

Whistleblowing Policy

V-IGP224

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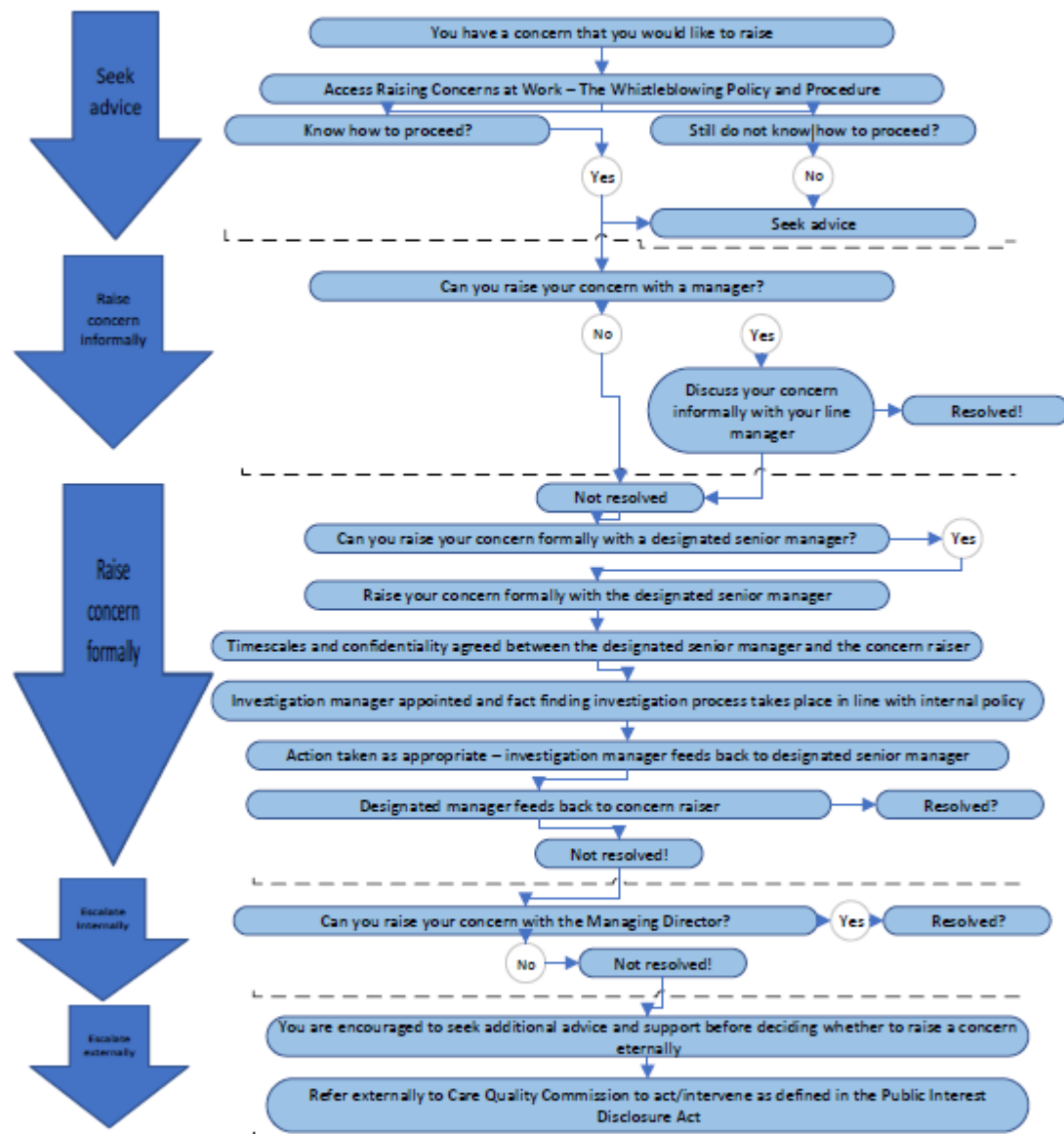
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FLOWCHART FOR RAISING CONCERNS

You should seek to highlight your concern with your line manager, where possible.
Advice and support is available throughout the process. You can contact your trade union, HR, professional regulator, professional body or, alternatively, independent advice can be sought through Vocare's Head of Clinical Governance at assurance@nduc.nhs.uk



Whistleblowing can be defined as raising a concern about a risk, malpractice or wrongdoing within an organisation. Examples might include but are not 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 (which can also be reported to our local counter-fraud team (insert contact details))
- * a bullying culture (across a team or organisation rather than individual instances of bullying)

2. Introduction

Vocare is committed to establishing and maintaining arrangements for monitoring and improving the quality care that it provides.

Vocare is therefore committed to the implementation of a Whistleblowing Procedure.

This policy applies to all Vocare staff and applies to the premises and locations from which the service is delivered within the areas covered by Vocare. This involves the out of hours provision, the urgent care centres as well as practices and any other service that Vocare is responsible for, including NHS 111.

3. Scope

This policy applies to all staff, whether salaried or sessional who are employed by Vocare.

Vocare would prefer that any concerns were raised as early as possible. There is no need for staff to provide proof. If there is a genuine concern about something that has happened in the past, is happening now; or may happen in the future, the issue should be raised.

All employees of Vocare have statutory protection against reprisals when they raise issues such as crime, fraud or serious malpractice as previously indicated, if they follow the procedures set out in this policy.

The Whistleblowing Policy is not designed to deal with individual grievances of a personal nature which should be addressed through Vocare's Grievance Procedure.

This policy does not form part of any employee's contract of employment and it may be amended at any time.

Vocare is committed to people being able to raise concerns and receive timely feedback on these. This policy ensures compliance with the Public Interest Disclosure Act 1998 and aligns with the national integrated NHS policy produced by NHS Improvement and NHS England aimed at improving the experience of whistle-blowers within healthcare.
<https://improvement.nhs.uk/resources/freedom-to-speak-up-whistleblowing-policy-for-the-nhs/>.

4. Purpose

The purpose of Vocare's Whistleblowing Policy is to encourage individuals to feel confident in raising concerns and to question and act upon concerns about practice.

The Whistleblowing Policy will provide opportunities for individuals to raise those concerns and to receive feedback on any actions taken.

Vocare will ensure the individual receives a response to their concerns and that they are aware how to pursue them if they are not satisfied.

The Whistleblowing Policy sets out to provide reassurance that individuals will be protected from possible reprisals or victimisation.

Vocare will therefore always

- Take the concerns raised seriously
- Consider concerns fully and sympathetically
- Recognise that raising a concern may be difficult for some staff

5. Principles

5.1. Culture of Safety

Every organisation involved in providing NHS healthcare should actively foster a culture of safety and learning in which all staff feel safe to raise concerns.

Change is essential, but experience from other sectors where safety is an issue suggests that it takes time and considerable effort by the leadership of an organisation.

The primary need is to move from a culture which focuses on 'who is to blame?' to one focused on 'has the safety issue been addressed?' and 'what can we learn?'. Without this, senior levels of organisations will remain ignorant of important concerns, some of which give rise to serious safety risks.

5.2. Culture of Raising Concerns

Raising concerns should be part of the normal routine business of any well-led organisation.

Speaking up should 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.

This will sometimes require acceptance by staff that their own performance may be the subject of comment, and that this needs to be seen as an opportunity to learn rather than a source of criticism.

5.3. Culture Free from Bullying

Freedom to speak up about concerns depends on staff being able to work in a culture which is free from bullying and other oppressive behaviours.

5.4. Culture of Visible Leadership

As an employer of staff delivering NHS services, Vocare should demonstrate, through visible leadership at all levels that the company welcomes and encourages the raising of concerns by staff.

Visible leadership is essential to the creation of the right culture. Leaders at all levels, but particularly at board level, need to be accessible and to demonstrate through actions as well as words the importance and value they attach to hearing from people at all levels.

5.5. Culture of Valuing Staff

Employers should show that they value staff who raise concerns and celebrate the benefits for patients and the public from the improvements made in response to the issues identified.

5.6. Culture of Reflective Practice

There should be opportunities for all staff to engage in regular reflection of concerns in their work. This includes supervision, one to ones and the annual appraisal and personal development review.

6. Responsibilities

Urgent Care Division Managing Director is responsible for ensuring that they are informed of the number and types concerns raised through whistleblowing and what is being done to address these. The Totally Board will be briefed accordingly as part of the Board Assurance framework.

Nominated Officer

The Nominated Officer for the organisation is the **Head of Clinical Governance** who is responsible for keeping a record of any whistleblowing, concerns raised through this channel and supervising and supporting any investigation

All Urgent Care Division Directors have a responsibility for creating a safe culture and an environment in which workers are able to highlight problems and make suggestions for improvement.

Employees have the responsibility to:

- Use appropriate policies and procedures for raising concerns internally unless there is an overriding reason not to.
- Work within their professional code of conduct and raise concerns
- Report any concerns that might compromise patient safety or care standards.
- Raise concerns with a genuine belief that wrongdoing has occurred
- Treat colleagues with respect and support those raising concerns.
- Comply with any request to participate in an investigation.
- Be aware of the “Whistleblowing Policy” and how to raise an issue or deal with a whistleblowing issue.
- Raise concerns about any actual or suspected malpractice which may lead to whistleblowing

Agency staff have the responsibility to work within Vocare’s policies and procedures

Managers have additional responsibility to:

- Ensure that staff who report to them are aware of how to raise concerns, including how to use the Whistleblowing Policy
- Take prompt action to resolve the concern through the correct HR policy or refer it on immediately to the Nominated Officer and Director of HR and OD.
- Support the nominated investigator during an investigation, seeking advice from HR and subject matter experts when requested e.g. Head of Safeguarding for safeguarding concerns.
- Understand the difficult position people may be in when raising concerns and be prepared to offer support.
- Seek appropriate advice from senior management, the Caldicott Guardian, Nominated Officer or relevant lead professional.
- Keep the person(s) who raised the concern informed of process and progress of the concern.
- Monitor and review any actions required.
- Ensure people reporting genuine concerns are not penalised in any way.

Freedom to Speak up Guardians are named non-executive leads responsible for speaking up, who can demonstrate that they are clear about their role and responsibility and can evidence the contribution they have made to leading the improvement of the company's speaking up culture.

7. Definitions

Disclosure

The issues that are raised by the employee.

Protected / Qualifying Disclosures

Workers who make a protected disclosure are protected in law against dismissal and victimisation in respect of the disclosure.

Investigating Officer

This is the manager who investigates the issues raised and produces a report on their findings.

Malpractice

PUBLICLY AVAILABLE

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For the purposes of this policy examples of malpractice include:

- ill treatment of a patient by a member of staff;
- compromising patient care;
- personal relationships affecting professional performance;
- suspected fraud, corruption or financial irregularity;
- inappropriate use of IT or equipment;
- disregard for legislation, particularly in relation to health and safety;
- breach of Standing Orders and/or Standing Financial Instructions or other policies and procedures;
- showing undue favour over, for example, a contractual matter or to a job applicant.

Whistleblower

A person who raises a genuine concern in good faith relating to any of the issues covered by this Policy.

Whistleblowing

Disclosure by employee of malpractice as well as illegal acts or omissions in the workplace.

8. Training

An introduction to the elements of whistleblowing should be included in induction. There are eL4H training modules available, but this is not mandatory.

9. Process

8.1 Whistleblowing Procedures

Vocare wants all staff to feel confident that issues raised will be handled effectively and would urge any employee who wishes to raise an issue to first raises a concern with their immediate supervisor or line manager. All staff are encouraged to set out their concerns as fully as possible in writing, verbally or electronically, providing contact details so that Vocare may discuss the issues personally and then carry out an appropriate investigation into the matter raised.

The manager receiving this information should acknowledge it in writing, within two working days. In any event, it is important that all concerns raised under this policy are communicated to their line manager or Senior Manager in order to start an investigation and send the information on to the Head of Clinical Governance and Managing Director.

Staff may be supported when they raise any concern by their Union Representative, work colleague or a friend not acting in a legal capacity. It is the responsibility of the employee to contact their chosen companion and to ensure that the companion is willing and able to represent them. If the companion is unavailable within a reasonable timescale, an alternative companion should be sought by the employee. The companion must respect the confidentiality of the disclosure being made and any subsequent investigation. Management will liaise with the companion concerning dates of meetings.

Internal disclosure is encouraged but there may be cases where the employee feels unable to do this. In such circumstances, the employee can disclose to a regulator, usually an external official body. This disclosure will be protected where the employee honestly and reasonably believes that the information and any allegation stemming from it is substantially true.

The investigation of the concern should be carried out as quickly as possible by the Investigating Officer appointed by the Head of Clinical Governance or Managing Director.

8.2 How Vocare will respond

The way in which Vocare will deal with the concerns raised will depend on what it involves.

Vocare will initially determine whether the matter raised should be investigated. Throughout all the enquiries it will be the primary concern to put the public/patients first.

The concern may be investigated by an appropriate manager or Vocare may refer it to the Police or an external investigator.

If the concern can be handled under any other Vocare procedure or policy, Vocare will refer the concern to the relevant person and inform the whistleblower of this fact.

It may be possible to address some, or all the concerns raised without undertaking an investigation, but by taking action agreed with the whistleblower.

If it is necessary to undertake urgent action, Vocare will do this before carrying out the investigation.

The employee will be informed of the person who is handling this matter, how they contact him/her and whether further assistance may be needed. Progress regarding the situation will be outlined within 20 working days of any concern raised. It is acknowledged that it is difficult to set definitive timescales on such an investigation, as these will depend on the nature and complexity of the concern raised. Additionally, it may not always be possible to provide feedback to staff of any matters which would breach Vocare's duty of confidentiality to others.

The Head of Clinical Governance, to whom the investigation report is submitted will aim to respond as soon as it is practicable. However, the member of staff will be kept informed of the progress of the investigation and should treat any information regarding the investigation as confidential.

If the whistleblower is dissatisfied with the response, this should be raised with the Managing Director who will arrange for a review of the response within 20 working days. The outcome of the review will be final.

8.3 Raising Concerns Externally (Exceptional Cases)

The main purpose of this policy is to give staff the opportunity and protection to raise concerns internally. Vocare expects that in all cases raising concerns internally would be the most appropriate action for staff to take. However, if the whistleblower is dissatisfied with the outcome of the investigation or if it is appropriate to report to an external body such as a regulator, it is their right to pursue the matter externally should they so choose.

It will rarely, if ever, be appropriate to alert the media.

Disclosure to other bodies is also protected if it is reasonable in all the circumstances and is not made for personal gain. The whistleblower must also meet at least one of the following preconditions listed below:

- They reasonably believe that they would be victimised if the matter was raised internally;
- There is no prescribed regulator and they reasonably believe the evidence is likely to be concealed or destroyed;

- The concern has already been raised with the employer or a prescribed regulator;
- The concern is of an 'exceptionally serious' nature.

The test of 'reasonable' will include the identity of the person to whom the disclosure was made, the seriousness of the concern, whether the risk or danger remains, and whether the disclosure breaches a duty of confidence which the employer owes to a third party.

Whistleblowing issues usually relate to the conduct of our employees. However, they may sometimes relate to the actions of a third party, such as a supplier or contracted service provider. The law allows a member of staff to raise a concern in good faith with a third party, where they reasonably believe it relates mainly to their actions or something that is legally their responsibility. Nonetheless, Vocare would always encourage such concerns to be reported internally firstly.

Vocare hopes that staff will be satisfied with any action taken internally, but if they feel it is right and necessary to take the matter outside the company, the following are possible contact points:

- (a) Relevant regulatory bodies (e.g. CQC)
- (b) The charity 'Public Concern at Work'
- (c) Your local Citizens Advice Bureau
- (d) Relevant professional bodies (e.g. GMC, NMC)
- (e) A relevant voluntary organisation
- (f) The police
- (g) The Health and Safety Executive
- (h) Your local authority Safeguarding team

10. Independent Advice

If a member of staff is unsure whether or not to use this procedure, or they want independent advice, they may contact:

- Trade Union Representative;

- Public Concern at Work, an independent charity providing free confidential advice from lawyers at any stage.

Contact details can be found at the back of this policy.

11. Media Guidance

If the media enquire about individual patients or members of staff or Vocare, the enquiry must be passed directly to the Urgent Care Division Managing Director.

Vocare staff have the right to speak out against failures or mistakes in service to patients. This, of course, includes the right to speak to the media and democratically elected representatives. However, information must not defame other members of staff, or breach regulations on confidentiality as laid down through the Caldicott Guardian or Data Protection Act or bring the organisation into disrepute.

12. Counter Fraud

For concerns about financial misconduct, fraud, bribery or corruption please also refer to the Counter Fraud and Corruption Policy and discuss with the Group Finance Director or Financial Controller . Alternatively, please refer to:

- The NHS Counter Fraud Authority (NHSCFA) <https://www.cfa.nhs.uk> for advice.
- NHS England: Conflicts of Interest Guidance (June 2016).
<https://www.england.nhs.uk/ourwork/coi/>
- Bribery Act 2010

13. Governance

The implementation of this policy and its effectiveness will be monitored on an ongoing basis by Vocare's Head of Clinical Governance reporting to the Managing Director.

14.Related Policies

- V –CP 160 Safeguarding Adults Policy
- V –CP 150 Safeguarding Children Policy
- V –CP 853 Localised Safeguarding Adults & Children Policies
- V-G 633 Prevent – Responding to Suspected Radicalisation Policy
- V- G P797 Safeguarding Training Policy
- V- G 831 Safeguarding Supervision Policy
- Counterfraud and Bribery Policy
- V-C 798 Safeguarding Escalation Policy
- V - HR P205 Safer Recruitment Policy
- V- HR 829 Managing Allegations against Staff Policy
- V-G P689 Domestic violence and Abuse Policy
- V-G SOP 3 Multi-Agency Public Protection Arrangements (MAPPA) Process
- V-G P240 Consent to Examination or Treatment Policy
- V-IG P13 Data Protection Policy
- V-IG P15 Information Governance Policy
- V-HR P207 Disclosure and Barring Policy
- V-HR P830 Online Safeguarding (Policy E safety) Policy
- V-CG 651 Deprivation of Liberty Safeguards (DOLS) Policy
- V-C 641 Mental Capacity Act Policy