



LEEDS GP CONFEDERATION

Freedom to Speak Up: Raising Concerns (Whistleblowing) Policy	
Author	John Walsh – Freedom to Speak Up Guardian Simon Boycott – Interim Company Secretary
Corporate Lead	Jenny Allen and Laura Smith, Directors of Workforce
Document Version	Final
Date approved by Workforce Committee	1 st July 2019
Issue Date	2 nd July 2019
Review date	July 2020

Executive summary

This document sets out Leeds General Practice Confederation's (The confed) Freedom to Speak Up policy and procedures.

The policy has been written to comply with the statutory requirements of the Public Interest Disclosure Act (PIDA) 1998, as amended in the Enterprise and Regulatory Reform Bill, and the revised NHS Constitution published March 2013. It also incorporates the standard integrated Freedom to Speak Up policy produced by NHS Improvement and NHS England in April 2016, following the recommendations of the review by Sir Robert Francis into whistleblowing in the NHS.

This policy applies to all workers within the Confederation which includes those who are within a Bank/Locum system or via an Agency. This policy also extends to those who may hold an Honorary Contract with the Confederation, are independent contractors to the Confederation or work in the Confederation as Volunteers. The disclosure officers outlined in this policy should also be the first point of contact for Members of the Confederation wishing to raise a concern.

This policy must be read together with other relevant Confederation policies, procedures and local guidance.

The Policy and Procedures may be reviewed at the request of the executive or one of its constituted committees by giving four weeks' written notice with reasons for the review.

The substantial draft was written by Ruth Davies, LCH Assistant Director of Workforce in 2017.

Contents Section	Page
1 Introduction	5
2 Aims and objectives	5
3 Speak up – we will listen	6
4 What concerns can I raise?	6
5 Feel safe to raise your concern	7
6 Confidentiality	7
7 Who can raise concerns?	7
8 Who should I raise my concern with?	7
9 Advice and support	9
10 How should I raise my concern?	9
11 What will we do?	10
- Investigation	
- Communicating with you	
- How will we learn from your concern	
- Board oversight	
- Review	
12 Raising your concern with an outside body	10
13 Making a protected disclosure	10
14 National Guardian Freedom to Speak Up	11
15 Approval and ratification process	11
16 Monitoring and compliance	11
17 Dissemination and implementation	11
18 Associated documents	11

19 Procedure

12

Appendices

- 1 Contact details
- 2 Staff Disclosure form
- 3 Examples of Serious Concerns

1 Introduction

This document sets out the Confederation's standards for Freedom to Speak Up policy and procedures.

It has been written to comply with the statutory requirements of the Public Interest Disclosure Act (PIDA) 1998, as amended in the Enterprise and Regulatory Reform Bill, and the revised NHS Constitution published March 2013. It also incorporates the standard integrated Freedom to Speak Up policy produced by NHS Improvement and NHS England in April 2016, following the recommendations of the review by Sir Robert Francis into whistleblowing in the NHS.

The Confederation has a range of other policies and procedures which deal with standards of behaviour at work including the Safeguarding Protocols, the Disciplinary Policy, the Grievance Policy, the Counter Fraud and Anti-Bribery Policy and the Acceptable Standards of Behaviour Policy. Staff members are encouraged to use the provisions of these policies/procedures when appropriate.

2 Aims and objectives

The Confederation aims to provide the best possible health care for its patients and, in line with the NHS Constitution, is committed to providing a safe and supportive environment for staff to raise concerns relating to such issues as fraud, malpractice, illegal acts or omissions and misconduct. The Confederation is also committed to ensuring that staff are provided with a response to their concerns and are provided with information on how to pursue their concerns if they are not satisfied with the initial response.

Staff are often the first to realise that there is something seriously wrong in an organisation. The NHS Constitution places an expectation on staff to raise any concerns they have in the public interest (i.e. which may affect staff, patients, the public or the organisation itself) at the earliest reasonable opportunity. The Confederation therefore expects and encourages employees who have serious concerns about any aspects of the Confederation's work, to raise those concerns in a timely manner according to the processes laid out in this policy.

In addition, the Confederation recognises that, at times independent contractors, third parties, volunteers, Trust Members and external bodies working within the Confederation may have cause to raise concerns and the Confederation encourages such workers to do so using the contacts in Appendix 2.

This policy therefore aims to:

- Enable workers to feel confident in raising serious concerns
- Provide a way for those concerns to be raised
- Ensure that a response is made to all concerns and to raise awareness of how to pursue concerns if dissatisfied

- Give reassurance that protection against recrimination or victimisation will be provided
- Encourage staff to raise concerns with the Confederation so that they may be addressed

3 Speak up – we will listen

Speaking up about any concern you have at work is really important. In fact, it's vital because it will help us to keep improving our services for all patients and the working environment for our staff.

Raising concerns can be difficult. In accordance with our duty of candour, our senior leaders and entire board are committed to an open and honest culture. We will look into what you say and offer support.

4 What concerns can I raise?

You can raise a concern about risk, malpractice or wrongdoing you think is harming the service we deliver. A few examples of this might include (but are by no means restricted to):

- Unsafe patient care
- Unsafe working conditions
- Inadequate induction or training for staff
- Lack of, or poor, response to a reported patient safety incident
- Suspicions of fraud
- A bullying culture (across a team or organisation rather than individual instances of bullying which can be raised under the Confederation's Bullying and Harassment policy)

For further examples, please see the Health Education England video accessible via this link:

<https://www.youtube.com/watch?v=zjau1Ey0di8>

Remember that if you are a healthcare professional you may have a professional duty to report a concern. If in doubt, please raise it.

Responsibilities:

Chair and Chief Executive will ensure the Confederation has robust policies and procedures in place for managing disclosures made under the Freedom to Speak Up Policy.

Director of Workforce is responsible for ensuring that this Policy is reviewed and updated in light of legislation / guidance and for promoting a working environment that encourages disclosure of concerns and protects those who raise them. The Director of Workforce is also responsible for ensuring that the Board is notified of disclosures made under the Whistleblowing policy through the reporting mechanism outlined in Section 19, Step 8.

All workers whether working directly or indirectly for the Confederation have a duty to raise any matters which concern them within the Confederation or which could affect / reflect on the confed. Such public interest concerns should be raised internally – unless there is some good reason not to – or with a prescribed regulator before wider disclosure

Line Managers are required to act fairly and consistently, ensuring that the policy / procedure is disseminated effectively and are observed by all workers. In so doing they will ensure that staff / workers are aware of their individual statutory requirement to raise any public interest concerns and will deal with all such in a transparent manner.

Professional Bodies and Trade Union organisations will work in partnership with the Confederation on all concerns raised in the public interest

The Workforce Committee will work in partnership with managers to ensure employees are treated fairly and consistently within the framework of the policy

Managers with whom concerns are raised will:

- Provide support and advice to the person raising the concern
- Ensure the dignity and respect of the person raising the concern
- Notify director responsible for the area within which the employee raising a concern works within 24 hours using the staff disclosure form at Appendix 3

Senior Disclosure Officers (Executive Directors are the Senior Disclosure Officers for their directorate) will:

- Acknowledge receipt of the concern to the person within **5 working days** via the postal address/email address designated by the person raising the concern
- Arrange an interview with the person raising the concern via the person first receiving the concern. This interview will be within **5 working days** unless a patient(s) is at risk, in which case it will be the same day
- Ensure the person raising the concern is made aware of the whole process including how malicious allegations will be dealt with
- Inform any other agencies/bodies of the issue as appropriate
- Ensure steps are in place to protect and support the person disclosing
- Ensure the anonymity of the person disclosing is preserved for as long as possible/required
- Keep the Director of Workforce informed of concerns raised and progress of investigation

Don't wait for proof. We would like you to raise the matter while it is still a concern. It doesn't matter if you turn out to be mistaken, as long as you are genuinely troubled.

This policy is not for people with concerns about their employment that affect only them – that type of concern is better suited to our Grievance or Acceptable

Standards of Behaviour policy, both of which are accessible on the Confederation Website.

5 Feel safe to raise your concern

The Confederation is committed to a culture of transparency and fair treatment of all. It will challenge strongly any harassment or victimisation of anyone raising a concern. Nor will we tolerate any attempt to bully employees into not raising any such concern. Such behaviour is a breach of our values as an organisation and 7 behaviour standards and, if upheld following investigation, could result in disciplinary action.

Provided you are acting honestly, it does not matter if you are mistaken or if there is an innocent explanation for your concerns.

6 Confidentiality

We hope you will feel comfortable raising your concern openly, but we also appreciate that you may want to raise it confidentially. This means that while you are willing for your identity to be known to the person you report your concern to, you do not want anyone else to know your identity. Therefore, we will keep your identity confidential if that is what you want, unless required to disclose it by law (for example, by the police).

You can choose to raise your concern anonymously, without giving your name, but that may make it more difficult for us to investigate thoroughly and give you feedback on the outcome.

7 Who can raise concerns?

Anyone who works (or has worked) for the Confederation, or for an independent organisation that provides NHS services can raise concerns. This includes Bank / Locum / Agency workers, temporary workers, students, Honorary Contract holders, independent contractors, volunteers and governors.

8 Who should I raise my concern with?

In many circumstances the easiest way to get your concern resolved will be to raise it formally or informally with your line manager / lead clinician. 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.

If raising it with your line manager / lead clinician does not resolve matters, or you do not feel able to raise it with them, you can contact one of the following internal contacts:

- Your Line Manager
- Your Clinical Supervisor
- Any member of the Workforce Committee
- A Senior Manager
- A Director who sits on the Executive

- The Freedom to Speak Up Guardian

This is an important role identified in the Freedom to Speak Up Review to act as an independent and impartial source of advice and support to staff at any stage of raising a concern. The Freedom Guardian can support a staff colleague to speak up and also raise the concern if the employee feels they cannot step forward and speak openly. This enables concerns to be heard.

The Confederation's Freedom to Speak Up

Guardian is: John Walsh

Mobile - 07949102354

E-mail - lch.freedomtospeakup@nhs.net

If you still remain concerned after this, you can contact:

Jenny Allen and Laura Smith, Director of Workforce - our executive directors with responsibility for whistleblowing

Phone – 0113 220 8516

Email - jennyallen.laurasmith@nhs.net

If for any reason you do not feel comfortable raising your concern internally, you can raise concerns with external bodies accessible via this link:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/510962/BIS-16-79-blowing-the-whistle-to-a-prescribed-person.pdf

9 Advice and support

You can also contact the Whistleblowing Helpline for the NHS and social care, accessible via this link:

<http://wbhelpline.org.uk/>

You may also contact your professional body or trade union representative.

10 How should I raise my concern?

You can raise your concerns with any of the internal contacts listed above in person, by phone or in writing (including e-mail).

Whichever route you choose, please be ready to explain as fully as you can the information and circumstances that gave rise to your concern.

11 What will we do?

Please see Section 19 Procedure for further explanation of the process.

12 Raising your concern with an outside body

Alternatively, you can raise your concern with an organisation external to the confed:

NHS Improvement – speak with them 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 – for further information see <https://www.gov.uk/government/publications/nhs-national-tariff-payment-system-201617>

Care Quality Commission – speak with them for quality and safety concerns

NHS England – speak with them for concerns about:

- primary medical services (general practice)
- primary dental services
- primary ophthalmic services
- local pharmaceutical services

Health Education England – speak with them for education and training in the NHS

NHS Protect – speak with them for concerns about fraud and corruption – see www.nhsbsa.nhs.uk/nhs-protect

13 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’ to whom you can make a protected disclosure which is accessible via this link:

(<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>)

The most relevant to the NHS are detailed below:

- the Care Quality Commission (CQC) – who offer guidance in how to escalate concerns about quality and safety with the CQC – www.cqc.org.uk
- the relevant healthcare regulatory body such as, for example, the NMC, GMC, GDC, HCPC or GPhC
- Health Education England – about matters relating to education and training of healthcare workers – www.hee.nhs.uk
- the Audit Commission for England and Wales – www.auditcommission

- gov.uk
- the Health and Safety Executive – www.hse.gov.uk
- the Information Commissioner – www.ico.org.uk
- NHS Protect – access NHS Protect’s online reporting tool at – www.nhsba.nhs.uk/Protect.aspx
- your Member of Parliament
- the Department of Health – www.dh.gov.uk
- NHS Improvement about how a Trust is being run – www.improvement.nhs.uk

To help you consider whether you might meet the specific criteria that needs to be met to act under whistleblowing law, please seek independent advice from the Whistleblowing Helpline for the NHS and social care (www.wbhelpline.org.uk), Public Concern at Work (www.pcaw.org.uk) or a legal representative.

14 National Guardian Freedom to Speak Up Office

The new National Guardian can independently review how staff have been treated having raised concerns where NHS Trusts and Foundation Trusts may have failed to follow good practice. This work can involve some of the bodies listed earlier in this policy to take action where needed.

You can contact the National Guardian by telephoning - 0300 067 9000 or accessing the website at www.cqc.org.uk/content/national-guardians-office

15 Approval and ratification process

This policy will be approved by the Workforce Committee on behalf of the Executive.

16 Monitoring and compliance

The Director of Workforce is responsible for this policy and will review its effectiveness annually. They will also monitor the daily operation of the policy. If you have any comments or questions, please do not hesitate to let one of their team know.

The Quality, Performance and Finance Committee is responsible for ensuring organisational learning arising from disclosures made under the Whistleblowing Policy. This will be facilitated by bi-annual reports from the Director of Workforce.

17 Dissemination and implementation

Following ratification this policy will be available to all staff via the Confederation intranet site.

18 Associated documents

Top Tips for Workers – from the Whistleblowing Helpline website
<http://wbhelpline.org.uk/wp-content/uploads/2014/04/Top-Tips-for-Workers.pdf>
Top Tips for Managers – from the Whistleblowing Helpline website
<http://wbhelpline.org.uk/wp-content/uploads/2014/04/Top-Tips-for-Managers.pdf>
Employer Guidance – from the Whistleblowing Helpline website
<http://wbhelpline.org.uk/wp-content/uploads/2014/04/Employer-Guidance.pdf>

19 Procedure

A flow chart is included in Appendix 4 to describe the process of how we will action your concerns. Further explanation of the process is as follows:

STEP 1

Employees may wish to get advice from one of the following before making a disclosure:

Representative/professional bodies and regulatory organisations

Staff have a right to consult and seek guidance and support from their professional organisation, trade union or other representative body, and, on professional matters, from statutory bodies such as the Nursing and Midwifery Council, the General Medical Council and the Health Care Professions Council.

Public Concern at Work (PCAW)

Staff may seek advice from Public Concern at Work, which is an independent charity providing free and confidential help to employees and others concerned about fraud, public dangers and other serious malpractice in the workplace

Contact details are provided in Appendix 1

If staff decide to make a disclosure they should make contact with any one of the contacts detailed at Section 8 above.

STEP 2

The employee discloses his/her concerns to a nominated contact (see Appendix 2)

STEP 3

The person receiving the disclosure will:

- Notify one of the Confederation's Senior Disclosure Officers using the staff disclosure form
within 24 hours (Appendix 2)
- Preserve the disclosing employee's anonymity at this stage, if required

STEP 4

On receipt of the staff disclosure form (Appendix 2) the Confederation's Senior Disclosure Officer will:

- Arrange to interview the disclosing employee within **5 working days or the same day if safeguarding concerns are raised**
- Arrange methods of communication
 - ✓ The disclosing member of staff will receive a letter of acknowledgement within **5 working days** of receipt of the disclosure. (NB: in order to protect the employee, the Senior Disclosure Officer should agree the best method of communication with them, and if and where correspondence will be posted to and/or e-mailed).
 - ✓ The disclosing member of staff will receive written information about how the matter will proceed. This will provide an estimate of how long it may take before a final response can be delivered.
- Take the necessary steps to determine whether:
 - ✓ An action including but not restricted to suspension from work or redeployment is required and permitted in the circumstances
 - ✓ an investigation is required
 - ✓ the Police are to be contacted
 - ✓ the Senior Manager with specific responsibilities for fraud is to be notified
 - ✓ the Chief Executive is to be notified
 - ✓ the Confederation Chairman is to be notified in the case of a concern involving the Chief Executive
 - ✓ information needs to be shared with other agencies in order to protect a child/children or vulnerable adult(s) from harm
- Inform the Director of Workforce that a concern has been raised under the Freedom To Speak Up Policy and inform the relevant senior manager that a concern has been raised in their area.

NB – this will be the appropriate manager depending on the matter being raised, so if it concerns a senior service manager then it will be the Director, if it concerns the Director then it will be the Chief Executive and if it is the Chief Executive then it will be the Chairman and if it is the Chairman then it will be the Chief Executive.

STEP 5

Investigation

For an internal investigation a suitable senior person will be appointed by the Senior Disclosure Officer to undertake an investigation. The investigating manager will subsequently report back to the Senior Disclosure Officer.

All allegations will be investigated. The nature of the investigation will depend on the seriousness or complexity of the matter and whether the facts are agreed or disputed. It will be a matter for the Confederation to determine the investigating officer. This may on occasions be a person external to the Confederation if the circumstances require this.

STEP 6

This will be either a disciplinary hearing or a closure of case.

STEP 7

The Senior Disclosure Officer, in consultation with the investigating officer, will determine whether a malicious allegation has occurred i.e. one which the employee raising the concern knew to be untrue.

If it has then:

A decision will be taken about whether or not to proceed with disciplinary action against the person making the malicious allegation

NB any genuine concern is protected under PIDA and enshrined within the NHS Constitution. It will be incumbent on the investigators to determine whether the staff member had genuine concerns at the start of the process. It may be that, through exploration / investigation, the person raising the concern in the first place may realise in hindsight that no malpractice has occurred. This is not the same as a malicious allegation.

STEP 8

Outcome

The Senior Disclosure Officer may arrange a meeting with the disclosing employee and will notify them in writing of the final outcome within **7 days** of it. It should be noted that, whilst the disclosing employee can and will be informed of organisational learning points arising from their disclosure, including any policy or process changes, the Confederation will not provide information relating to actions taken against individual members of staff. This is to protect the confidentiality of all employees within the organisation.

The Senior Disclosure Officer will brief appropriate people on the outcome.

The Senior Disclosure Officer will advise the Director of Workforce of investigation outcomes to inform a bi-annual report to the Confederation Quality Committee.

Step 9

Dissatisfaction

If the person disclosing is not satisfied with the outcome, the Confederation recognises the lawful right of the person to make a disclosure to prescribed persons such as the Public Concern at Work organisation. The Confederation also recognises its accountability within the NHS. In light of this you can also contact:

- NHS Counter Fraud (if your concern is about financial malpractice)
E-mail - generalenquiries@nhsprotect.gsi.gov.uk
Telephone (switchboard) - 020 7895 4500
- NHS Whistleblowing Helpline

E-mail - enquiries@wbhelpline.org.uk
Telephone - 08000 724 725

Appendix 1

Contact Details

Internal to Confederation

Senior Disclosure Officers

Jim Barwick, Chief Executive – Tel: 0113 843 0785

Dr Ruth Burnett, Medical Director –Tel: 0113 2208513

Jenny Allen and Laura Smith, Executive Director of Workforce - Tel: 0113 220 8516

Stephanie Lawrence, Director of Nursing - Tel: 0113 2208520

Wendy Pearson, Director of Delivery – Tel: 0113 887 3899

Jenny Davies, Finance Director – Tel: 0113 843 2949

External Support

Public Concern at Work

Website - www.pcaw.org.uk

E-mail advice line – whistle@pcaw.org.uk

Telephone advice line – 0207 404 6609

NHS Fraud and Corruption Reporting line

Website - www.reportnhsfraud.nhs.uk

Telephone – 0800 028 4060

NHS Whistleblowing

Website - wbhelpline.org.uk

E-mail – enquiries@wbhelpline.org.uk

Telephone – 08000 724 725

Local Counter Fraud Specialist

Telephone - 0845 300 3333

Care Quality Commission

Website – www.cqc.org.uk

E-mail – enquiries@cqc.org.uk

Telephone - 03000 616161

Staff Disclosure form

STAGE 1 – Completed by Disclosure Contact

Disclosure made to: <i>Insert name of disclosure contact</i>
Date: <i>Insert date of disclosure</i>
Nature of concern: <i>Insert description of the concerns raised, including nature of concerns, relevant staff and department(s). Evidence to support allegations of wrongdoing are not required to progress investigations into concerns raised in the public interest, but should be noted here if available. Consideration of safeguarding issues should also be noted here.</i>
Preferred contact method/details for staff member: <i>Insert here email/telephone contact details for member of staff raising concerns</i>

Does the staff member wish to retain his/her anonymity at this stage? Yes/No <i>(Delete as appropriate. If yes, skip next question)</i>
Name of disclosing staff member:
Date referred to Senior Disclosure Officer: <i>Insert date SDO is notified</i>
Name of Senior Disclosure Officer: <i>Insert name of SDO</i>

STAGE 2 – Completed by Senior Disclosure Officer

Date of first contact with individual raising concerns: <i>Insert date</i>
Date of notification of Director of Workforce: <i>Insert date</i>
Date of interview: <i>Insert date</i>
Notes of interview: <i>This should include further clarification of the concerns raised, including nature of concerns, relevant staff and department(s). Evidence to support allegations of wrongdoing are not required to progress investigations into concerns raised in the public interest, but should be explored within the interview and noted here if available as such evidence demonstrates genuine concern in the public interest.</i>

<p>Initial Response: <i>Insert here details of any immediate investigation taken to determine whether it is necessary to suspend a member of staff, inform safeguarding or fraud officers, or involve external agencies/ bodies e.g. professional bodies, the police. This section should state whether such actions/communications were necessary. If so, dates, and contact details of relevant bodies should be provided here.</i></p>
<p>Date notified in writing to staff member raising concerns: <i>Insert date of notification letter regarding further investigation to take place and likely timescales. Affix copy of the letter to this form.</i></p>
<p>Date referred for investigation: <i>Insert date</i></p>
<p>Investigating Officer: <i>Insert name of investigating officer</i></p>
<p>Date investigation result reported to SDO: <i>Insert date</i></p>
<p>Decisions taken: <i>This section should include decisions relating to ongoing action eg to close the case or proceed with a disciplinary process. If there is no case to answer, this section should also provide detail of any consideration given to whether the initial concern was genuinely raised.</i></p>
<p>Date of outcome meeting with disclosing member of staff: <i>Insert date</i></p>
<p>Date final outcome letter sent to disclosing member of staff: <i>Insert date and affix copy of letter to this form. The letter should provide details of what the staff member should do if they are not satisfied with the outcome of the process.</i></p>
<p>Organisational Learning: <i>Please state here any wider organisational learning points to be shared with the Quality Committee</i></p>

Date staff disclosure form sent to Director of Workforce: *Insert date*

Examples of Serious Concerns (Please note such concerns can also be reported through normal reporting channels)

- Breach of the law
- Miscarriage of justice
- Malpractice or ill treatment of a service user/client/customer by a member of staff
- Repeated ill treatment of a person who uses our service, despite a complaint being made
- Sexual or physical abuse of a person who uses our services
- where a staff member is concerned that any child(ren) or vulnerable adult(s) is/are being placed at risk of harm or abuse by another employee of the Confederation and the staff member with the concern has not felt able to name the member of staff involved through following the child protection or vulnerable adult procedures due to their situation in the workplace.
- A criminal offence has been committed, is being committed or is likely to be committed
- Suspected fraud or misuse of public funds (e.g. theft, deception)
- Disregard for legislation, particularly but not limited to health and safety at work
- The environment has been, or is likely to be, damaged
- Breach of standing financial instructions
- Showing undue favour over a contractual matter or to a job applicant
- A breach of a code of conduct
- Information on any of the above has been, is being, or is likely to be concealed

**Policy Consultation
Process**

Title of Document	Freedom to Speak Up Policy
Author (s)	John Walsh – Freedom to Speak Up Guardian Simon Boycott – Interim Company Secretary
New / Revised Document	New
Lists of persons involved in developing the policy	John Walsh Simon Boycott
List of persons involved in the consultation process	Freedom to Speak up Guardian Workforce Committee Directors of Workforce Delivery director