

# Freedom to Speak Up: Raising Concerns (Whistleblowing) Policy

This policy provides a robust framework to assist employees in raising concerns and the organisation in dealing with them fairly and effectively.

Key Words:	Whistleblowing, Raising Concerns, Speak Up, Bribery, Fraud, Corruption, Malpractice, Malicious	
Version:	8	
Adopted by:	Trust Policy Committee	
Date this version was adopted:	31 January 2022	
Name of Author:	Pauline Lewitt, Freedom to Speak Up Guardian	
Name of responsible Committee:	Workforce Organisation Development and Wellbeing Group	
Please state if there is a reason for not publishing on website:	N/A	
Date issued for publication:	January 2022	
Review date:	July 2024	
Expiry date:	1 February 2025	
Target audience:	LPT Staff, Bank Workers, Trainees, Volunteers, Contractors and Agency Workers	
Type of Policy	Clinical	Non Clinical √
Which Relevant CQC Fundamental Standards?	Good Governance	

<b>Contents</b>	<b>Page</b>
<b>Version Control</b>	<b>3 – 5</b>
<b>Equality Statement</b>	<b>6</b>
<b>Due Regard</b>	<b>6</b>
<b>Definitions that apply to this policy</b>	<b>7</b>
<b>THE POLICY</b>	
<b>1.0 Purpose of the Policy</b>	<b>8</b>
<b>2.0 Summary of the Policy</b>	<b>8</b>
<b>3.0 Introduction</b>	<b>8</b>
<b>4.0 Scope of the Policy</b>	<b>8 – 9</b>
<b>5.0 Principles</b>	<b>9 - 13</b>
<b>6.0 Flowchart/Process Chart</b>	<b>14</b>
<b>7.0 Duties within the Organisation</b>	<b>15</b>
<b>8.0 Training Needs</b>	<b>15</b>
<b>9.0 Monitoring Compliance and Effectiveness</b>	<b>16</b>
<b>10.0 Standards/Performance Indicators</b>	<b>17</b>
<b>11.0 References and Bibliography</b>	<b>17</b>
<b>REFERENCES AND ASSOCIATED DOCUMENTATION</b>	
<b>Appendix 1 Principles of the Freedom to Speak Up Review</b>	<b>18</b>
<b>Appendix 2 Managers 5 Step Approach</b>	<b>19</b>
<b>Appendix 3 Raising Concerns Procedure</b>	<b>20</b>
<b>Appendix 4 Independent Advice</b>	<b>21</b>
<b>Appendix 5 Designated Officers</b>	<b>22</b>
<b>Appendix 6 Prescribed Regulatory Bodies</b>	<b>23</b>
<b>Appendix 7 Conducting an Investigation</b>	<b>24 – 26</b>
<b>Appendix 8 Policy and Training Requirements</b>	<b>27</b>
<b>Appendix 9 NHS Constitution</b>	<b>28</b>
<b>Appendix 10 Stakeholder and Consultation</b>	<b>29</b>
<b>Appendix 11 Due Regard Screening template</b>	<b>30 – 31</b>
<b>Appendix 12 Data privacy Impact Assessment</b>	<b>32 - 33</b>

## Version Control and Summary of Changes

Version number	Date	Comments (description change and amendments)
1	April 2012	Harmonisation of former LPT, LCCHS and LCRNHS Document. Updated with Bribery
2	19 March 2013	Inserted NHSLA monitoring table (appendix 1)
3	8 July 2013	Legal update – removal for the requirement for disclosures to be made in good faith has been removed <ul style="list-style-type: none"> <li>• In order to qualify for protection, whistle blower must now have a reasonable belief that the relevant disclosure is in the public interest (added in definitions page 5 and 8.1)</li> <li>• Added 6.5 – difference between a grievance and whistleblowing concern</li> <li>• Added Appendix 2,3 and 4</li> <li>• Sections 6-8 reviewed and updated in line with ‘ Speak up for Healthy NHS’ document</li> <li>• Amica Support – included in section 9.5</li> </ul>
4	17 October 2014	Updated Appendix 2 to reflect changes to Executive Team.
5	6 November 2015	<p>Policy reviewed in line with the Sir Robert Francis Freedom to speak up Report; February 2015 and associated action plan.</p> <p>Policy name changed to Freedom to Speak Up: Raising concerns (whistleblowing) Policy and Procedure. Added Section 2.9: Legal background Section 4.3: Added Matters relating to safeguarding issues.</p> <p>Expanded/added Section 4.5: Relationship with other Trust Policies &amp; Procedures.</p> <p>Expanded/added Section 5: Protection for individuals</p> <p>Added Section 6: Duties within the Organisation</p> <p>Revised Section 11: Procedure for raising a concern &amp; the process LPT will follow when handling concerns</p> <p>Sect. 11.3.1: Added Nominated Non-Executive Director</p>

6	15 June 2016	<p>Policy reviewed and amended in light of the National Freedom to speak up: raising concerns (whistleblowing) policy for the NHS</p> <p>Expanded section 4.4: to include a bullying culture across the teams or organisation</p> <p>Added to section 11: All concerns to be acknowledged with two working days</p> <p>Section 11.4: Listed additional outside bodies</p> <p>Expanded section 13: to include independent investigators who will be objective and focus on improvements by identifying lessons learnt to prevent problems recurring</p> <p>Section 14: Where possible the investigation report will be shared (respecting confidentiality of others)</p>
6.1	5 January 2017	<p>Added to section 11.2.2: Freedom to Speak Up Guardian</p> <p>Removed from section 12: Staff Ombudsman for source of independent advice.</p>
7	30 November 2018	<p>Name change of policy from Raising concerns (Whistleblowing) Policy and Procedure to Freedom to Speak Up: Raising Concerns (Whistleblowing) Policy.</p> <p>Policy wording and flow amended throughout to further reflect the Freedom to speak up: raising concerns (whistleblowing) policy for the NHS</p> <p>General changes/additions:</p> <p>Added section 5.0: Principles</p> <p>Removed section 7.0: Fraud; incorporated in to 4.0 scope of the policy.</p> <p>Removed section 8: Reporting suspected harm to children, young people or vulnerable adults in need to safeguarding; incorporated into 4.0 scope of the policy</p> <p>Removed section 9: matters concerning information security; incorporated into 4.0 scope of the policy</p>

		<p>Removed section 12: Independent Advice; Added to Appendix 14</p> <p>Added Appendix 1: Principles of the Freedom to Speak Up Review</p> <p>Added Appendix 2: Managers – Five Step Approach</p> <p>Added Appendix 3: Raising Concerns Procedure</p>
8	27 January 2022	<p>General changes – throughout policy document</p> <p>Reviewed and corrected revised job titles and email addresses in line with new email platform nhs.net</p> <p>Updated national bodies contact details and amended where name change had occurred as appropriate.</p> <p>Removal of information in relation to LPT Staff Governors (appendix 4)</p>

**For further information contact:**

Senior Human Resources Advisor responsible for this policy: (0116) 295 3402.  
Freedom to Speak Up Guardian: 07771 772794

## **Equality Statement**

Leicestershire Partnership NHS Trust (LPT) aims to design and implement policy documents that meet the diverse needs of our service, population and workforce, ensuring that none are placed at a disadvantage over others.

It takes into account the provisions of the Equality Act 2010 and promotes equal opportunities for all.

This document has been assessed to ensure that no one receives less favourable treatment on the protected characteristics of their age, disability, sex (gender), gender reassignment, sexual orientation, marriage and civil partnership, race, religion or belief, pregnancy and maternity.

## **Due Regard**

LPT will ensure that Due regard for equality is taken and as such will undertake an analysis of equality (assessment of impact) on existing and new policies in line with the Equality Act 2010. This process will help to ensure that:

- Strategies, policies and services are free from discrimination;
- LPT complies with current equality legislation;
- Due regard is given to equality in decision making and subsequent processes;
- Opportunities for promoting equality are identified.

Please refer to due regard assessment (Appendix 4) of this policy.

## Definitions that apply to this Policy

<b>Freedom to speak up</b>	An independent review into creating an open and honest culture in the NHS for 'raising concerns'.
<b>Speaking Up</b> <b>Raising a Concern</b> <b>Whistle blowing</b>	<i>Speaking Up/Raising a concern, whistleblowing is 'Making a disclosure in the public interest'.</i>  <i>Individuals that have a 'reasonable belief' that something wrong or dangerous is happening at work, should not keep it to themselves. Unless individuals tell the Trust about any concerns they may have about fraud, safety risks including clinical safety, or other wrongdoing, the chances are the Trust will not find out until it's too late.</i>
<b>Bribery</b>	Something, such as money or a favour, offered or given to a person in a position of trust to influence that person's views or conduct.
<b>Fraud</b>	A deception deliberately practiced in order to secure unfair or unlawful gain.
<b>Corruption</b>	Inducement to wrong by improper or unlawful means
<b>Malpractice</b>	Improper or negligent treatment of a patient
<b>Maliciously</b>	Deliberately harmful
<b>Due regard</b>	Having due regard for advancing equality involves: <ul style="list-style-type: none"> <li>• Removing or minimising disadvantages suffered by people due to their protected characteristics.</li> <li>• Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.</li> <li>• Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low</li> </ul>

## 1.0. Purpose of the Policy

- 1.1 This policy and procedure has been developed in response to the independent 'Freedom to Speak Up' review, led by Sir Robert Francis QC, and highlights the Trust's commitment to fostering a culture of safety and learning in which all staff feel safe to speak up and raise a concern about anything they believe is harming the service we deliver.
- 1.2 It gives guidance to staff about how to raise a concern, and assurance that they will be provided with appropriate support. It also gives guidance to managers and the wider organisation about how to receive and investigate concerns, and the support available to ensure adherence to the vision for raising concerns which the Freedom to Speak Up review sets out

## 2.0. Summary and Key Points

- 2.1 The Policy provides employees with guidance for raising concerns which are in the public interest about malpractice, safeguarding, financial impropriety, bribery, criminal offences or any other serious risks.
- 2.2 The aim of this policy is to encourage employees to raise concerns at an early stage and in the right way. The Trust will take all concerns seriously and is committed to developing an open and transparent 'speaking up culture' for matters to be dealt with fairly and effectively.
- 2.3 This policy will provide protection to employees raising concerns against harassment, reprisals, or victimisation.

## 3.0. Introduction

- 3.1 The senior leaders and board of directors at Leicestershire Partnership NHS Trust (the "Trust") are committed to an open, honest and transparent culture; therefore speaking up about any concern you have at work is really important. In fact, it is vital because it will help the Trust to keep improving its services for all patients and the working environment for its staff. You may feel worried about raising a concern and the Trust understands this but please do not be put off. In accordance with the Trust's duty of candour what you say will be looked into and you will always have access to the support you need.

## 4.0. Scope of the Policy

### What 'concerns' can I raise?

- 4.1 You can raise a concern about **risk, malpractice or wrongdoing** where you think this is harming, or has potential to harm the people we provide care for, the safety of the service we deliver or the staff, paid or unpaid, who work in the Trust.
- 4.2 Just a few examples of this might include (but are not restricted to):
  - Unsafe patient or client care (this **must** be reported in accordance with the Trusts safeguarding policies)
  - Unacceptable behaviour
  - Unsafe working conditions

- Inadequate induction or training for staff or volunteers
  - Lack of , or response to a reported patient safety incident
  - Suspicions of fraud (this **must** be reported in accordance with the Trust Counter Fraud Policy).
  - Matters concerning information security/loss of data
  - Suspicions of a criminal offence
  - A bullying culture (across a team or organisation). Individual instances of bullying should be processed under the Trust's Anti-Bullying, Harassment and Victimisation Policy.
- (Note: This is not an exhaustive list)

4.3 Remember that if you are a healthcare professional you may have a professional duty to report a concern. **If in doubt, please raise it: don't wait for proof.** The Trust 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.

4.4 If your concern is a **personal complaint** about your employment that affects only you, rather than a concern that affects others, then you may want to raise a grievance using the Trust Grievance and Disputes Procedure. Again, if in doubt raise it in accordance with this policy and you will be supported to establish the most appropriate route.

## 5.0. Principles

### Feel safe to raise a concern

5.1 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 behavior is a breach of our values as an organisation and, if upheld following investigation, could result in disciplinary action.

5.2 Provided you are acting honestly and in the public interest, it does not matter if you are mistaken or if there is an innocent explanation for your concerns.

### Confidentiality

5.3 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 or in court proceedings).

5.4 If the situation arises where a concern cannot be resolved without revealing an identity (for example, because evidence is needed for court proceedings), this will first be discussed with you, so that you are aware that your identity will be revealed.

- 5.5 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 impossible to give you feedback on the outcome.

### **Who can raise concerns?**

- 5.6 Anyone who works (or has worked) for Leicestershire Partnership NHS Trust, or for an independent organisation that provides NHS services within the trust can raise concerns. This includes substantive (permanent) staff, bank, agency and temporary workers. It also applies to non-executive Directors, locums, those on work experience, those on secondment to the Trust, students, volunteers, those on honorary contract and contractors working within the Trust.

### **Who should I raise my concern with?**

- 5.7 In many circumstances the easiest way to get your concern resolved will be to raise it informally or formally with your line manager (or lead clinician or tutor or clinical education supervisor). 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.
- 5.8 If raising it with your line manager (or lead clinician or tutor) does not resolve the matter, or you do not feel able to raise it with them, you can contact one of the following people depending on the nature of the concern:

Any concern:

**The Trust's Freedom to Speak Up (FTSU) Guardian**, Pauline Lewitt – 07771 772794 [pauline.lewitt@nhs.net](mailto:pauline.lewitt@nhs.net) or [lpt.ftsuguardian@nhs.net](mailto:lpt.ftsuguardian@nhs.net) (see Section 6 for FTSU flowchart). 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.

**The Trust's Executive Director** with responsibility for Raising concerns Angela Hillery, Chief Executive Officer.

**The Trust's Non-Executive Director** with responsibility for raising concerns Darren Hickman.

Issues relating to clinical practice or the treatment of patients/clients:

**The Medical Director or The Executive Director of Nursing/AHP's & Quality**

Issues relating to fraud or financial impropriety:

**The Director of Finance or the Trusts Local Counter Fraud process**

Issues relating to suspected harm to children, young people of vulnerable adults in need of safeguarding:

**The Trust Lead for Safeguarding**

Issues relating to information security:

### **Head of Information Governance**

Issues relating to Health and Safety or damage to the environment:

### **Head of Trust Health & Safety Compliance**

All of these people have been trained in receiving concerns and will give you information about where you can go for more support.

5.9 If for any reason you do not feel comfortable raising your concern internally, you can raise concerns with external bodies. Please refer to flow chart in section 6.0 for further guidance. External bodies listed in Appendix 9.

### **Advice and support**

Details on the local support available to you can be found on the Trust intranet pages. However, you can also contact the Whistleblowing Helpline for the NHS and social care, your professional body or trade union representative. A list of sources for independent advice is listed within Appendix 11.

### **How should 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.

### **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 Appendix 5).

We are committed to listening to our staff, learning lessons and improving patient care.

Concerns raised with the freedom to speak up guardian will be acknowledged within 2 working days and recorded securely. The record will include the date the concern was received, whether you have requested confidentiality, a summary of your concerns, when updates and feedback has been provided and when the matter is concluded.

When concerns are raised directly with the manager they should be acknowledged and progressed in line with the previous paragraph.

### **Investigation**

Where you have been unable to resolve the matter quickly (usually within a few days) with your line manager, we will carry out a proportionate investigation. How your concern is investigated may vary, dependent on the nature of the concern raised and further information may be requested. The investigation process is in Appendix 10.

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 person responsible for investigating the concern should attempt to complete the enquiries promptly as practicable and where possible normally within a 4 week timescale. You will be provided with an estimated time frame; this may vary depending on the nature of the concern. 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.

Any employment issues (that affect only you and not others) identified during the investigation will be considered separately.

### **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 findings and learning 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 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 board supports staff raising concerns and wants you to feel free to speak up.

### **Raising your concern with an outside body**

While it is intended that this policy provides you with the reassurance needed to raise your concern internally, it is recognised that there may be circumstances in which you would prefer to raise your concerns with an outside body such as regulatory bodies (e.g., General Medical Council, or the police).

<https://improvement.nhs.uk/contact-us/asking-advice-raising-complaints-and-concerns>

**Care Quality Commission** for quality and safety concerns, Tel: 03000 616161  
Email: [enquiries@cqc.org.uk](mailto:enquiries@cqc.org.uk)

**NHS Improvement/England 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
- primary medical services (general practice)
- primary dental services
- primary ophthalmic services
- local pharmaceutical services\_

Email: [england.contactus@nhs.net](mailto:england.contactus@nhs.net)

**Health Education England** for education and training in the NHS.

<https://hee.nhs.uk/about-us/how-we-work>

**NHS Counter Fraud Authority (NHSCFA)**

<https://www.cfa.nhs.uk/reportfraud>

**Making a 'protected disclosure'**

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). There is also a defined list of 'prescribed persons', similar to the list of outside bodies shown above, who you can make a protected disclosure to. To help you consider whether you might meet these criteria, please seek independent advice from the Whistleblowing Helpline for the NHS and social care, Protect (formerly Public Concern at Work) or a legal representative.

**Reference to the Media and Members of Parliament**

Employees are strongly encouraged to exhaust all internal procedures before they consider involvement of the media. This ensures that patient and/or staff confidentiality can be maintained and issues are dealt with constructively.

The Trust would strongly encourage any employee to inform the Chief Executive before they approach the media to express any remarks which could be construed as a criticism of the Trust.

Employees are strongly encouraged to exhaust all internal procedures before they consider consulting their Member of Parliament in confidence.

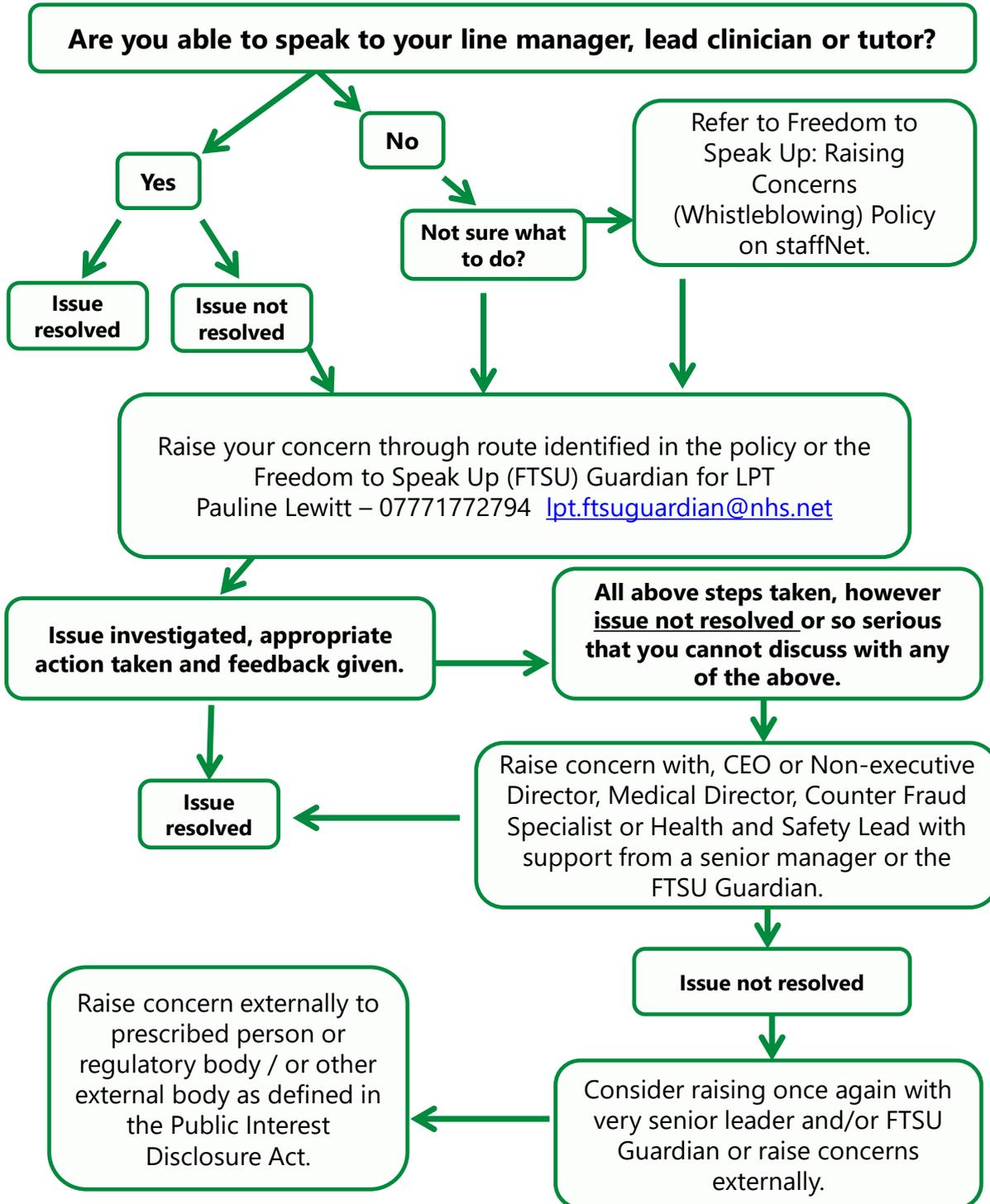
However, the Trust does not wish this procedure to be seen as inhibiting the right of staff to express a view in the media on a topic of public interest.

## 6.0. Flowchart/process chart



### Raising Concerns Flowchart

What to do if you want to speak up about a concern or issue relating to patient care or your work experience.



If you are unsure whether to use this Freedom to Speak Up: Raising Concerns (Whistleblowing) procedure or you want external independent advice at any stage please contact Protect, a relevant professional association or trade union if applicable or a professional regulatory body such as Care Quality Commission.

## 7.0 Duties within the Organisation

The Trust Board has a legal responsibility for Trust policies and for ensuring that they are carried out effectively.

Trust Board Sub-committees have the responsibility for ratifying policies and protocols.

Divisional Directors and Heads of Service have a responsibility to:

- Be available for any staff in the Trust to discuss concerns
  - Handle fairly and without prejudice, issues raised
  - Ensure issues which affect patient or staff safety in particular, are assessed immediately
  - Ensure feedback is received appropriate to the concerns raised.
- 
- **Managers and Team leaders** have a responsibility to:
  - Be visible to staff
  - Embed the Trust values and lead by example
  - Take concerns seriously and know how to deal with them – using the 5 step approach.
  - Understand the difficult position an employee may be in by raising the concern
  - Seek appropriate advice
  - Take prompt action to resolve the concern or refer it on to an appropriate person
  - Assure the employee of support and confidentiality during the initial investigation process
  - Keep the employee informed of the process
  - Monitor and review the situation
  - Inform their senior manager
  - Advise a HR Business Partner.

## Responsibility of Staff

**Employees** have a responsibility to:-

- Ensure that the highest standards of care/service are achieved
- Report any concern which may affect patient safety or care.
- Bring concerns about a practice, process or issue in the workplace to the attention of the Trust
- Have reasonable believe that any concern raised is in the public interest
- Use the internal mechanisms available to them
- Raise the concern as early as possible.

## 8.0. Training needs

There is a need for training identified within this policy. In accordance with the classification of training outlined in the Trust Learning and Development Strategy this training has been identified as personal development training.

The course directory uLearn will identify who the training applies to, delivery method, the update frequency, learning outcomes and a list of available dates to access the training.

A record of the event will be recorded on uLearn.

## 9.0. Monitoring Compliance and Effectiveness

Human Resources will ensure that a process is undertaken to monitor the compliance and effectiveness of this policy and procedure. Due to the confidential nature of Speaking Up/Raising concerns, monitoring of this policy will be demonstrated through:

- Cases reported to and being supported by the FTSU Guardian will be recorded and will be used in the review and revision of the policy to ensure its continuing effectiveness. This will include any anonymous and confidential cases.
- The provision of reports to the LPT Trust Board by the Chief Executive on the outcome of investigations where appropriate.
- The provision of reports to the Director of Finance, from the Local Counter Fraud Specialists in relation to investigations undertaken concerning fraud and corruption.
- Staff awareness of the policy will be monitored through the annual staff surveys.

This policy will be reviewed jointly with Trade Union representatives no later than two years from the date of its approval at WODWG or sooner in the light of operating experience and/or legal developments.

The Freedom to Speak Up: Raising Concerns (Whistleblowing) Policy & Procedure is an integral part of the organisation's induction program.

### Review

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

Ref	Minimum Requirements	Evidence for Self-assessment	Process for Monitoring	Responsible Individual / Group	Frequency of monitoring
	The provision of reports to the LPT Trust Board by the Chief executive on the outcome of investigations where appropriate	How LPT will handle the concern.	Annual report of cases where concerns have been raised	SWG/HR	Annually
	The provision of reports to the Director of Finance from the Local Counter Fraud Specialists in relation to investigations undertaken concerning fraud and		Reports to Counter Fraud monitored by year-end report highlighting all reported cases presented to Audit	Audit Committee	Annually

	corruption		Committee		
--	------------	--	-----------	--	--

## 10.0. Standards/Performance Indicators

TARGET/STANDARDS	KEY PERFORMANCE INDICATOR
Care Quality Commission Relevant standards (Good Governance) Supporting Workers (21) of the Health & Social Care Act (2008) (Regulated Activities Regulations 2010 CQC essential standards	That the trust maintains compliance with CQC relevant standards, this policy supports outcome Good Governance

## 11.0. References and Bibliography

The policy was drafted with reference to the following:

- Sir Robert Francis QC (2015) Freedom to Speak UP: an independent report into creating an open and honest culture in the NHS
- LPT Anti Bullying, Harassment and Victimisation Policy (Dignity at Work)
- LPT Disciplinary Policy and Procedure
- LPT Counter Fraud Policy
- Allegations that an Employee may be Harming a Child, Young Person or a Vulnerable Adult in need of Safeguarding, Policy and Procedure
- NHS Employers website <http://www.nhsemployers.org/your-workforce/retain-and-improve/raising-concerns-at-work-and-whistleblowing>
- CIPD <https://www.cipd.co.uk/>
- Protect <https://protect-advice.org.uk/>
- Public Interest Disclosure Act 1998

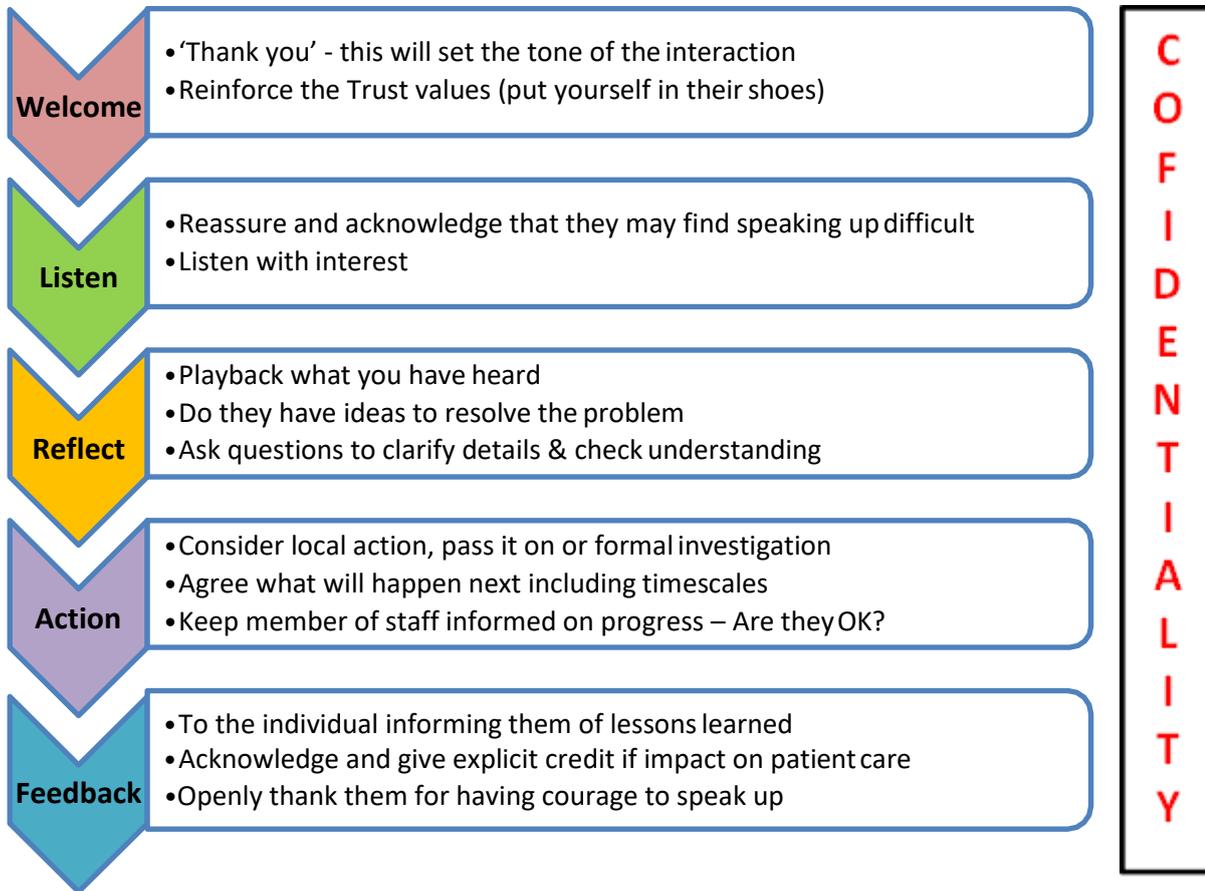
## Appendix 1

### Principles of the Freedom to Speak Up review



Source: Sir Robert Francis QC (2015) *Freedom to Speak Up: an independent report into creating an open and honest reporting culture in the NHS*

# Managers - Five Step Approach



## Raising Concerns Procedure

### Step 1 – Seeking advice and raising informally/formally

If you have a concern about a risk, malpractice or wrongdoing at work, we hope you will feel able to raise it first with your line manager, lead clinician or tutor (for students). This may be done orally or in writing.

### Step 2 – Seeking impartial and independent advice and support

If you feel unable to raise the matter with your line manager, lead clinician or tutor, for whatever reason, please raise the matter with our local Freedom to Speak Up (FTSU) Guardian

Pauline Lewitt Telephone - 07771772794 email: [lpt.ftsuguardian@lnhs.net](mailto:lpt.ftsuguardian@lnhs.net)

This person has been given special responsibility and training in dealing with matters that you may want to speak up about, raising concerns and whistleblowing. 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 subject 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 - Escalating your concern internally

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 with any of the above, please contact the FTSU Guardian, Chief Executive, Non-Executive Director, Medical Director, The Executive Director of Nursing/AHP's & Quality, Counter Fraud Specialist or the Trust Head of Health and Safety and Compliance

### Step 4 – Escalating your concern externally

You can formally raise concerns externally to a prescribed person or regulatory body (listed in Appendix 9) or other external body as defined in the Public Interest Disclosure Act.

## Independent Advice

If an employee is unsure whether to use this procedure, or they may want independent advice at any stage, they may contact:-

- The Trust's confidential answerphone service where they can raise any patient care-related concerns, anonymously if they prefer. Employees are asked to provide their contact details if they want to receive a direct update or follow-ups to their comments. The number to ring is (0116) 295 0800 or email [feedback@leicspart.nhs.uk](mailto:feedback@leicspart.nhs.uk).
- The Human Resources Department on (0116) 295 7520.
- The appropriate union or professional organisation. The Trust Staff Side Lead can be contacted on (0116) 229 4050 (if answerphone is on please leave a message and you will receive a call back).
- The independent charity Protect on 020 3117 2520 or through their website. Protect legal staff can provide free confidential advice at any stage about how to raise a concern about malpractice or wrongdoing at work. For more information their website is <https://protect-advice.org.uk/>
- The NHS whistleblowing helpline on 0800 0724 725. Employees can contact the helpline if they have concerns but are unsure how to raise them or if they simply want advice on best practice.
- AMICA – An Independent Staff Counselling and Psychological Support Service. They can be contacted on (0116) 254 4388 (365 days a year 8.30am to 8.30pm). AMICA is a form of independent support to Trust employees. Please be advised that if you raise any concerns through this service, they will not be able to act on any concerns due to the confidential nature of the service.
- Listening Ear for staff which is available from our chaplains on 01509 564218. Please be advised that if you raise any concerns through this service, they will not be able to act on any concerns due to the confidential nature of the service.

If an individual does not wish to, or does not feel able to, speak to someone in their own Directorate, they can contact one of the following: -

- Chief Executive/Chair
- Medical Director
- Director of HR & OD
- Professional Lead for the Clinical Area.

## Appendix 5

### Designated Officers

Position
Chief Executive
Non-Executive Director
The Executive Director of Nursing/AHP's & Quality
Director of Finance
Trust Secretary
Director of Community Health Services
Director of FYPC/LD Services
Director of the Directorate of Mental Health
Director of Human Resources & OD
Medical Director
Deputy Director of Human Resources & OD
Head of Employment Services
Local Counter Fraud Service
Trust Lead for safeguarding
Head of Data Privacy

Anyone wishing to contact the Chairman, the Chief Executive or one of the Non-Executive Directors should contact Trust Secretary - [lpt.coporateaffairs@nhs.net](mailto:lpt.coporateaffairs@nhs.net)

## Appendix 6

### Prescribed Regulatory Bodies

Body	Content	Contact Number
Nursing and Midwifery Council (NMC)	Nursing conduct	Main Switchboard – 0207 637 7181 Advisory Line - 0207 333 6541
General Medical Council (GMC)	Medical Practitioners Conduct	Advice Line – 0161 923 6602 <a href="mailto:gmc@gmc-uk.org">gmc@gmc-uk.org</a>
Health and Care Professions Council (HCPC)	AHP's conduct	Advice Line - 0800 328 4218 or 020 7840 9814 <a href="mailto:ftp@hcpc-uk.org">ftp@hcpc-uk.org</a>
Health & Safety Executive or Local Authority	Health & Safety Risks	Information line - 0300 003 1647
The National Audit Office	Financial corruption/ Value for money in the health service	Enquiries - 020 7798 7264
NHS Counter Fraud Authority	Fraud	<a href="https://cfa.nhs.uk/about-nhscfa/contact-us">https://cfa.nhs.uk/about-nhscfa/contact-us</a>  Advice Line - 0800 028 4060
Information Commissioner	Data Compliance	Advice Line - 0303 123 1113
The Environmental Agency	Environmental Issues	General Line 03708 506 506 Incident Line 0800 807 060
General Pharmaceutical Council	Pharmacists conduct	020 3713 8000 or use the online form available at <a href="https://www.pharmacyregulation.org/content/our-role">https://www.pharmacyregulation.org/content/our-role</a>
Controller and Auditor General of the National Audit Office	Proper conduct of public business, value for money, fraud and corruption to centrally funded public services	Enquiries - 020 7798 7264 or use the online form available at <a href="https://www.nao.org.uk/contact-us/contact-us/">https://www.nao.org.uk/contact-us/contact-us/</a>
Care Quality Commission	Compliance with care standards	<a href="https://www.cqc.org.uk/">https://www.cqc.org.uk/</a>  National Contact Centre 0300 0616161

## Appendix 7

### Conducting an Investigation

Once the employee has raised a concern, the appropriate level of management will investigate and assess the action that needs to be taken. If the Manager feels they are unable to conduct the investigation, they should contact their Head of Service / Director.

NB: All allegations of fraud or corruption will be dealt with in accordance with the relevant national guidance. The Local Counter Fraud Specialist will investigate any such allegations in accordance with the Trust's Counter Fraud Policy.

All allegations concerning harm to children, young people or vulnerable adults must be reported to the Trust Safeguarding Lead / or safeguarding named nurse for the service.

If the Manager believes that an investigation under the Disciplinary Policy and Procedure may be required, they should advise their Head of Service / Director at the earliest opportunity who then should discuss with a HR Business Partner.

The Manager should investigate the issue of concern in a timely, sensitive, confidential and thorough manner and then report back to the employee who raised the concern, advising either the findings, or what further action, if any, will be taken. If further action is to be taken, the manager should advise the employee who will be handling the matter and whether their further assistance may be needed. If the employee requests it, the manager will write to the employee summarising the concern(s) and how the Trust propose to handle it.

If an 'Investigating Officer' is required, they will be appointed by the Head of Service, Director or Chief Executive. This person will not have been previously involved in the situation and will be independent (usually from a different part of the organisation). In certain circumstances this person may need to be someone external to the Trust.

The Investigating Officer will meet with the employee raising the concern as soon as possible. The employee should be offered the opportunity to be accompanied by Trade Union representative, or a friend / colleague acting in a non-official (legal) capacity. The Investigating Officer will make arrangements for a note-taker to attend.

Notes of the meeting with the employee will be produced and these will be sent to the employee raising the concern.

The focus of the investigation will be on improving the service we provide for patients. It 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.

The Investigating Officer will decide whether it is a matter to be dealt with via this policy or another (i.e. Grievance, Dignity at Work, Disciplinary etc.)

If the matter is to be dealt with under another policy, an 'information gathering exercise' will normally be carried out under the terms of strict confidentiality, i.e. not informing the subject of the complaint until (or if) it becomes necessary to do so. This may be particularly

appropriate in cases of suspected fraud or when there would be the possibility of irreparable damage to the working relationship of the people concerned.

Where it transpires that a grievance, bullying/harassment/victimisation or disciplinary investigation is required, then the process will change from 'Freedom to Speak Up: Raising concerns (Whistle-blowing)' to the 'Appropriate Procedure' and the steps within the Trust's policies should be followed.

Where there are serious allegations such as the protection of patients or fraud for example and suspension or alternative duties is necessary then the process in the disciplinary Policy & Procedure should be followed.

The Investigating Officer should immediately inform the Executive Director of Nursing, AHP's & Quality of allegations that concern professional misconduct.

### **Outcome of the Investigation**

At the end of the investigation the Investigating Officer will provide the Head of Service / Director / Chief Executive who commissioned the investigation with a written report of the concern and management action plan if appropriate in order that the issue can be addressed.

Where the investigation identifies improvements that can be made, they will be tracked to ensure the necessary changes are made and are working effectively. Lessons will be shared with teams across the organisation, or more widely as appropriate.

Action to be considered may include: -

- Formal training / counselling
- Initiating the Grievance, Dignity at Work or Disciplinary Procedure
- Clinical audit
- Risk assessment
- Reporting to external bodies e.g., Nursing and Midwifery Council (NMC),
- General Medical Council (GMC), Health Professions Council (HPC), The Academy of Care Practitioners.

The Head of Service / Director / Chief Executive will determine whether further action is required.

If the result of the investigation is that there is a case to be answered by any individual, then further action should be considered in line with the Trust's Disciplinary policy. Where concerns are raised about the practice of clinical staff or fraud, action under this procedure may not be appropriate, and the Trust will have to act in accordance with English and European Law.

Where there is no case to answer, but the employee had reasonable belief the concern was in the public interest and was not acting maliciously, the investigating officer will ensure that both the employee raising the concern and the individual(s) against whom the allegation was made suffer no reprisals, including any reference to the matter being retained on personal files.

Only where unfounded allegations are made maliciously, will it be considered appropriate to act against the employee who raised the concern. This will normally be under the Trust's Disciplinary policy.

The manager with whom the issue was raised or another designated officer will inform the individual who has raised the concern of the outcome at a meeting. At the meeting the key findings of the investigation will be shared with the employee and their representative. Wherever possible, the full investigation report will be shared with the individual (while respecting the confidentiality of others). This should be followed up in writing and where possible within 2 weeks of the conclusion of the investigation.

If the above steps have been followed and the employee still has concerns, or if the employee feels the matter is so serious that they cannot discuss it with anyone else, then they should escalate their concern to the next stage of the policy as appropriate.

Employees involved in a raising concerns process and/or investigation will be offered the opportunity to receive support from the Staff Support and counselling Service in the form of a debrief session and /or receive individual support.

### **Timescales**

The investigating officer should aim to complete the investigation promptly as practicable and where possible normally within a 4 week timescale. If it is likely at any point that the investigation will take longer, this should be communicated to the individual raising the concern.

### **If employee is dissatisfied with response**

While the Trust cannot guarantee to respond to all matters in the way that the employee might wish, the Trust will try to handle the matter fairly, in a timely manner and properly.

If the person raising the complaint is dissatisfied with the Trust response to the concerns that they have raised, they can go to the Chief Executive, or other bodies identified within this policy.

## Appendix 8

### Training Requirements / Training Needs Analysis

<b>Training topic:</b>	eLearning Freedom to Speak Up: Speak Up, Listen Up, Follow Up
<b>Type of training:</b> (see study leave policy)	<input type="checkbox"/> Mandatory (must be on mandatory training register) <input type="checkbox"/> Role specific <input checked="" type="checkbox"/> Personal development
<b>Division(s) to which the training is applicable:</b>	<input checked="" type="checkbox"/> Adult Learning Disability Services <input checked="" type="checkbox"/> Adult Mental Health Services <input checked="" type="checkbox"/> Community Health Services <input checked="" type="checkbox"/> Enabling Services <input checked="" type="checkbox"/> Families Young People Children <input checked="" type="checkbox"/> Hosted Services
<b>Staff groups who require the training:</b>	All Staff
<b>Regularity of Update requirement:</b>	Once Only
<b>Who is responsible for delivery of this training?</b>	eLearning module available on uLearn
<b>Have resources been identified?</b>	N/A
<b>Has a training plan been agreed?</b>	N/A
<b>Where will completion of this training be recorded?</b>	<input checked="" type="checkbox"/> Trust learning management system <input type="checkbox"/> Other (please specify)
<b>How is this training going to be monitored?</b>	uLearn

## Appendix 9

### The NHS Constitution

The NHS will provide a universal service for all based on clinical need, not ability to pay. The NHS will provide a comprehensive range of services

<b>Shape its services around the needs and preferences of individual patients, their families and their carers</b>	<input type="checkbox"/>
<b>Respond to different needs of different sectors of the population</b>	<input type="checkbox"/>
<b>Work continuously to improve quality services and to minimise errors</b>	X
<b>Support and value its staff</b>	X
<b>Work together with others to ensure a seamless service for patients</b>	X
<b>Help keep people healthy and work to reduce health inequalities</b>	X
<b>Respect the confidentiality of individual patients and provide open access to information about services, treatment and performance</b>	<input type="checkbox"/>

## Appendix 10

### Stakeholders and Consultation

#### Key individuals involved in developing the document

Name	Designation
Pauline Lewitt	Freedom to Speak Up Guardian
Julie Hamore	Senior HR Advisor

#### Circulated to the following individuals for comment

Name
Directors / Heads of Service and Direct Reports
Operational HR Team
Equalities Team
Staffside
Workforce & Wellbeing Group
Freedom to Speak Up Champions Network

## Due Regard Screening Template

Section 1					
Name of activity/proposal	Freedom to Speak Up: Raising Concerns (whistleblowing) Policy				
Date Screening commenced	29.11.2018				
Directorate / Service carrying out the Assessment	Enabling/Human Resources				
Name and role of person undertaking this Due Regard (Equality Analysis)	Julie Hamore				
<b>Give an overview of the aims, objectives and purpose of the proposal:</b>					
<p><b>AIMS:</b> The policy has changed its name from the Raising Concerns (Whistleblowing) Policy &amp; Procedure to Freedom to Speak Up: Raising Concerns (whistleblowing) Policy. This change of name incorporates the Freedom to Speak Up Report and allows for staff to raise concerns with a Non- Executive Director. The aim of this policy is to encourage employees to raise concerns at an early stage and in the right way. The Trust will take all concerns seriously and is committed to developing an open and transparent 'raising concerns culture' for matters to be dealt with fairly and effectively.</p>					
<p><b>OBJECTIVES:</b> The policy has been reviewed with reference to the 'standard integrated policy' published by NHS Improvement/England in 2016. The policy incorporates good practice from the Freedom to Speak Up Report. Speaking up should be embedded in the culture of the organisation and be something that everyone does and is encouraged to do. There needs to be a shared belief at all levels of the organisation that raising concerns is a positive, not a troublesome activity, and a shared commitment to support and encourage all those who raise honestly held concerns about safety.</p>					
Section 2					
Protected Characteristic	If the proposal/s have a positive or negative impact please give brief details				
Age	The opportunity for all staff, regardless of any protected characteristic, to raise a concern is equally available to all.				
Disability	As above				
Gender reassignment	As above				
Marriage & Civil Partnership	As above				
Pregnancy & Maternity	As above				
Race	As above				
Religion and Belief	As above				
Sex	As above				
Sexual Orientation	As above				
Other equality groups?	As above				
Section 3					
<p><b>Does this activity propose major changes in terms of scale or significance for LPT? For example, is there a clear indication that, although the proposal is minor it is likely to have a major affect for people from an equality group/s? Please <u>tick</u> appropriate box below.</b></p>					
<table border="1" style="width: 100%;"> <tr> <td style="width: 50%; text-align: center;">Yes</td> <td style="width: 50%; text-align: center;">No</td> </tr> <tr> <td style="width: 50%;">High risk: Complete a full EIA starting click <a href="#">here</a> to proceed to Part B</td> <td style="width: 50%;">Low risk: Go to Section 4. <input checked="" type="checkbox"/></td> </tr> </table>		Yes	No	High risk: Complete a full EIA starting click <a href="#">here</a> to proceed to Part B	Low risk: Go to Section 4. <input checked="" type="checkbox"/>
Yes	No				
High risk: Complete a full EIA starting click <a href="#">here</a> to proceed to Part B	Low risk: Go to Section 4. <input checked="" type="checkbox"/>				
Section 4					

**If this proposal is low risk please give evidence or justification for how you reached this decision:**

This policy ensures the process remains clear for all employees in relation to raising concerns with reassurance that it is safe and acceptable to speak up

**Signed by reviewer/assessor**

Pauline Lewitt

**Date**

7.1.2022

*Sign off that this proposal is low risk and does not require a full Equality Analysis*

**Head of Service Signed**

*Kathy D BA*

**Date**

31.12.2022

Appendix 12

**DATA PRIVACY IMPACT ASSESSMENT SCREENING**

<p><b>Data Privacy impact assessment (DPIAs) are a tool which can help organisations identify the most effective way to comply with their data protection obligations and meet Individual’s expectations of privacy.</b></p> <p><b>The following screening questions will help the Trust determine if there are any privacy issues associated with the implementation of the Policy. Answering ‘yes’ to any of these questions is an indication that a DPIA may be a useful exercise. An explanation for the answers will assist with the determination as to whether a full DPIA is required which will require senior management support, at this stage the Head of Data Privacy must be involved.</b></p>		
<b>Name of Document:</b>	Freedom to Speak Up: Raising Concerns (Whistleblowing) Policy	
<b>Completed by:</b>	Julie Hamore	
<b>Job title</b>	Senior HR Advisor	<b>Date</b> 7 January 2019
<b>Screening Questions</b>	<b>Yes / No</b>	<b>Explanatory Note</b>
1. Will the process described in the document involve the collection of new information about individuals? This is information in excess of what is required to carry out the process described within the document.	No	
2. Will the process described in the document compel individuals to provide information about them? This is information in excess of what is required to carry out the process described within the document.	No	
3. Will information about individuals be disclosed to organisations or people who have not previously had routine access to the information as part of the process described in this document?	Yes	Part of a formal process to appropriately manage an individual’s employment.
4. Are you using information about individuals for a purpose it is not currently used for, or in a way it is not currently used?	No	
5. Does the process outlined in this document involve the use of new technology which might be perceived as being privacy intrusive? For example, the use of biometrics.	No	
6. Will the process outlined in this document result in decisions being made or action taken against individuals in ways which can have a significant impact on them?	Yes	Part of a formal process to appropriately manage an individual’s employment.

7. As part of the process outlined in this document, is the information about individuals of a kind particularly likely to raise privacy concerns or expectations? For examples, health records, criminal records or other information that people would consider to be particularly private.	<b>Yes</b>	Part of a formal process to appropriately manage an individual's employment.
8. Will the process require you to contact individuals in ways which they may find intrusive?	<b>No</b>	
<p><b>If the answer to any of these questions is 'Yes' please contact the Data Privacy Team via <a href="mailto:Lpt-dataprivacy@leicspart.secure.nhs.uk">Lpt-dataprivacy@leicspart.secure.nhs.uk</a></b>  <b>In this case, ratification of a procedural document will not take place until review by the Head of Data Privacy.</b></p>		
Data Privacy approval name:		
Date of approval	<b>07/01/2022</b>	

Acknowledgement: This is based on the work of Princess Alexandra Hospital NHS Trust