

Liverpool Clinical Commissioning Group

Whistleblowing Policy – Freedom to Speak Up

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Name of originator/author:	Zafi Bisti - Human Resources Manager
Name of Lead:	Head of Corporate Services and Governance
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Any changes made to this policy should be outlined in the below Review and Amendment Log. In the event of any changes to relevant legislation or statutory procedures this policy will be automatically updated to ensure compliancy without consultation. Such changes will be communicated.

Version No	Type of Change	Date(s)	Description of change
V4	Minor updates to job titles	February 2020 September 2021	Minor changes to the Policy: Change of Policy Lead Updated with new committee name, HR and Remuneration Committee. Updated to NHS Counter Fraud Authority Central Record will now be held by Corporate Services and Governance Team Updated job titles Added dates to legislation referenced Reviewed – no changes
V3	Legislative/Best Practice	June 2018	Updated/revamped in line with the NHS standard integrated Policy for Whistleblowing
V2	Legislative and Operational	April 2015	Updated 6.1 with additional relevant legislation. Amended 5.6.3 and 5.6.4 with the updated list of regulatory and wider disclosures (As a result of the Public Interest Disclosure Order 2014). Replaced Corporate Services with Human Resources
V1	N/A	May 2013 and April 2014	N/A

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1. Introduction

Liverpool CCG is committed to ensuring the highest possible standards of service and the highest possible ethical standards in delivering this service. It is the responsibility of all staff to ensure that if they become aware that the actions of other employees or officers or anyone working for, with, or connected to it, might compromise this objective, they will be expected to raise the matter.

The recommendations of “Freedom to Speak Up”, the independent review commissioned by the Secretary of State and chaired by Sir Robert Francis QC into whistleblowing in the NHS were published in 2015. The purpose of the review was to provide independent advice and recommendations on creating a more open and honest reporting culture in the NHS.

The review recommended a ‘standard integrated policy’, aimed at improving the experience of whistleblowing in the NHS.

Liverpool CCG’s local process has been integrated into the NHS standard integrated policy resulting in this CCG Policy – “Whistleblowing Policy – Freedom to Speak Up”.

The Public Interest Disclosure Act (PIDA) 1998 ensures protection for employees who have concerns about the organisation they work for. This policy is to create and encourage a climate of openness and dialogue, recognising that actively encouraging staff to raise concerns about health care, probity and quality matters responsibly and without delay, ensures that the interests of patients are always put first.

2. 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 the services we commission for all patients and the working environment for our staff.

You may feel worried about raising a concern, and we understand this. But please don’t be put off. In accordance with our duty of candour, our senior leaders and entire Governing Body are committed to an open and honest culture. We will look into what you say and you will always have access to the support you need.

3. What concerns can I raise?

You can raise a concern about risk, malpractice or wrongdoing you think is harming the service we commission. Just 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, bribery and corruption (which can also be reported to our

local counter-fraud team on 0151 285 4547). Employees who wish to speak with complete confidentiality can also contact the NHS Fraud and Corruption Reporting Line on 0800 028 40 60 or <https://cfa.nhs.uk/reportfraud> to report their concerns. Callers may remain anonymous if they wish.

- a bullying culture (across a team or organisation rather than individual instances of bullying).

For further examples, please see the [Health Education England video](#).

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

Don't wait for proof. 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 policy.

4. Feel safe to raise your concern

If you raise a genuine concern under this policy, you will not be at risk of losing your job or suffering any form of reprisal as a result. We will not tolerate the harassment or victimisation of anyone raising a concern. Nor will we tolerate any attempt to bully you into not raising any such concern. Any such behaviour is a breach of our values as an organisation 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.

We do not however extend this assurance to someone who maliciously raises a concern that they know is untrue. Any such conduct may be liable to disciplinary action or other appropriate action.

Raising a concern will not, in itself, halt any on-going disciplinary action or redundancy procedure that may have already started.

5. 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 anyone your name, but that may make it more difficult for us to investigate thoroughly and give you feedback on the outcome.

6. 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 governing body members.

7. 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. If raising it with your line manager does not resolve matters, or you do not feel able to raise it with them, you can contact one of the following people.

- our Freedom to Speak Up Guardian – Helen Dearden, Non-Clinical Vice Chair & Lay Member for Governance – 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 Officer, or if necessary, outside the organisation
- our risk management team - Stephen Hendry, Head of Corporate Services and Governance.

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

- Jane Lunt, Director of Quality, Outcomes and Improvement
- Carol Rogers – Lay Member for Patient and Public Engagement.

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

8. How should I raise my concern?

You can raise your concerns with any of the people listed above in person, by phone or in writing (including email). Whichever route you choose, please be ready to explain as fully as you can the information and circumstances that gave rise to your concern.

9. Advice and support

Advice & support is available from:

- The NHS and Social Care Whistleblowing Helpline (www.speakup.direct/) on 08000 724 725. This service offers free, confidential advice to all staff within the NHS and Social care. The helpline will be able to clarify whether you have a whistleblowing concern and talk you through the processes to raise your concern; or will advise you on how to escalate the concern, if you feel that the issues raised have not been dealt with appropriately.
- Public Concern at Work helpline www.pcaw.co.uk
- Your professional body or trade union representative

10. What will we do?

We are committed to the principles of the Freedom to Speak Up review and its vision for raising concerns, and will respond in line with them (see Appendix 3). If your concern suggests a Serious Incident has occurred, an investigation will be carried out in accordance with the [Serious Incident Framework](#).

We are committed to listening to our staff, learning lessons and improving patient care. On receipt, you will receive an acknowledgement by the manager/responsible officer for dealing with your concern within normally 5 working days but if not possible in any event without unreasonable delay. The manager/responsible officer will also liaise with the Corporate Services and Governance Team, who will maintain a central record and will record the date the concern was received, whether you have requested confidentiality, a summary of the concerns and dates when we have given you updates or feedback.

11. Investigation

Where you have been unable to resolve the matter quickly (usually within a few days) with your line manager (if appropriate to do so), we will carry out a proportionate investigation – using someone suitably independent (usually from a different part of the organisation) and properly trained – and we will reach a conclusion within a reasonable timescale (which we will notify you of). Wherever possible we will carry out a single investigation. The investigation will be objective and evidence-based, and will produce a report that focuses on identifying and rectifying any issues, and learning lessons to prevent problems recurring.

We may decide that your concern would be better looked at under another process; for example, our process for dealing with bullying and harassment, and we will

discuss this with you if necessary.

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

12. Communicating with you

We will treat you with respect at all times and will thank you for raising your concerns. We will discuss your concerns with you to ensure we understand exactly what you are worried about. We will tell you how long we expect the investigation to take and keep you up to date with its progress. Wherever possible, we will share the full investigation report with you (while respecting the confidentiality of others).

13. How will we learn from your concern?

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

14. Governing Body oversight

On behalf of the Governing Body, the HR & Remuneration Committee will be given high level information about all concerns raised by our staff through this policy and what we are doing to address any problems. We will include similar high level information in our annual report. The board supports staff raising concerns and wants you to feel free to speak up.

15. Safeguarding Concerns

Any potential issues/concerns relating to the safety and welfare of a child and/or adult at risk will be referred for advice and guidance to the CCG Safeguarding Lead for Children and/or Adults.

Where it is considered that a child and/or adult is at risk of abuse or neglect a referral to the Local Authority must be made in line with the agreed multi-agency safeguarding policies and procedures.

16. Raising your concern with an outside body

Alternatively, you can raise your concern outside the CCG with the following organisations (please click on the links for further details):

- [NHS Improvement](#) for concerns about:
 - how NHS trusts and foundation trusts are being run
 - other [providers with an NHS provider license](#)
 - NHS procurement, choice and competition
 - the national tariff
- [NHS England](#) for concerns about:
 - primary medical services (general practice)
 - primary dental services
 - primary ophthalmic services
 - local pharmaceutical services
- [Care Quality Commission](#) for quality and safety concerns
- [Health Education England](#) for education and training in the NHS
- [NHS Counter Fraud Authority](#) for concerns about fraud, corruption and bribery

17. Making a ‘protected disclosure’

There are very specific criteria that need to be met for an individual to be covered by whistleblowing law when they raise a concern (to be able to claim the protection that accompanies it). There is also a defined list of ‘prescribed persons’, similar to the list of outside bodies on the paragraph above, who you can make a protected disclosure to. To help you consider whether you might meet these criteria, please seek independent advice from the Whistleblowing Helpline for the NHS and Social Care, Public Concern at Work or a legal representative.

18. National Guardian Freedom to Speak Up

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, working with some of the bodies listed above to take action where needed. Further information can be found at www.nhsemployers.org/freedom-to-speak-up-guardian

19. Associated Documentation and References

Relevant Legislation

Employment Rights Act 1996 (ERA)

Public Interest Disclosure Act 1998

Fraud Act 2006

Freedom of Information Act 2000

Equality Act 2010

Public Interest Disclosure (Prescribed Persons) Order 2014

Associated Policies and Guidance Documents

Disciplinary Policy

Grievance Policy
Complaints Policy
Incident Reporting Policy
Anti-Fraud, Bribery & Corruption Policy

20. Equality and Diversity

The CCG is committed to an environment that promotes equality and embraces diversity in its performance as an employer. It will adhere to legal and performance requirements and will mainstream equality and diversity principles through its policies, procedures and processes. This policy should be implemented with due regard to this commitment.

To ensure that the implementation of this policy does not have an adverse impact in response to the requirements of the Equality Act 2010 this policy has been screened for relevance during the policy development process and a full impact assessment conducted where necessary prior to consultation. The CCG will take action when necessary to address any unexpected or unwarranted disparities and monitor workforce and employment practices to ensure that this policy is fairly implemented.

The CCG will endeavour to make reasonable adjustments to accommodate any employee with particular equality and diversity requirements in implementing this policy and procedure. This may include accessibility of meeting venues, providing translation, arranging an interpreter to attend meetings, extending policy timeframes to enable translation to be undertaken, or assistance with formulating any written statements

21. Management and Review of Policy

The HR and Remuneration Committee has overall responsibility for the maintenance and operation of this policy and for reviewing the effectiveness and actions taken in response to concerns raised under this policy.

The effectiveness of this policy and local process will be reviewed at agreed regular periods, with the outcome published and changes made as appropriate.

Appendix 1: The Role of the Speak Up Guardian

This person has been given special responsibility and training in dealing with whistleblowing concerns. They will:

- treat your concern confidentially unless otherwise agreed
- ensure you receive timely support to progress your concern
- escalate to the board any indications that you are being subjected to detriment for raising your concern
- remind the organisation of the need to give you timely feedback on how your concern is being dealt with
- ensure you have access to personal support since raising your concern may be stressful.

Appendix 2: Example process for raising and escalating a concern

Step one

If you have a concern about a risk, malpractice or wrongdoing at work, we hope you will feel able to raise it first with your line manager if appropriate. This may be done orally or in writing.

Step two

If you feel unable to raise the matter with your line manager, for whatever reason, please raise the matter with our local Freedom to Speak Up Guardian - Helen Dearden, Non-Clinical Vice Chair & Lay Member for Governance.

This person has been given special responsibility and training in dealing with whistleblowing concerns. They will:

- treat your concern confidentially unless otherwise agreed
- ensure you receive timely support to progress your concern
- escalate to the board any indications that you are being subjected to detriment for raising your concern
- remind the organisation of the need to give you timely feedback on how your concern is being dealt with
- ensure you have access to personal support since raising your concern may be stressful.

If you want to raise the matter in confidence, please say so at the outset so that appropriate arrangements can be made.

Step three

If these channels have been followed and you still have concerns, or if you feel that the matter is so serious that you cannot discuss it with any of the above, please contact our Senior Management Lead (Jane Lunt, Director of Quality, Outcomes and Improvement), or our Governing Body Lay Member for Patient and Public Involvement.

Step four

You can raise concerns formally with external bodies such as

- NHS Improvement
- NHS England
- Care Quality Commission
- Health Education England
- NHS Counter Fraud Authority

Appendix 3: Acting Upon your suspicions – THE DO'S AND DON'TS

If you suspect fraud, corruption, bribery, or malpractice within the workplace, there are a few simple guidelines that should be followed:

DO

1. Make an immediate note of your concerns:

Note all relevant details, such as what was said in telephone or other conversations, the date, time and the names of any parties involved.

2. Convey your suspicions to someone with the appropriate authority and experience.

This is usually the CCG's Local Counter Fraud Specialist (LCFS). Alternatively, you might contact the Chief Officer, Chief Finance and Contracting Officer or the Head of Corporate Services and Governance.

3. Deal with the matter promptly, if you feel your concerns are warranted.

Any delay may cause the CCG to suffer financial loss, or injury to fellow colleagues or patients depending upon the nature of the concern/allegation.

DON'T

1. Ignore it

2. Be afraid of raising your concerns

You will not suffer any recrimination from your employer as a result of voicing a reasonably held suspicion.

The trust will treat any matter you raise sensitively and confidentially.

3. Approach or accuse any individuals directly.

4. Try to investigate the matter yourself

There are special rules surrounding the gathering of evidence for use in criminal cases. Any attempt to gather evidence by people who are unfamiliar with these rules may destroy the case.

5. Convey your suspicions to anyone other than those with the proper authority

Appendix 4: 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*.