.1 This procedure should be read in conjunction the following CCG policies:
 - Policy on Fraud, Corruption and Bribery
 - Conflicts of Interest Policy
 - Gifts, Hospitality and Sponsorship Policy

12. References

This policy has been developed with guidance from the following publications and websites:

- NHS Improvement and NHS England (2016). [Freedom to speak up: raising concerns \(whistleblowing\) policy for the NHS](#)

- NHS Employers (2018), [Whistleblowing: Raising concerns at work](#)
- HM Government (2018). [Whistleblowing for employees](#)
- [Public Concern at Work](#)

Appendix A – Procedure for Reporting Concerns

1. Internal Reporting

1.1 Where there is a concern, the CCGs hope that individuals will feel able to raise it with their line manager in the first instance. This may be done verbally or in writing.

1.2 If an individual feels unable to discuss their concern with their line manager, or is unsatisfied with the response from their line manager, then they should raise the matter with:

Lucy Branson
Corporate Director
0115 8839538 (ext. 39538)

This member of staff has been delegated responsibility by the Governing Body for dealing with whistleblowing concerns.

1.3 If an individual still has concerns about raising the matter with either of the above, they can contact their respective CCG's Freedom to Speak Up Guardian:

Nottingham City CCG and Nottingham West CCG– Tim Woods,
timwoods@nhs.net
Nottingham North and East CCG – Terry Allen, terryallen125@btinternet.com
Rushcliffe CCG – Ian Blair, i.blair@nhs.net

1.4 Alternatively, if the concern is about fraud, corruption or bribery, then the CCGs' nominated Local Counter Fraud Specialist may also be contacted:

Joanna.Clarke3@nhs.net
Tel 0115 883 5322

1.5 If the concern is about conflicts of interest then the relevant CCG' Conflicts of Interest Guardian should also be contacted (NB. These roles are performed by the same individuals fulfilling the Freedom to Speak Up Guardian roles)

1.6 Individuals should report matters when they are still concerns, rather than waiting for proof or investigating concerns themselves.

- 1.7 At the time of raising the concern, the individual should state whether they wish to remain anonymous whilst the concern is being investigated. Any personal interest in the matter being reported should also be stated at this time.
- 1.8 The manager (or other individual mentioned in paragraphs 1.2, 1.3 and 1.4 above as appropriate) will convene a meeting to discuss the issue with the individual raising the concern, who may wish to be accompanied by a Union representative or a colleague or friend not acting in a professional capacity. Advice from other professionals may be sought as considered appropriate. This meeting will take place no later than **three working days** of the issue being reported.
- 1.9 The manager (or other individual mentioned in paragraphs 1.2, 1.3 and 1.4 above as appropriate) will provide the individual with a summary of the concern in writing. It is important that the factual accuracy of this is checked by the individual raising the concern to ensure there aren't any misunderstandings or inaccuracies.
- 1.10 Those receiving concerns will ensure that they are given full and sympathetic consideration. This is likely to result in one of the following:
- A further investigation being completed under the relevant CCG Policy and Procedure.
 - The concern being forwarded to another body or organisation for their attention.
 - The issue not being considered a priority for attention at present, but the situation continuing to be monitored.
- 1.11 A response detailing the agreed course of action will be provided to the individual raising the concern within **10 working days** from when the concern was first raised.
- 1.12 Wherever possible, feedback will be provided on the outcome of any investigation. However, individuals may not be able to be informed of the precise actions taken where this would infringe a duty of confidence owed to another person.

- 1.13 Whilst no guarantees can be given that all matters will be responded to in the way that individuals might wish, all concerns will be handled fairly and properly in accordance with this policy and procedure.
- 1.14 Those receiving concerns should ensure that the following details are recorded and forwarded to the Corporate Director following feedback to the individual concerned:
- Details of the concern and the date it was raised.
 - Who raised the concern (stating 'unable to disclose' where anonymity is requested).
 - Who the concern was raised with.
 - Details of action taken.

2. External Disclosures

- 2.1 Any individual that does not wish to raise their concern internally, or feels that a concern previously raised has not been properly addressed under this policy and procedure, is able to raise their concern externally. The [Public Interest Disclosure Act \(PIDA\) 1998](#) provides further information on this.
- 2.2 Individuals are advised to seek advice from the organisation Public Concern at Work (see **Appendix C**) before making an external disclosure. They will be able to provide free, independent and confidential advice in relation to concerns and also advise on any legal implications.
- 12.1 All NHS employees must fulfil their duty of confidentiality to the CCG. Unauthorised disclosure of personal information about any patient or colleague will be regarded as a most serious matter, which may result in disciplinary action.
- 12.2 In cases where employees are considering disclosing confidential information (even if their opinion is that it would be in the public interest) they should first seek specialist advice. Organisations from which advice may be sought is given at **Appendix C**.

Appendix B – Handling Whistleblowing: Practical Tips for Managers

As a manager you can lead by example. Be clear to staff what sort of behaviour is unacceptable and practise what you preach. Encourage staff to ask you what is appropriate if they are unsure before – not after – the event. If you find wrongdoing or a potential risk is present, take it seriously and deal with it immediately.

Responding to a concern

- Thank the staff member for telling you, even if they may appear to be mistaken.
- Respect and heed legitimate staff concerns about their own position or career.
- Manage expectations and respect promises of confidentiality.
- Discuss reasonable timeframes for feedback with the member of staff.
- Remember there are different perspectives to every story.
- Determine whether there are grounds for concern and investigate if necessary as soon as possible. If the concern is potentially very serious or wide-reaching, consider who should handle the investigation and know when to ask for help. If asked, put your response in writing.
- Always remember that you may have to explain how you have handled the concern.
- Feedback any outcome and/or remedial action you propose to take to the whistleblower, but be careful if this could infringe any rights or duties you may owe to other parties.

This information has been adapted from [Speak up for a healthy NHS: How to implement and review whistleblowing arrangements in your organisation](#)

Appendix C – External Contacts

Public Concern at Work (PCAW)

PCAW are an independent charity, who have trained advisers can offer free, confidential practical and legal advice if you have concerns with regard to your organisation.

Telephone:

Whistleblowing Advice Line: 020 7404 6609

General enquiries: 020 3117 2520

Email:

UK enquiries: whistle@pcaw.org.uk

UK helpline: helpline@pcaw.org.uk

The National Whistleblowing Helpline

The National Whistleblowing Helpline provides free, confidential, and independent advice for those working in the NHS.

Telephone:

08000 724 725

Email:

enquiries@wbhelpline.org.uk

Health and Safety Executive (HSE)

The HSE can advise on matters relating to the health or safety of any individual at work or affect the health and safety of any member of the public arising out of, or in connection with, the activities of persons at work.

Telephone:

0845 300 9923