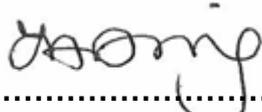


Freedom to Speak Up (Raising Concerns) Policy

Author:	HR Project Lead / Freedom to Speak Up Guardian
Sponsor/Executive:	Director of People & Business Development
Responsible committee:	Quality, Safety & Governance Committee
Ratified by:	Quality, Safety & Governance Committee
Consultation & Approval: (Committee/Groups which signed off the policy, including date)	Joint Consultation & Negotiating Partnership
This document replaces:	CPFT Whistleblowing Policy & CCS Raising Concerns Policy
Date ratified:	21st March 2018
Date issued:	26 th March 2018
Review date:	February 2020
Version:	1
Policy Number:	P143
Purpose of the Policy:	Outline the policy & process for raising concerns at the Trust.
If developed in partnership with another agency, ratification details of the relevant agency	
Policy in-line with national guidelines:	

Signed on behalf of the Trust:

Tracy Dowling, Chief Executive

Signed on behalf of JCNP:

Shona Greig, JCNP Secretary

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Version Control Page

Version	Date	Author	Comments
1	February 2018	Rachel King, HR Project Lead Annie Ng, Freedom to Speak Up Guardian	New Harmonised Policy and compliant with National Framework for Freedom to Speak Up

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1. Introduction

Cambridgeshire & Peterborough NHS Foundation Trust (hereafter referred to as 'CPFT' or 'the Trust') is committed to promoting a culture of openness in which staff are encouraged to raise concerns without fear of reprisal and victimisation; and to ensure that healthcare services are provided with the highest standards of integrity and honesty.

The Trust expects all employees to maintain high standards in all areas of practice and all employees are therefore strongly encouraged to report any perceived wrongdoing by the organisation, its employees or workers that fall short of these principles. The Trust assures all employees that their concerns will be dealt with in line with the Trust's values and general standards of behaviour.

2. Purpose

This policy provides a framework to staff that it is safe to speak up and a process for the Trust to manage any issues and concerns that are raised.

3. Scope

This policy applies to all employees of the Trust and other individuals performing functions in relation to the Trust, such as agency workers, contractors, students and volunteer. This also includes staff that have been suspended.

4. Definitions

a. Whistleblowing

Whistleblowing is defined as 'making a disclosure in the public interest'. Whistleblowing occurs when an employee or worker provides certain types of information, usually to the employer or a regulator, which has come to their attention through work. It is about the danger, risk malpractice or wrongdoing that affects others. The disclosure may be about the alleged wrongful conduct of the employer, or about the conduct of a fellow employee, client, or any third party. The whistleblower is usually not directly, personally affected by the danger or illegality, although they may be.

b. Making a complaint

When someone makes a complaint, usually they have been personally poorly treated. This treatment could involve a breach of their individual employment rights or bullying and harassment for example and the complainant is seeking redress or justice for themselves. The person making the complaint therefore has a vested interest in the outcome of the complaint and, for this reason, is expected to be able to provide information and evidence.

c. Prescribed Person

A prescribed person is essentially a regulator i.e. someone, other than an employer, to whom a disclosure may be made in relation to certain matters. For example, Local Authorities, the Health & Safety Executive and the Office of Fair Trading are prescribed persons. The conditions for making such a disclosure are more stringent than the conditions for making a protected disclosure to the employer. A list of prescribed persons can be found at Appendix 1.

d. Freedom to Speak Up Guardian

The Freedom to Speak Up Guardian has a key role in helping to promote the profile of raising concerns in the Trust, ensure local processes to enable staff to raise concerns are in place and provide confidential advice and support to staff in relation to the concerns they have.

All NHS Trusts are required to have a Freedom to Speak Up Guardian as part of the NHS contract.

Guardians don't get involved in the investigation but help to facilitate the raising concerns process where needed, ensuring Trust policies are followed correctly. They also don't have a remit to assist employees who are employed outside of the Trust.

e. Confidentiality and anonymity

When someone raises a concern confidentially, they give their name only on the condition that it is not revealed without their consent. Someone who raises a concern anonymously if they do not give their name. Usually, the best way to raise a concern is to do so openly as raising a concern anonymously can have risks in that:

- i. Being anonymous does not stop others from successfully guessing who raise the concern.
- ii. It is harder to investigate the concern if people can not ask follow up questions
- iii. It can lead to people to focus on the whistleblower, maybe suspecting that they are raising the concern maliciously.

When a staff member brings a public interest disclosure to the attention of the Trust, whilst the facts and concerns are shared, the Trust will do their utmost to respect their right for their identity being kept confidential and for it not to be shared.

5. Duties

a. The Trust Board

The Trust Board has responsibility for ensuring the organisation operates within legal and mandatory requirements and employees that identify criminal activity or other malpractice are adequately supported and protected.

b. The Chief Executive

Is responsible for ensuring concerns that are brought to their attention are investigated and to raise these with the Board as appropriate.

c. The Director of People & Business Development

Has Board delegated responsibility for this policy.

d. The Associate Director – People Services

Has responsibility for the implementation of this policy.

e. The Director of Nursing and Quality

Has responsibility for the implementation of the national framework for Freedom to Speak Up within the Trust.

- f. Freedom to Speak Up Guardian**
The Trust Freedom to Speak Up Guardian's role is to work with Trust leaders and staff to create effective local processes to enable staff to raise concerns and advise and support staff who seek to do so. They do not carry out investigations.
- g. Joint Consultation & Negotiating Committee**
This committee supports the monitoring and review of this policy. Staff Side Representatives may also support staff in raising concerns or raise concerns on behalf of staff to the relevant people.
- h. Associate Directors**
The Freedom to Speak Up Guardian will in the first instance escalate concerns they have received to the relevant Associate Directors to which the concerns relate to. The Associate Director will be responsible for agreeing the next steps including a plan for the investigation of the concerns raised if necessary.
- i. Line Managers**
Line Managers are responsible for ensuring:
- i. Staff are supported to raise concerns
 - ii. Concerns that are raised are investigated and recorded in line with this policy.
 - iii. Concerns are reported to the relevant General Manager / Director when received.
- j. Human Resources**
HR will support and advise staff and managers with raising or dealing with concerns and adhering to this policy.
- k. Local Counter Fraud Specialist (LCFS)**
Where the complaint and/or concern relates to a potential fraud the LCFS will be informed in order that they may participate in the investigation in liaison with Human Resources and / or the investigating manager. Depending on the circumstances the LCFS may be required to lead the investigation
- l. Employees, contractors and other staff**
Employees and other workers are responsible for raising their concerns within the guidelines of this policy and must act in good faith at all times.
- 6. General Principles**
This policy aims to promote an open culture of raising concerns within the Trust by all those who work in the organisation. It does not replace other Trust policies or procedures. For example this policy does not apply where employees are aggrieved about an issue which relates to their personal situation in relation to their employment. In these cases the matter should be raised using the Trust's Dignity at Work or Grievance Policy.
- 7. Raising a Concern**
The employee or worker raising the issue or concern does not need absolute proof of wrongdoing, but should have a reasonable and genuine belief that the information being disclosed is true: some allegations may prove to be unfounded. However, the Trust would prefer the issue or concern be raised, rather than run the risk of not detecting a problem early on.

Although we do not need firm evidence before raising a concern the Trust does ask that as full an explanation as possible is given about the information or circumstances that gave rise to the concern. Advice can be sought from the Trust's Freedom to Speak Up Guardian prior to or during the whistleblowing process.

a. Who can raise a concern?

Anyone who works (or has worked) in our Trust or is an independent organisation that provides services on behalf of our Trust can raise concerns. This includes agency workers, temporary staff, students, volunteers, governors and suspended staff.

b. What concerns can be raised?

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

- i. Unsafe working conditions
- ii. Inadequate induction or training of staff
- iii. Lack of, or poor response to a reported patient safety incident
- iv. Suspicions of fraud (which can also be reported to the counter-fraud team)
- v. A bullying and / or harassment culture

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. 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. This type of concern is better suited to being handled through the Trust's Grievance Policy that can be found on the Trust intranet.

c. Who to raise the concern with?

In many circumstances the easiest way to resolve your concern will be to raise it formally or informally with your line manager, lead clinician or tutor. If raising the concern with your line manager, lead clinician or tutor does not resolve matters or if you don't feel you can raise it with them you can raise it with;

- i. Your manager's manager, or
- ii. The Trust's Freedom to Speak Up Guardian (confidential voicemail: 01223 885777 or confidential email: Freedomtospeakup@cpft.nhs.uk)
- iii. Trades Union Representative

d. How to raise a concern?

You can raise a concern by writing (including email), telephone or in person. Which ever method you choose, please be ready to explain as fully as you can the information and circumstances that gave rise to your concern.

e. Feel safe to raise a concern

Speaking up about any concern you have at work is extremely important because it helps the organisation to continually improve the services it provides and keep them safe for all patients and staff. If you raise a concern under this policy you will not be at risk of losing you job or suffering any form of reprisal. The Trust will not tolerate any attempt to bully you into not raising or withdrawing any such concern. Any such

behaviour goes against the Trust's values and if upheld following investigation, could result in disciplinary action against the perpetrator.

f. Raising a concern with the help of a third party

If you feel unable to raise the concern yourself you may request support from a Trades Union Representative or work colleague. Generally it is best to raise the concern directly yourself.

g. Protection

To qualify for protection, the employee or worker must:

- i. Reasonably believe that their disclosure was in the public interest
- ii. Genuinely believe the information they provided was accurate
- iii. Have not acted maliciously

Provided the above applies, it does not matter if the whistleblower was mistaken or if there is an innocent explanation for your concerns. However, if a concern or issue is raised maliciously and is known not to be true then this will be regarded as extremely serious and appropriate action will be taken with the individuals.

The Public Interest Disclosure Act (1998) gives statutory protection to employees and workers (including volunteers, agency & temporary staff and contractors), who reasonably and responsibly disclose information relation to concerns of malpractice, within defined circumstances, that is in the public interest to know about. This Act provides a framework of protection against victimisation for staff or workers who blow the whistle on criminal behaviour or wrongdoing.

h. Raising a concern confidentially or anonymously

It is hoped that all staff will feel comfortable raising concerns openly but understand that some staff may want to raise it confidentially. If a request is made by the person speaking up not to disclose their identity, the Trust will not do so without their consent unless required by law. The person raising the concerns should understand that there may be time when we are unable to resolve a concern without revealing your identity for example where their personal evidence is essential. In such cases, we will discuss with the person speaking up how the matter can best proceed.

Raising a concern confidentially means that while you are willing for your identity to be known by the person you report your concern to, you do not want anyone else to know your identity. In this instance, your identity will be kept confidential unless required to disclose it by law (for example by the police).

You can choose to raise a concern anonymously without giving anyone your name but this may make it difficult for the concerns to be investigated thoroughly and provide the person with the feedback

i. Stop The Line

If you have a concern affecting patient safety and quality and requires urgent attention, please raise this through the Trust's Stop The Line – email: stopheline@cpft.nhs.uk. During out of hours between 5pm-8.30am, please call 01480 398500 and ask to speak to the on call manager or on call director. More information available on the Trust intranet page for Stop The Line.

8. Procedures for Raising a Concern

Although you do need firm evidence before raising a concern we do ask that as much information as possible is given about the situation or circumstances that gave rise to the concern. Advice can be sought from the Trust's Freedom to Speak Up Guardian.

a. Step 1

In the first instance staff should raise concerns with their line manager/Lead clinician/mentor/ supervisor either verbally or in writing. If the staff member does not feel able to raise the concern directly with their line manager, they can contact the next manager or can discuss their concern confidentially with the Freedom to Speak Up Guardian. The line manager (or officer to whom the matter has been raised) will advise the staff member of the next steps, maintain communication during the investigation process and inform the staff member of the outcome of the investigation in writing.

b. Step 2

If the staff member feels unable to raise the concerns with either their line manager or line manager's manager, they can raise the concern with the relevant directorate manager or director. Alternatively, they can raise it directly with the Trust Freedom to Speak Up Guardian.

c. Step 3

If the staff member feels the concerns are of such a serious nature, they can raise this with the Chief Executive in confidence. Where this is not appropriate the concern can be raised with the Trust Chair. They will agree the next steps with the staff member.

9. What happens once a concern is raised?

The Trust is committed to listening to staff, learning the lessons and improving patient care.

a. Concerns raised with a manager

Once a concern has been received you will receive an acknowledgement from the relevant manager and the next steps will be agreed with you. Where a concern can not be resolved quickly (usually within a few days), a formal investigation will be carried out using the appropriate Trust policy & procedure e.g. dignity at work, and it is expected that this will be completed within 20 working days or the agreed time frames described in the respective policy. The investigation report will be compiled and the findings or a summary will be shared with the staff member who raised the concerns.

b. Concerns raised with the Freedom to Speak Up Guardian

The Freedom to Speak Up Guardian will discuss the issues with the staff member who has raised the concern and agree the next steps. Sometimes, following such a discussion it can be that no further actions are required.

If it is agreed the issue need to be escalated, the Freedom To Speak Up Guardian will escalate the concerns to the relevant Associate Direct of Operations and/ or an Executive Director depending on the nature of the issues raised. They will review the information and initiate a formal investigation under the relevant policy &

procedure. This will be completed within 20 working days or within the agreed time frames of the relevant Trust policy.

The Freedom to Speak Up Guardian maintains a confidential central database of key information of all concerns raised with them and will include information received anonymously.

During the investigation process, the Freedom to Speak UP Guardian will keep in touch with the staff member who has raised the concern as to the progress. The findings from investigation will be shared with the person who has raised the concern and a copy of the investigation report will be submitted to the Freedom to Speak Up Guardian who will log the findings and recommendations. Any lessons learnt may be shared across the Trust for the purpose of improvement.

Individuals need to be aware that Investigations for concerns or issues raised anonymously will be investigated as far as it is practicable. Due to the possible limitations of the information received this may limit the Trust's ability to investigate and resolve the matter, protect the Whistleblower or feedback the outcome of the investigation.

10. Safeguarding Children / Adults

If the concern relates to the possible abuse of vulnerable children or adults, the relevant Trust's Safeguarding Policies must be adhered to. The Trust's Safeguarding Adult Lead and Named Nurse for Safeguarding Children should be advised at the earliest opportunity.

11. Financial Malpractice / Fraud

In cases where fraud, financial malpractice and/or corruption are suspected, concerns MUST be raised with the Local Counter Fraud Specialist, not your line manager. In cases where the concern relates the Director of Finance, please contact the Chief Executive. Please refer to the Trust's Anti-Fraud or Bribery Policy which must be followed in these cases. A copy of this policy can be accessed on the Trust intranet.

12. Making a Protected Interest Disclosure

The Public Interest Disclosure Act (PIDA) is not intended to provide a platform to disgruntled staff to make irresponsible disclosures or malicious claims.

The law defines clearly the types of disclosures qualify the person making them for protection against dismissal and detriment. These are known as 'protected' disclosures. It require reasonable belief the disclosure is made in the public interest, and that one of the following situations exists or has taken place or is likely to happen in the future.

- i. A criminal offence has been committed, is being committed or is likely to be committed.
- ii. The breach of a legal obligation
- iii. A miscarriage of justice
- iv. There is a danger to the health and safety of any individual
- v. There is a risk of damage to the environment
- vi. There is a deliberate attempt to cover up any of the above.

Your disclosure will be protected under the Act if;

- i. You have followed the organisation's policy
- ii. You are an employee, former employee, seconded to the organisation, a volunteer or contractor.
- iii. The information is about serious wrong doing in or by your workplace.
- iv. You reasonably believe the information is true or likely to be true.

If the disclosure concerns fraud it will be raised with the lead Local Counter Fraud Specialist (LCFS).

a. Taking the disclosure further

In the first instance employees are encouraged to resolve the concerns via this policy but there are a number of bodies to which a qualifying disclosure might be made and who will be able to offer advice and guidance. (Appendix 1)

If an employee reasonable believes that appropriate action has not been taken as a result of their disclosure and continues to have concerns that they believe are in the public interest, they may report the matter to the appropriate external authority. The legislation sets out a number of bodies to which qualifying disclosures may be made (appendix 1). These include:

- i. National Guardian's Office
- ii. National Speak Up (Whistleblowing) Helpline
- iii. Care Quality Commission (CQC)
- iv. Healthwatch England
- v. Advisory, Conciliation and Arbitration Service (ACAS)
- vi. Public Concern at Work
- vii. Financial Services Authority
- viii. Health and Safety Executive
- ix. Environment Agency
- x. Serious Fraud Office

13. Support for Staff & Workers Raising Concerns

Raising a concern can be extremely difficult and stressful for people who may be concerned about the impact on themselves and their colleagues. Occupational Health, Union Representatives or Insight (24 hr confidential counselling 0800 0277844 / 0300 555 0120, www.insightwellbeingatwork.org) can offer support to staff involved in raising a concern.

The Trust will not tolerate harassment or victimisation of a worker who has raised a concern. If you feel you are being subjected to such treatment as a result of raising a concern, you should inform the manager dealing with your concern or a designated officer who should take appropriate action including using the Trust's disciplinary procedure, grievance procedure or Dignity at Work Policy and Procedure where appropriate to address the situation.

14. Governance

The Board of Directors will be provided with a high level quarterly report from the Freedom to Speak Up Guardian with information about all the concerns raised by our staff through this policy and any learning that could be shared across the organisation. An annual report will also be completed.

All concerns raised with the Freedom to Speak Up Guardian will be logged on a confidential trust central register. Quarterly returns of the numbers and types of cases are required to be submitted to the National Guardian's Office.

The Director of Nursing and Quality is the Executive lead for the implementation of the freedom to speak up.

15. Links to Other Trust Documents

- i. Grievance Policy & Procedure
- ii. Dignity at Work Policy & Procedure
- iii. Disciplinary Policy & Procedure
- iv. Information Governance Policy
- v. Anti-fraud & Bribery Policy
- vi. Safeguarding Adults Policy
- vii. Safeguarding Children's Policy
- viii. Being Open & Duty of Candour Policy
- ix. Personal or Professional Boundaries Policy
- x. Standards of Business Conduct

16. References

- i. Freedom to Speak Up: an independent report into creating an open and honest reporting culture in the NHS – Sir Robert Francis QC (2015).
- ii. NHS Improvement: Freedom to Speak Up:
<https://improvement.nhs.uk/resources/freedom-to-speak-up-whistleblowing-policy-for-the-nhs/>
- iii. Department of Health/Social Partnership: Forum/public concern at work publication: 'Speak up for a health NHS: How to implement and review whistleblowing arrangements in your organisation' (2010).
- iv. Information regarding the Public Interest Disclosure Act 1998 from the public concern at work website. www.pcaw.co.uk
- v. ACAS: <http://www.acas.org.uk/index.aspx?articleid=1919>
- vi. NHS Employers: <http://www.nhsemployers.org/your-workforce/retain-and-improve/raising-concerns-at-work-and-whistleblowing>
- vii. Public Interest Disclosure Act (1988):
<http://www.legislation.gov.uk/ukpga/1998/23/contents>

Appendix 1 – List of prescribed persons

1. Care Quality Commission
Contact them about matters relating to the provision of health and social care.
CQC National Customer Service Centre
Citygate, Gallowgate
Newcastle upon Tyne
NE1 4PA
Tel: 03000 616161
Website: www.cqc.org.uk
2. National Guardian's Office
National Guardian's Office
151 Buckingham Palace Road
London
SW1W 9SZ
Tel: 0300 067 9000 (Monday to Friday, 8:30am to 5:30pm)
<https://www.cqc.org.uk/content/national-guardians-office>
3. Healthwatch England
Healthwatch England
151 Buckingham Palace Road
London
SW1W 9SZ
Email: enquiries@healthwatch.co.uk
Tel: 03000 683 000 (Monday to Friday, 8:30am to 5:30pm)
Website: www.healthwatch.co.uk
4. General Medical Council
Contact them about matters relating to:
 - a. the registration and fitness to practise of a member of a profession regulated by the General Medical Council
 - b. any activities not covered by (1) in relation to which the Council has functionsGeneral Medical Council
Fitness to Practise Directorate
3 Hardman Street
Manchester
M3 3AW
Tel: 0161 923 6399 or online complaints form: www.gmc-uk.org

5. General Pharmaceutical Council
Contact them about matters relating to the registration and fitness to practise of a member of a profession regulated by the General Pharmaceutical Council.
Investigating Team
General Pharmaceutical Council
25 Canada Square
London
E14 5LQ
Tel: 020 3365 3603 or Email: concerns@pharmacyregulation.org
6. Health and Care Professions Council
Contact them about matters relating to the registration and fitness to practise of health and care professional.
Health and Care Professions Council
Park House
184 Kennington Park Road
London
SE11 8BU
Tel: 0845 300 6184
Website: www.hpc-uk.org
7. Health Education England
Contact them about matters relating to the education and training for health care workers and ensuring sufficient skilled and trained health care workers are available for the delivery of services.
Health Education England
1st Floor, Blenheim House
Duncombe Street
Leeds,
LS1 4PL Website: <http://hee.nhs.uk/>
8. Monitor (also known as NHS Improvement)
Contact them about the regulation and performance of NHS foundation trusts and any other activities in relation to which Monitor exercises its functions.
NHS Improvement
Wellington House
133-135 Waterloo Road
London SE1 8UG
Tel: 0300 123 2257 or Email: enquiries@improvement.nhs.uk
Website: www.improvement.nhs.uk

9. National Health Service Commissioning Board (also known as NHS England)
Contact them about matters relating to the delivery of primary medical, dental, ophthalmic and pharmaceutical services in England.
NHS England
PO Box 16738
Redditch
B97 9PT
Tel: 0300 311 22 33 or Email: england.contactus@nhs.net
10. Nursing and Midwifery Council
Contact them about matters relating to the registration and fitness to practise of a registered nurse or midwife and any other activities in relation to which the Council has functions.
Nursing and Midwifery Council
23 Portland Place
London
W1B 1PZ
Tel: 020 7637 7181 or Email: whistleblowing@nmc-uk.org
Website: www.nmc.org.uk/standards/guidance/raising-concerns-guidance-for-nurses-and-midwives/whistleblowing/
11. The Secretary of State for Health
Contact them about matters relating to the provision of public health services.
Public Health England
Public Information Access Office
Wellington House
133-135 Waterloo Road
London
SE1 8UG Website: www.gov.uk/phe
12. Ministerial Correspondence and Public Enquires Unit
Department of Health
Richmond House
79 Whitehall
London
SW1A 2NS Website: www.gov.uk/dh