

Trust Policy

Raising a Matter of Concern Policy (Whistleblowing)

Policy Summary

This Policy has been developed in response to the Public Interest Disclosure Act 1998, and enables workers to raise concerns about malpractice, ensuring that they are promptly and properly investigated and dealt with appropriately. This policy should be used in conjunction with the Raising a Matter of Concern Procedure.

Document Detail		
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Superseded documents	Raising a Matter of Concern Policy 2005	
Related documents	Raising a Matter of Concern Procedure (Whistleblowing) Trust Safeguarding Policy Counter Fraud Policy Grievance policy Disciplinary Policy, Procedure and Rules Health & Safety Policy Trust Values	
Keywords	Concern, Whistleblowing	
Relevant external law, regulation, standards	This Policy defines a corporate standard and procedure for implementation and monitoring of the Public Interest Disclosure Act (1998) Trust-wide, and takes account of the PAS 1998:2008 Whistleblowing Arrangements Code of Practice (2008) Standards for Better Health, NMC, GMC	
Supporting references	N/A	
Change History		
Date	Change details, since approval	Approved by
February 2012	Policy review in line with policy review cycle	PSG
08 November	Correction to the review date from February 2012 to 2013	P&P Manager

Raising a Matter of Concern Policy

1. Introduction

- 1.1 The Trust is committed to the highest standards of openness, integrity and accountability. An important aspect of accountability and transparency is a mechanism to enable you as an employee to voice concerns in a responsible and effective manner.
- 1.2 In line with that commitment we expect you, our employee, and others that we deal with, who have serious concerns about any aspect of the Trust to come forward and voice potential concerns. It is a fundamental term of every contract of employment that an employee will faithfully serve his or her employer and not normally disclose confidential information about the employer's affairs.
- 1.3 Nevertheless, where you discover information which you believe shows serious malpractice or wrongdoing within the Trust, then this information should be disclosed internally without fear of reprisal.
- 1.4 The Trust recognises that all of us, at one time or another may have concerns about what is happening at work. Usually these concerns are easily resolved, and the Trust encourages you to raise the matter rather than ignore it. This supports our Trust values such as taking pride in what we do and putting patients first.
- 1.5 This policy and supporting procedure aims to reassure you and enable you to raise your concerns at an early stage and in the best way.
- 1.6 Remember - if in doubt – please raise it!

2. Scope

- 2.1 This policy applies to all employees of the Trust including temporary or subject to fixed term contracts including Bank Staff. The policy also applies to agency workers whether under contracts with an external agency and those holding an honorary contract.
- 2.2 Although the Public Interest Disclosure Act (1998) does not specifically cover volunteers and independent consultants, the Trust encourages individuals to raise any concerns with a relevant employee of the Trust should they have cause to suspect, or evidence of any malpractice.

3. Rationale

- 3.1 As an employee, you can often be the first to realise that there may be something wrong within the Trust, your department or service. Usually these concerns are easily resolved, however, you may be worried about raising such issues or may want to keep your concerns to yourself for a variety of reasons, for example, being disloyal to your colleagues, managers or the Trust itself.
- 3.2 The Public Interest Disclosure Act (1998) gives significant statutory protection to employees who disclose a matter of concern reasonably, and responsibly, in the public interest, including the provision that employees should not be victimised as a result.
- 3.3 This process is often referred to as '**whistleblowing**'. To blow the whistle on someone is to alert a third party that that person has done, or is doing, something wrong.

- 3.4 This policy is concerned with disclosure of information that is, or may be, in the public interest, and is not intended to replace other Trust Policies and Procedures which cover standards of behaviour at work such as recruitment and selection, grievance, disciplinary and bullying and harassment.
- 3.5 This policy complements various professional or ethical guidelines and codes of conduct related to professional practice and is not intended to restrict freedom of speech and the publication of clinical or scientific research findings. If you are communicating in verbal or written form on Trust related issues, you should refer to the Media Policy and seek advice from the Trust Communications team.

4. Principles

- 4.1 The Trust are committed to this policy and to encouraging a policy of openness and participation in all aspects of work and services.
- 4.2 The policy is intended to help employees who have major concerns over any wrongdoing within Guy's and St Thomas' NHS Foundation Trust relating to unlawful conduct, malpractice or dangers to the public, patients or the environment. Specific examples could include:-
- Any concern about danger or illegality that has a public interest aspect to it, usually because it threatens others
 - Health care matters including suspected mistreatment or abuse of patients and/or issues relating to the quality of care provided
 - Health and safety issues which affect patients, visitors and staff
 - Suspicion or knowledge of theft, fraud, corruption or other financial malpractice
 - Concerns about the professional or clinical practice or competence of colleagues or other members of staff
 - The treatment of other staff, including suspected harassment or discrimination
 - Employment standards and/or working practices
 - Concern that the environment is, or is likely to be, endangered
 - Failure to comply with any legal obligation
 - Information which may show that any of the above matters is being, or is likely to be, deliberately concealed
 - Other unethical conduct
- 4.3 The Trust would rather that you as an employee raised the matter when it is just a concern, rather than wait for concrete proof. If something is troubling you that you think the Trust should know about or look into, you should refer to the **Raising a Matter of Concern procedure**, which supports and enables you to raise concerns within the Trust without reprisal and in a constructive and positive manner.
- 4.4 If you raise a genuine concern in accordance with this policy, and accompanying procedure, you should not suffer any detriment for doing so.
- 4.5 Any employee found victimising another employee for raising concerns, or any staff maliciously raising concerns, will be dealt with under the Trust's Disciplinary policy.
- 4.6 This policy and the accompanying procedure are primarily for concerns where the interests of others or of the Trust itself are at risk. It is not intended to be used where employees are aggrieved about an issue in relation to your employment, and

employees should refer to the Trust Grievance policy to address individual or collective issues which have no additional public interest.

5. Duties

5.1 Trust Board have a responsibility to:

- Make clear that Executive Directors and Senior Managers have a common and credible commitment to the principles of this Policy
- Designate a Trust Board member as named lead for raising a matter of concern. This is the Director of Workforce, Ann Macintyre.
- Ensure that serious concerns are thoroughly investigated internally, in order to avoid an employee raising their concern with external agencies because their concerns are unaddressed.
- Ensure that concerns raised to them (at level 3 within the Raising a Matter of Concerns procedure) and the outcome of these concerns, are notified to the designated named lead above for recording.

5.2 Managers and Professional Heads at all levels of the Trust are responsible for:

- Ensuring that all staff are familiar with and have access to the Raising a Matter of Concern Policy and Procedure
- Complying with the principles outlined in this Policy and the procedures identified in the Raising a Matter of Concern Procedure (*see Supporting Documents below*)
- Working with relevant Trust leads such as the Health and Safety Advisor and Head of Internal Audit on matters of concern
- Responding to concerns in a timely fashion with feedback to the employee as agreed within the Raising a Matter of Concern Procedure
- Keeping records on the number and nature of concerns as raised by employees
- Ensuring that employees are not intimidated or discouraged for raising legitimate concerns

5.3 Employees are responsible for;

- Speaking out about your concerns, and not making deliberate false allegations
- Identifying, with assistance as required from managers and/or Human Resources, the most appropriate process to follow
- Fully exhausting the accompanying Raising a Matter of Concern Procedure before raising the issue with external organisations (employees retain the right to discuss the issue informally with their professional organisation or trade union for advice (including contacting their telephone support line where they exist) see procedure paragraph 9.4). Where the issue concerns Children or vulnerable adults employees should consider speaking to a Trust designated Safeguarding Lead.
- Being explicit about what feedback you seek

5.4 Human Resources are responsible for:

- Advising managers, and ensuring that a consistent application is applied to each concern raised

- Ensuring that the policy and procedure is monitored, valid and in date in partnership with Trust Staff Side.

6. Monitoring compliance with this Policy

6.1 The following steps will be taken to monitor compliance and awareness of this policy. As per 5.1 above, the Trust Board have a responsibility to ensure that concerns raised to them at level 3 within the Raising a Matter of Concerns procedure, and the outcome of these concerns, are notified to the designated named lead (Director of Workforce) for recording.

Measurable Policy Objective	Monitoring/ Audit method	Frequency	Responsibility for performing the monitoring	Monitoring reported to which groups/ committees, inc responsibility for reviewing action plans
The Policy and accompanying Procedure will be reviewed by the Audit Committee at least annually to ensure that it remains valid and in date	<ul style="list-style-type: none"> ▪ Review of the annual Staff survey results in regards to Raising a Matter of Concern ▪ Review of number of formal concerns raised at level 3 of the raising a matter of concern procedure 	Annual	Audit Committee	Audit Committee

7. Supporting documents

The following listed and hyperlinked policy and procedural documentation support and provide further guidance to the Raising a Matter of Concern Policy.

Raising a Matter of Concern Procedure and flowchart

Standards of Business Conduct

Grievance Policy and Procedure

Counter Fraud Policy

Disciplinary Policy and Procedure

Health and Safety Policy

Confidentiality Policy

Media Policy and Guidelines for Staff

Trust Values

Safeguarding and Child Protection Guidelines