



Whistleblowing Policy

Version no.	3	Document Owner	Governance Manager
Date	Jan 18	Document Number	17
Status (Draft/Final)	Final	Link on Repository	Corporate
Director Review	Director of Communications and Corporate Affairs	Committee/Director Approval	Audit Committee
Date of Review	January 2021	Date of Approval	23 January 2018

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1 Summary

This policy aims to reassure individuals that it is safe and acceptable to speak up and to enable individuals to appropriately raise any concerns at an early stage.

2 Introduction

This policy applies to all individuals contracted by NHS Great Yarmouth and Waveney Clinical Commissioning Group (CCG), representing and working on behalf of the organisation.

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

Individuals may be worried about raising such an issue, thinking it best to keep it to themselves, feeling it is not their business or that it is only a suspicion. They may feel that raising the matter would be disloyal to colleagues, managers or the organisation. Individuals may have said something but found they spoke to wrong person or raised the issue in the wrong way and are not sure what to do next.

Where individuals are troubled or think the organisation should know about or look into an issue, this procedure should be used. Rather than wait for proof, the organisation prefer to look into matters early. If, however, an individual wishes to make a complaint about their employment or treatment, the Grievance Policy or Bullying and Harassment Policy should be used. These policies can be obtained from managers or the “key documents” folder on the shared drive. Concerns about financial misconduct, that includes fraud, bribery and/or corruption should be referred to the Local Counter Fraud Specialist.

Staff raising legitimate concerns are protected by the Public Interest Disclosure Act 1998. An Act to protect individuals who make certain disclosures of information in the public interest to allow such individuals to bring action in respect of victimisation and for connected purposes.

This Whistleblowing Policy and procedure is primarily for individuals who have concerns where the interests of others or the organisation are at risk.

3 Purpose

To enable all staff working in NHS Great Yarmouth and Waveney CCG to know what action they can take if they have concerns about a possible danger, professional misconduct issue or financial malpractice that might affect patients, colleagues or the organisation itself.

4 Scope

This policy applies to all employees and workers of the CCG (whether on substantive, temporary, or agency or bank contracts,) volunteers and self-employed contractors when engaged in work on behalf of the CCG, and retained clinicians and

board and committee members. See further explanation of the scope set out earlier in the section 1.

5. NHS Great Yarmouth and Waveney CCG's commitment

5.1 Safety

If individuals raise a genuine concern under this policy, they will not be at risk of losing their job or suffer any detriment (such as a reprisal or victimisation). Provided individuals are acting in good faith (effectively this means honestly), it does not matter if they are mistaken or if there is an innocent explanation. Individuals will not be asked to produce evidence. This assurance will not be extended to individuals who maliciously raises a matter they know is untrue.

5.2 Confidence

With these assurances, the organisation hopes individuals will raise concerns openly. However, it is recognised there may be circumstances when they would prefer to speak to someone in confidence first. If this is the case, it should be raised at the outset. If requested, the organisation will not disclose identity without consent unless required by law. Individuals should understand there may be times where resolution necessitates revealing your identity, for example where personal evidence is essential. In such cases, discussion will take place on whether and how the matter can best proceed.

Individuals should remember it may be more difficult to investigate anonymously raised issues. Also we will not be able to protect your position, or give feedback. Accordingly you should not assume provision of the assurances offered above. If requested, the organisation will not disclose the identity of an individual raising an issue without their consent unless required by law.

Any person who victimises someone who has raised genuine concerns under this policy will be subject to disciplinary action.

However, abuse of the process through the raising of unfounded, malicious allegations will also be regarded as a disciplinary matter.

The CCG's Disciplinary Policy is available on the staff Intranet

5.3 Responsibilities

Accountable Officer

The Accountable Officer will regularly review the themes of concerns that have been formally recorded by the freedom to speak up guardian to ensure local procedures are effective, and to identify areas for improvement.

CCG Governing Body

The Governing Body will consider annually (and by exception when necessary) a report covering the concerns raised under this policy and the action and learning from these concerns.

Executive Team

Safe and learning cultures are most successful in organisations where responsibility and accountability for local policy and procedures for raising concerns is in the remit of the executive team. The executive team is therefore responsible for ensuring this policy is properly applied and adhered to across the CCG.

Freedom to speak up Guardian

The local freedom to speak up guardian is responsible for helping to nurture a culture of openness, by acting 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.

Human Resources

Human resources (HR) staff will record concerns raised on the appropriate database. HR will support and advise staff and managers in the application of this policy and procedure and raise awareness of the policy and procedure.

Managers and Clinical Leaders

Managers and clinical leaders are key to developing a culture of safety and learning, in which all staff feel safe to raise a concern about anything they believe is harming the services we deliver. Managers and clinical leaders are responsible for managing concerns effectively in line with this policy, they must also ensure that no member of staff suffers detriment because of raising concerns and where this is the case they must ensure appropriated action is taken to address this.

Employees and workers

All staff have a responsibility to read and understand this policy. Staff are expected to support the CCG values and support the CCG to maintain a culture of openness and safety. Staff should ensure that they raise concerns in the spirit of this policy and that no colleague who chooses to raise a concern is victimised or bullied, as a result of doing so.

Counter Fraud

The NHS Standard Contract requires the CCG to appoint and nominate a professionally accredited Counter Fraud Specialist (CFS). The CFS is authorised to receive enquiries from staff confidentially and anonymously and can decide whether the matter raised needs to be investigated.

Key contacts for staff are:

CCG Freedom to Speak Up Guardian	John Plaskett jplaskett@nhs.net
Governance Manager	Jayde Robinson jayde.robinson@nhs.net or GYWCCG.governance@nhs.net

National Freedom to Speak Up Guardian for the NHS	Henrietta Hughes enquiries@nationalguardianoffice.org.uk Tel: 0300 067 9000
CCG Guardians for safeguarding patient information	Rebecca Hulme rebecca.hulme1@nhs.net
Occupational Health	Rebecca Richards rebecca.richards6@nhs.net
Fraud: CCG Chief Finance Officer	Chris Armitt chris.armitt@nhs.net
Fraud: NHS Counter Fraud Officer	Lisa George on 07825 827024 or email at lisa.george@tiaa.co.uk or lisa.george4@nhs.net
NHS Fraud and Corruption Reporting	www.cfa.nhs.uk/reportfraud Tel: 0800 028 4060

5.4 Confidentiality

The CCG hopes that staff will feel comfortable raising concerns openly, but also appreciates that they may want to raise it confidentially. This means that while staff are willing for their identity to be known to the person they reported their concern to, they do not want anyone else to know their identity. Therefore, the CCG will keep identity confidential, if that is what is wanted, unless required to disclose it by law (for example, by the police).

Staff can choose to raise their concern anonymously, without giving anyone their name, but this may make it more difficult for the CCG to investigate thoroughly and give feedback on the outcome.

6. How to raise a concern

The procedure for raising a concern is described in detail at Appendix A.

6.1 Who can raise concerns?

Anyone who works (or has worked) in the NHS, or for an independent organisation that provides NHS services can raise concerns. This includes agency workers, temporary workers, students, volunteers and governors.

6.2 Who should staff raise concerns with?

In many circumstances the easiest way to get a concern resolved will be to raise it formally or informally with your Line Manager. See Appendix A for the difference between raising a concern formally and informally and more details on the process of a concern.

Where staff do not think it is appropriate to do this, they can use any of the options set out below.

If raising it with your Line Manager does not resolve matters, or a member of staff does not feel able to raise it with them, they can contact one of the following people:

- 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 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 Governance Manager.

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

If, for any reason, staff do not feel comfortable raising their concerns internally, they can raise concerns with external bodies.

If you are concerned about Fraud Bribery or Corruption you can raise this with the CCG's Counter Fraud Team or with the NHS Counter Fraud Authority,

6.3 What will we do?

The CCG is 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 B for the vision for raising concerns in the NHS.

The CCG is committed to listening to staff, learning lessons and improving patient care. On receipt, the concern will be recorded and the member of staff will receive an acknowledgement within two working days. The central record will record the date the concern was received, whether confidentiality was requested, a summary of the concerns and dates when updates or feedback were given.

6.4 Investigation

Where staff have been unable to resolve the matter quickly (usually within a few days) with their Line Manager, the CCG will carry out a proportionate investigation – using someone suitably independent (usually from a different part of the organisation) and properly trained – and will reach a conclusion within a reasonable timescale (which staff will be notified of).

Wherever possible, the CCG will carry out a single investigation. For example, where a concern is raised about a patient safety incident, a single investigation will usually be undertaken that looks at the concern and the wider circumstances of the incident. If the concern suggests a Serious Incident has occurred, an investigation will be carried out in accordance with the Incident Reporting Policy, available on the staff Intranet at:

The CCG has a separate Serious Incident Policy which focuses on the management of SIs within commissioned providers

The Whistleblowing 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.

The CCG may decide that the concern would be better looked at under another process; for example, bullying and harassment. If so, this will be discussed with the member of staff.

Any employment issues that affect only the member of staff who raised the concern and not others identified during the investigation will be considered separately under the CCG's Grievance Policy.

6.5 Communication

The CCG will treat staff with respect at all times and will thank them for raising their concern. The concern will be discussed with the member of staff to ensure the CCG understands exactly what they are worried about. The member of staff will be told how long the investigation is expected to take and be kept up to date with its progress. Wherever possible, the full investigation report will be shared with the member of staff while respecting the confidentiality of others.

6.6 How will we learn from the concern raised?

The focus of the investigation will be on improving the service the CCG provides. Where it identifies improvements that can be made, they will be tracked to ensure necessary changes are made, and are working effectively. Lessons will be shared with teams across the organisation, or more widely, as appropriate

6.7 Governing Body oversight

The Governing Body will be given high level information about all concerns raised by staff through this policy and what is being done to address any problems. Similar high level information will be included in the annual report. The Governing Body supports staff raising concerns and wants them to feel free to speak up.

7. Implementation

With regard to the implementation of this policy, individuals must be mindful of information governance and confidentiality guidance and legislation. As required, under the Data Protection Act, individuals are required to keep all person sensitive patient information confidential, ensuring it is not used inappropriately and is not disclosed to unauthorised persons, unless disclosure is expressly authorised.

Misuse of, or a failure to the proper safeguarding of confidential data will be regarded as a disciplinary offence. For full explanation, staff should refer to the Governance Manager. This information will be included in the Information Governance pages on the intranet.

Appendix A - Whistleblowing Procedure

1. How to raise a concern

Individuals may take independent advice on raising a concern at any stage from your trade union representative or Public Concern at Work (see contact details under Independent advice below). Please remember firm evidence is not required to raise a concern. However, the information or circumstances giving rise to the concern should be explained as fully as possible and raised at the earliest opportunity.

If a member of staff raises a genuine concern under this policy, there is no risk of them losing their job or suffering any form of reprisal as a result. Staff raising legitimate concerns are protected by the Public Interest Disclosure Act 1998. The CCG will not tolerate the harassment or victimisation of anyone raising a concern. Nor will the CCG tolerate any attempt to bully staff into not raising a concern. Any such behaviour is a breach of CCG values as an organisation and, if upheld following investigation, could result in disciplinary action.

Provided staff act honestly, it does not matter if they are mistaken or if there is an innocent explanation for their concerns.

1.1 Step One

NHS Great Yarmouth and Waveney CCG hopes any concerns about a risk, malpractice or wrongdoing at work, can first be raised with an individual's line manager. This may be done verbally or in writing.

What concerns can be raised?

A concern can be raised about any risk, malpractice, fraud or wrongdoing in the CCG or that is harming the service(s) the CCG commissions.

Examples of this include:

- 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, bribery or corruption (which staff can also report to direct to the counter-fraud team).
- A bullying culture - across a team or organisation rather than individual instances of bullying.

A whistleblowing concern is about a risk, malpractice or wrongdoing that affects others. It could be something which adversely affects patients, the public, other staff or the CCG itself.

A grievance on the other hand is a personal complaint against an individual's own employment situation: for example, a staff member may feel aggrieved if they think a management decision has affected them unfairly or that they are not being treated properly.

Whistleblowing is where an individual raises information as a witness whereas a grievance is where the individual is a complainant and not covered under this policy.

1.2 Step Two

Where individuals feel unable to raise the matter with their line manager, the matter should be raised with the relevant Director or Senior Manager.

1.3 Step Three

If an individual feels unable to raise the matter with either their line manager or Director/Senior Manager the matter should be raised with the designated Whistleblowing Guardian, John Plaskett:

The Whistleblowing Guardian is the lay member of the CCG, with specific responsibility for addressing concerns raised in confidence. The Guardian, who will be notified of all matters raised under this policy, will be kept informed at all stages of the procedure and will ensure that the matter is dealt with as outlined by this policy.

Or with the Counter Fraud Specialist

Individuals should be clear where they wish to raise the matter in confidence to facilitate appropriate arrangements.

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

1.4 Step Four

If these channels have been followed and the concerns remain, or the matter is felt so serious that it cannot be discussed with any of the above, please contact: Either

- NHS Great Yarmouth and Waveney CCG Chief Officer;
- Or ask for the contact details of a Governing Body Chair via the Chief Officer;
- Alternatively the issue can be raised externally, see below for more details.

1.5 Department of Health

NHS Great Yarmouth and Waveney CCG recognises its accountability within the NHS. In light of this the Department of Health may be contacted:

Department of Health
Customer Service Centre, Department of Health, Richmond House, 79 Whitehall,
London SW1A 2NS
Email: dhmail@dh.gsi.gov.uk
Telephone: 020 7210 4850

1.6 Specific Concerns

For more specific concerns such as fraud or safeguarding children the following steps should also be taken:

2. Fraud

NHS Great Yarmouth and Waveney CCG is committed to combating fraud within the organisation. Lisa George is the Counter Fraud Specialist. Should you have any concerns relating to fraud she can be contacted on 07825 827024 or email at lisa.george@tiaa.co.uk or lisa.george4@nhs.net

You can also contact the NHS Counter Fraud Authority Line on 0800 028 40 60.

3. Safeguarding Children and Adults

Any individual, who believes a child or may be suffering, or at risk of suffering, significant harm should always refer their concerns to the Local Authority Children's Services or Adult services departments. Information is on the Norfolk and Suffolk County Council websites for both child and adult safeguarding.

3.1 Children and Young People

The Safeguarding Team for children and young people consists of the Chief Nurse, Designated Doctor, Nurses and Lead GP. The Designated Safeguarding Team has developed a robust Safeguarding Children Policy for the CCG that defines our Safeguarding responsibilities.

- NHS Great Yarmouth and Waveney CCG Chief Nurse for safeguarding children and young people is Rebecca Hulme.
- The Designated Doctors for children and young people are supported by a Community based paediatrician.

3.2 Adult Safeguarding Arrangements

We have a robust Adult Safeguarding Policy for the CCG that defines our Safeguarding responsibilities.

- Lead Quality and Safety Director for the CCGs for safeguarding adults is Jackie Schneider, NHS North Norfolk CCG.
- NHS Great Yarmouth and Waveney CCG Chief Nurse for Adult safeguarding is Rebecca Hulme
- There is a safeguarding adult team led by; Howard Stanley, Senior Nurse Adult Safeguarding (Prevent, Domestic Abuse and Mental Capacity Act), North Norfolk CCG (on behalf of Norfolk and Waveney CCG's)

4. Primary Care Contractors and Staff

The principles of this procedure apply equally to all primary care based contractors and their staff. However, it is recognised that there are some significant differences in the relationships that NHS Great Yarmouth and Waveney CCG has with directly employed staff and primary care contractors and their staff. NHS Great Yarmouth and Waveney CCG does not have the same level of influence and control over the working environment of primary care practices, as it does with directly employed staff, and this does have an impact on the protection, help and support that NHS Great Yarmouth and Waveney CCG is able to offer.

NHS Great Yarmouth and Waveney CCG will be able to provide counselling and support, including employment rights advice, for those people who believe they are being victimised or harassed because they have raised genuine concerns. It is against their code of professional conduct for primary care practitioners to seek retribution against whistle-blowers who have acted in good faith, and NHS Great Yarmouth and Waveney CCG may refer such incidents to the appropriate professional regulatory body.

5. Regulatory disclosures

Where individuals raise a concern in good faith to a prescribed body e.g. Health & Safety Executive, the Environmental Agency, Inland Revenue, Serious Fraud Office, Data Protection Registrar, Financial Services Authority, and reasonably believe the information and any allegation in it are substantially true, they will remain protected under the Whistleblowing policy. It is always advisable for individuals to talk to their manager or the directors listed in this policy before doing so.

5.1 Wider disclosures

Wider disclosures, e.g. to the police, media, MPs and non-prescribed regulator, are protected if they are made in good faith and are not made for personal gain. In addition, one of the following three preconditions must be met:

- individuals must reasonably believe they will be victimised if the issue is raised internally or with a prescribed body
- individuals must reasonably believe a cover up is likely and there was no prescribed regulator
- Individuals have raised the matter internally or with a prescribed body.

6. Independent advice

If individuals are unsure whether to use this procedure, or want independent advice at any stage, they may contact either:

- a trade union, if you are a trade union member
- their professional body
- The independent whistle blowing charity Public Concern at Work on 0207 404 6609, helpline@pcaw.co.uk or at www.pcaw.co.uk. Their lawyers can give free confidential advice at any stage about how to raise a concern about serious malpractice at work.

7. External Contacts

While NHS Great Yarmouth and Waveney CCG hopes this procedure gives the reassurance needed to raise the individual's concern internally within the CCG, it is recognised that there may be circumstances where the individual can properly report a concern to an outside body. In fact, the CCG would rather the individual raised a matter with the appropriate regulator – such as the Care Quality Commission, the Independent Regulator of NHS Foundation Trusts (Monitor), professional regulator, the Audit Commission or the National Patient Safety Agency – than not at all. The relevant union or Public Concern at Work will be able to advise individuals on such an option if appropriate.

8. Taking concerns outside of the CCG

There may be occasions when staff, having reported serious concerns, will feel that these have not adequately been dealt with by the CCG and that they have no alternative but to take them further. There may also be occasions when concerns are about actions of the Governing Body or CCG Chair and staff will feel unable to raise them within the CCG.

Employees have an implied duty of confidentiality and loyalty to their employer. Making allegations to a third party can breach this duty. Staff are therefore advised to consult representatives from their professional association or trade union before taking the matter further.

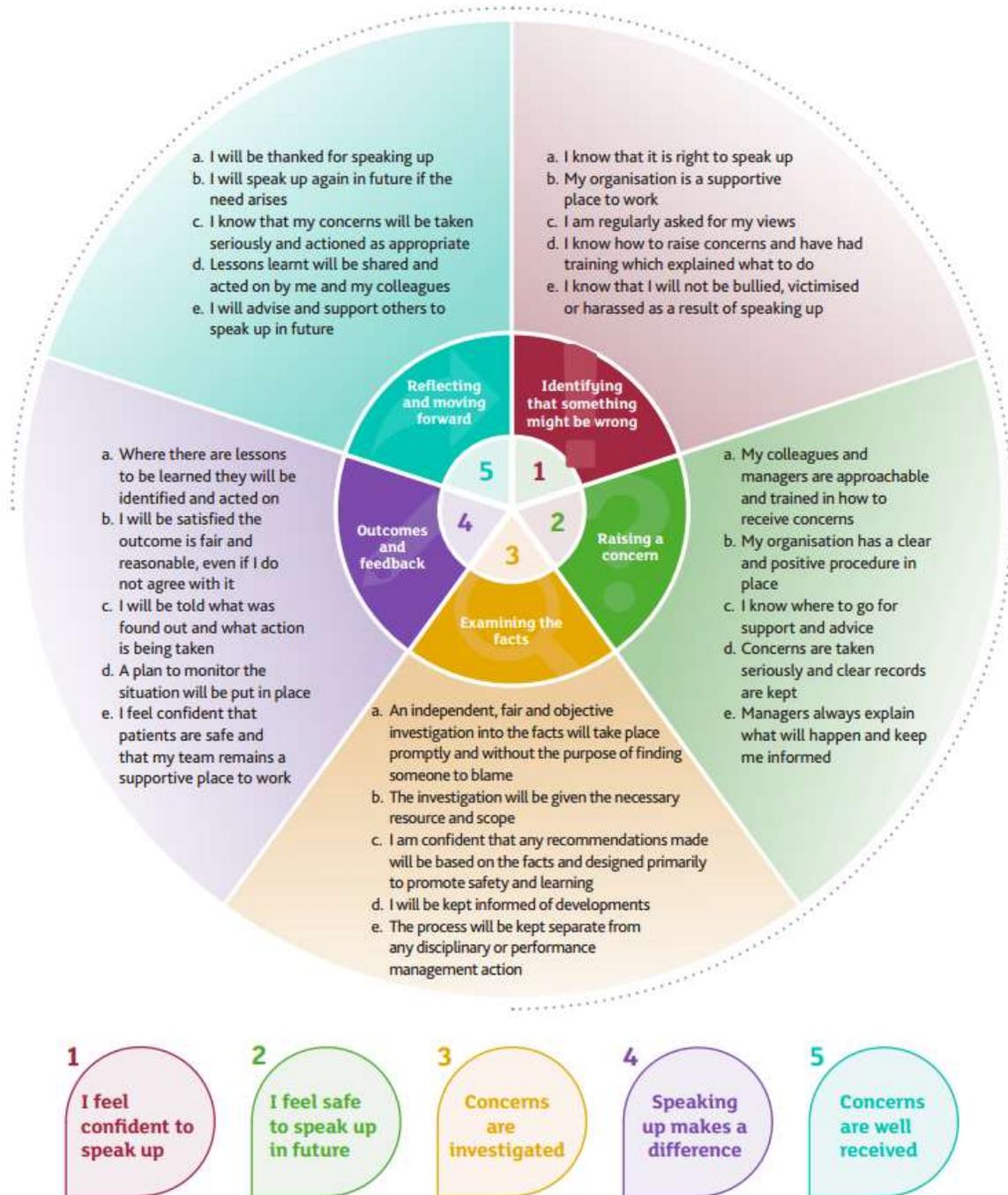
There are very specific criteria that need to be met for an individual to be covered by whistleblowing law when they raise a concern (to be able to claim the protection that accompanies it). There is a defined list of “[prescribed persons](#)”, who staff can make a protected disclosure to under the [Public Interest Disclosure Act 1998](#).

It is expected that CCGs will become “prescribed persons” under the Public Interest Disclosure Act in April 2018.

To help staff consider whether they might meet these criteria, independent advice should be sought from the [Whistleblowing Helpline](#), [Public Concern at Work](#) or a legal representative.

The [National Guardian's Office](#) provides advice on the Freedom to Speak Up Guardian role and supports the Freedom to Speak Up Guardian network. The office will also exercise its discretion to review cases referred to it where there is evidence that a NHS service has not responded appropriately to the safety concerns raised by its workers.

Appendix B: A Vision for Raising Concerns in the NHS.



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

webarchive.nationalarchives.gov.uk/20150218150343/https://freedomtospeakup.org.uk/