

# WHISTLEBLOWING POLICY

## Document Control Sheet

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## **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.

### **1. Introduction**

This policy applies to all individuals contracted by NHS Norwich 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/harassment policy should be used. These can be obtained from managers, the intranet or the human resources team. Concerns about financial misconduct, that includes fraud, bribery and/or corruption should be referred to the Local Counter Fraud Specialist.

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

### **2. Purpose**

To enable all staff working in NHS Norwich 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.

### **3. Scope**

This policy reflects the requirements of The Public Interest Disclosure Act 1998 and provides guidance to all individuals contracted by NHS Norwich CCG, representing and working on behalf of the organisation who may from time to time wish to express a concern with someone in confidence. It does not replace any existing policy e.g. Grievance Procedure, and is designed to ensure that concerns relating to the wider public interest can be raised. Neither does it replace professional or ethical responsibilities, rules, guidance and codes of conduct.

## **4. NHS Norwich CCG's commitment**

### **4.1 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.

### **4.2 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.

## **5. How to raise a concern**

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

## **6. 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 Head of Corporate Affairs. This information will be included in the Information Governance pages on the intranet.

## **7. Monitoring**

The Audit Committee receives anonymous summary reports from the Director of Operations and Delivery on the use of this policy. In this way these matters will also be reported to the Governing Body to ensure NHS Norwich CCG is responsive to issues of this nature. Confidentiality remains of paramount concern at all times.

## **8. Evidence-base**

This policy has been drawn up using national guidance and local consensus to ensure it meets all requirements.

## **9. Equality statement**

In implementing this policy, managers must ensure that all individuals contracted by NHS Norwich CCG, representing and working on behalf of the organisation, are treated fairly and in accordance with the Equality Act 2010 and within the provisions of NHS Norwich CCG's equality and diversity strategy, Single Equality Scheme and Equality Delivery System objectives and outcomes.

No individual contracted by NHS Norwich CCG, representing and working on behalf of the organisation, will receive less favourable treatment on grounds of age, gender reassignment, marital status, pregnancy and maternity, race, religion/ sexual belief, sex, sexual orientation, colour, disability, employment status or on the grounds of Trade Union membership.

## 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.

#### 1.1 Step One

NHS Norwich 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.

#### 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:

Director of Operations and Delivery at NHS Norwich Clinical Commissioning Group, City Hall, St Peters Street, Norwich NR2 1NH

Or another director or senior manager the individual has confidence in.

Or with the Local Counter Fraud Specialist

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

Alternatively, the matter may be raised with the Governing Body Lay Member with Governance responsibilities.

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 of the following:

### 2.0 Department of Health

NHS Norwich 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](mailto:dhmail@dh.gsi.gov.uk)

Telephone: 020 7210 4850

### **3.0 Specific Concerns**

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

#### **3.1 Fraud**

NHS Norwich CCG is committed to combating fraud within the organisation. Lisa George is the Local Counter Fraud Specialist. Should you have any concerns relating to fraud she can be contacted on 07825 827024 or 02033 132866 or email at [lisa.george4@nhs.net](mailto:lisa.george4@nhs.net)

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

#### **3.2 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 County Council website for both child and adult safeguarding [www.norfolk.gov.uk](http://www.norfolk.gov.uk) .

#### **3.3 Children and Young People**

The Safeguarding Team for children and young people consists of the Director of Quality and Safety, Designated Doctor, Nurses and Lead GP. The Designated Safeguarding Team has developed a robust Safeguarding Children Policy for the CCGs that defines Safeguarding responsibilities.

- Lead Quality and Safety Director for the CCGs for safeguarding children and young people is Cath Gorman, Great Yarmouth and Waveney CCG.
- NHS Norwich CCG Named Nurse for children and young people is Sheila Glenn.
- The Designated Doctors for children and young people are Dr Suzie Fiske and Dr Jane McIntosh supported by a Community based paediatrician.

#### **3.4 Adult Safeguarding Arrangements**

We have a shared CCG adult and child safeguarding policy we are working to but are in the process of developing a separate adult safeguarding policy.

- Lead Quality and Safety Director for the CCGs for safeguarding adults is Jackie Schneider, North Norfolk CCG.
- NHS Norwich CCG Named Nurse for Adult safeguarding is Sheila Glenn
- 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 Norwich CCG has with directly employed staff and primary care contractors and their staff. NHS Norwich 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 Norwich CCG is able to offer.

NHS Norwich 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 see retribution against whistle-blowers who have acted in good faith, and NHS Norwich 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](mailto:helpline@pcaw.co.uk) or at [www.pcaw.co.uk](http://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 Norwich CCG hopes this procedure gives the reassurance needed to raise the individual's concern internally with 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 Responsibilities:**

### **8.1 Individuals**

To raise any concerns relating to fraud, safety risks including clinical safety, or other wrongdoing.

### **8.2 Organisational representative**

To investigate any concerns raised under the Whistleblowing Policy, in liaison with any other relevant body whom may need to be involved.