

# Trust Policy and Procedure

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## Raising a Matter of Concern Policy (Whistleblowing)

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### Policy Summary

This policy and procedure has been reviewed and updated following the Freedom to Speak Up report published by Sir Robert Francis in 2015. The content and format of this document is in line with the principles outlined in the national integrated whistleblowing policy published by NHS England and NHS Improvement in 2016.

Document Detail		
Document Type	Trust Policy	
Document name	Raising a Matter of Concern Policy (Whistleblowing)	
Version	3.1	
Effective from	April 2017	
Review due date	April 2022	
Owner	Director of Workforce	
Author	Deputy Freedom to Speak Up Guardian	
Approved by, date	Trust Management Executive 18 March 2010 Trust Joint Staff Committee, Policy Sub Group 16 March 2010 PSG March 2012 Joint Policy Forum (April 2017)	
Superseded documents	Raising a Matter of Concern Policy (Whistleblowing) 2.6	
Related documents	Trust Safeguarding Policy , Counter Fraud Policy , Grievance policy, Disciplinary Policy, Procedure and Rules, Health & Safety Policy, Trust Values, Enterprise and Regulatory Reform Act 2013	
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 2012	Correction to the review date from February 2012 to 2013	P&P Manager
June 2013	Update to reflect legislative changes	P, P&P Manager
Sept 2013	Policy review in line with policy review cycle	Joint Policy Forum
June 2015	Policy & procedure amended in line with the Showing We Care by Speaking Up initiative	HR Consultant – PPP Team

Jan 2016	Updated to amend Trust Whistleblowing Lead to Martin Shaw & Chief Executive amended to Amanda Pritchard	HR Consultant – PPP Team
May 2017	Revised and brought in line with the principles and recommendations of the national integrated Whistleblowing policy.	Joint Policy Forum
April 2021	Updated to amend Trust Deputy Guardian to Eve Bignell	Head of Policy
April 2021	Legislative check	Joint Policy Forum

If you would like a Braille or large print copy of this procedure, or need to have it translated into another language, please contact the Workforce Directorate, and it will be arranged.

### **Speak up - we will listen**

Speaking up about any concern you have at work is vitally important: it will help us to keep improving our services for all patients and the working environment for our staff.

You may feel worried about raising a concern but please don't be put off. Guy's & St Thomas' entire Board and its senior leaders are committed to building an open and honest culture.

We will look into what you say and you will always have access to the support you need.

This policy and procedure applies to everyone working with the Trust, including agency and temporary workers, Trust bank staff, students and volunteers, as well as part-time and full-time staff members.

The Trust's Board of Directors is responsible for this document and, through its nominated committees, will ensure it remains up to date.

This document will answer the questions you may have about raising concerns and will include:

1. What concerns can I raise?
2. Who should I raise my concerns with?
3. What will be done with my concern?
4. What do I do if I feel I am being victimised, bullied or treated differently as result of speaking up?
5. Guidance for managers and staff who are dealing with staff who have raised a concern
6. How do I raise a concern? Quick guide

## 1. What concerns can I raise?

When we use the terms 'speaking up', 'raising a matter of concern', or 'whistleblowing', we are referring to the same kinds of things.

Your concerns could be about risk, malpractice or wrongdoing you think may harm the services we deliver. Examples might include:

- 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 counter fraud team) [http://gti/services/finance/counter\\_fraud/suspectingfraud.aspx](http://gti/services/finance/counter_fraud/suspectingfraud.aspx)
- A bullying culture (across a team or part of the Trust rather than individual instances of bullying)

This policy and procedure is not for people with concerns about their own employment conditions or issues that only affect them personally. There are separate policies dealing with those matters. Please see the policies and procedures for Grievances and Disputes and Promoting Dignity and Respect (Bullying and Harassment), these can be found on the HR portal.

If you are a member of the public, a patient, or a relative, there are different channels for your concerns. We suggest you contact the Patient advice and liaison services (PALS), You will find help here <http://gti/services/pals/pals.aspx>

### **Confidentiality**

We hope you will feel comfortable raising your concern openly, but we also understand 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 about the result.

### **Feel safe to raise your concern**

The Trust will not tolerate the harassment or victimisation of anyone who is honestly raising a concern. Victimisation of someone because they are speaking up would be a breach of the Trust's values and could result in disciplinary action.

If you are raising 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. Provided you are acting honestly, it doesn't matter if you turn out to be mistaken or if there is an innocent explanation for your concerns.

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

## 2. Who should I raise my concern with?

The person you report to is likely to be the one you go to first with any concerns. This person might be a line manager, supervisor, lead clinician or tutor. There may be a reason you feel unable to do this. If this is the case, you have several other options. Please use any of the following:

➤ **Contact an Advocate**

The Trust has about 190 trained and friendly Speaking Up Advocates who have volunteered for this role as well as doing their ordinary jobs.

The Advocates work in many different departments in the Trust – you can speak to one in your own department or from a different department if you prefer. Your discussion will remain confidential, if you wish.

An advocate can suggest the best route for you to raise your concern. You can find a list of Advocates here: <http://gti/about/showing-we-care/speaking-up/speaking-up.aspx>

➤ **Confidential email**

You can email [SpeakUp@gstt.nhs.uk](mailto:SpeakUp@gstt.nhs.uk) in complete confidence. You will receive a swift response and advice on what to do next from the Freedom to Speak Up Guardian (see next point).

➤ **Freedom to Speak Up Guardian**

The Trust has appointed a Freedom to Speak Up Guardian and Deputy Guardian (Eve Bignell). They act independently and impartially to provide advice to staff at any stage of raising a concern. They have access to anyone in the organisation, including the Chief Executive and Board of Directors and, if necessary, they can go outside the organisation.

You can contact the Guardians through the confidential email [SpeakUp@gstt.nhs.uk](mailto:SpeakUp@gstt.nhs.uk) for a swift response and advice on what to do next.

➤ **External helpline 0800 174 319**

The helpline is provided as part of the Trust's Employee Assistance Programme. When calling, please make sure you ask for the speaking up service to make sure you are directed to the correct person.

➤ **Trade Union or professional body**

If you are a member of a Trade Union you can find your contact here <http://gti/staffguide/tradeunions/tradeunions.aspx>. Alternatively, contact your professional body, if you belong to one, for advice.

## Still concerned, or are worried about what will happen to you if you speak up?

If you haven't been listened to, or no action has been taken, email [SpeakUp@gstt.nhs.uk](mailto:SpeakUp@gstt.nhs.uk) in complete confidence, if you haven't done so already (see above). You can also ring the Freedom to Speak Up Guardian directly on 07598 552393. If you fear what might happen to you if you speak up, or you have been victimised, you can meet the Guardian away from work if you prefer.

Alternatively, you can contact a member of the Trust's Board of Directors. You can find out more about the Directors here <http://gti/about/management-structure.aspx>. To contact a Director confidentially, you can phone the Chairman's office on 020 7188 1112.

## Reporting your concerns outside the Trust

People working at Guy's & St Thomas' rate the Trust as one of the top in the country for taking concerns seriously and acting on them. But if, for whatever reason, you can't talk to anyone at the Trust, then you should still speak up. For external help you can contact:

- **NHS Improvement** for concerns about how NHS Trusts are being run, procurement, choice and competition, the national tariff <https://improvement.nhs.uk/>
- **Care Quality Commission** for quality and safety concerns <http://www.cqc.org.uk/>
- **NHS England** for concerns about primary medical services <https://www.england.nhs.uk/>
- **Health Education England** for education and training in the NHS <https://www.hee.nhs.uk/>
- **NHS Protect** for concerns about fraud and corruption <http://www.nhsbsa.nhs.uk/Protect.aspx>
- **NHS Whistleblowing Helpline** 08000 724725
- **Public Concern at Work**, an independent charity providing legal advice 020 7404 6609

If you are considering reporting your concerns outside the Trust you are strongly advised, for your own protection, to seek legal advice, for example from Public Concern at Work (see above).

### 3. What will be done with your concern

If you have raised an issue with your line manager, lead clinician or tutor, and if it's straightforward, it should be resolved quickly and you will be updated.

If it's a more complex issue, it will probably need further investigation, perhaps by someone outside your department. You will be updated on progress and how long things are likely to take. The Freedom to Speak up Guardian will oversee the investigation to ensure it is conducted fairly.

It may be decided that your concern would be better looked at under another process, for example our process for dealing with bullying and harassment. If so, we will discuss that with you. Any employment issues (ones that affect only you and not other people) identified during an investigation will be considered separately.

Your concern will be treated in confidence and your identity will only be disclosed if you have given permission.

## Learning from your concern

By speaking up, you will help us to keep improving our services for patients, as well as the working environment for our staff. We will identify where improvements can be made and will track them to make sure changes are made and are working properly. Lessons will be shared with teams across the organisation, or more widely if appropriate.

### 4. What to do if you feel you have been victimised for speaking up

If you feel you have been victimised, bullied or disadvantaged in any way as a result of speaking up about your concern, you should contact the Freedom to Speak Up Guardian by email [SpeakUp@gstt.nhs.uk](mailto:SpeakUp@gstt.nhs.uk) or phone 07598 5523963. Alternatively, if you belong to a trade union, you may wish to contact your union representative <http://gti.staffguide/tradeunions/tradeunions.aspx>.

If you wanted your concern to remain confidential and this confidentiality was breached, you should contact the Freedom to Speak Up Guardian (see above).

Any victimisation or breach of confidentiality will be taken very seriously and acted on by the Trust.

### 5. Guidance for line managers, lead clinicians and tutors

The effective handling of concerns is an integral and important part of your role. Please familiarise yourself with the Trust's policies and procedures outlined in this document. Your response at an early stage of a concern being raised could stop things escalating.

To support you the Trust has appointed a Freedom to Speak Up Guardian (Diane Summers) and Deputy Guardian (Eve Bignell). The Guardians act independently and impartially to provide advice to managers and staff at any stage of a concern.

The Guardians have access to anyone in the organisation, including the Chief Executive and Board of Directors and, if necessary, they can go outside the organisation.

You can contact the Guardians by emailing [SpeakUp@gstt.nhs.uk](mailto:SpeakUp@gstt.nhs.uk) or phoning 07598 552393.

**Please alert the Guardians as soon as possible if an individual comes to you with a concern that will require investigation or referral to someone else, or if you receive anonymous information. This will ensure a timely response, avoid duplication, and help prevent important information getting lost.**

These points are intended to offer some helpful prompts:

- Always offer individuals a scheduled conversation in a private environment or, if they prefer, on the phone. Let them know they can bring someone with them for support if they want – a colleague, Speak Up Advocate, or union representative, for example.
- Thank the individual for raising the matter with you and commit to taking their concerns seriously. Recognise this may be a troubling time for them and offer reassurance.

- If the individual has requested confidentiality, this must be respected (unless disclosure is required by law). The same degree of confidentiality should be offered to other individuals implicated in issues being raised.
- Listen carefully to the issues being raised and decide whether or not they should be handled under this policy – see **What concerns can I raise?** above. Seek advice from HR or the Guardians if you are unsure whether the issue is better dealt with as, for example, a grievance, employment matter, or disagreement between individuals.
- Focus on the issues being raised: avoid jumping to conclusions or making any pre-judgments about the individual raising the concern. Even if you have some personal reservations about the individual, it doesn't mean that the points they are raising on this occasion are invalid.
- Emphasise that it is the Trust's position to support and protect those who genuinely raise concerns, even if their issues prove to be mistaken. Give a clear indication of expected timescales and outline what further advice and support is available to them, or steps they can take if they still have concerns – see **Who should I raise my concern with?** above.
- Be clear about what the individual should do if he/she feels victimised or bullied by colleagues or peers as a direct result of them raising a concern, offering support and reassurance.
- Ensure you make clear notes of all discussions and retain them securely to maintain confidentiality.
- If the matter raised is relatively straightforward, act swiftly to resolve it and note any lessons for the future and for other parts of the Trust. Feed back to and thank the individual.
- **If the issue requires investigation or referral to another team or part of the Trust, please alert the Freedom to Speak Up office as soon as possible (see above). You will be supported and advised on how to proceed.**



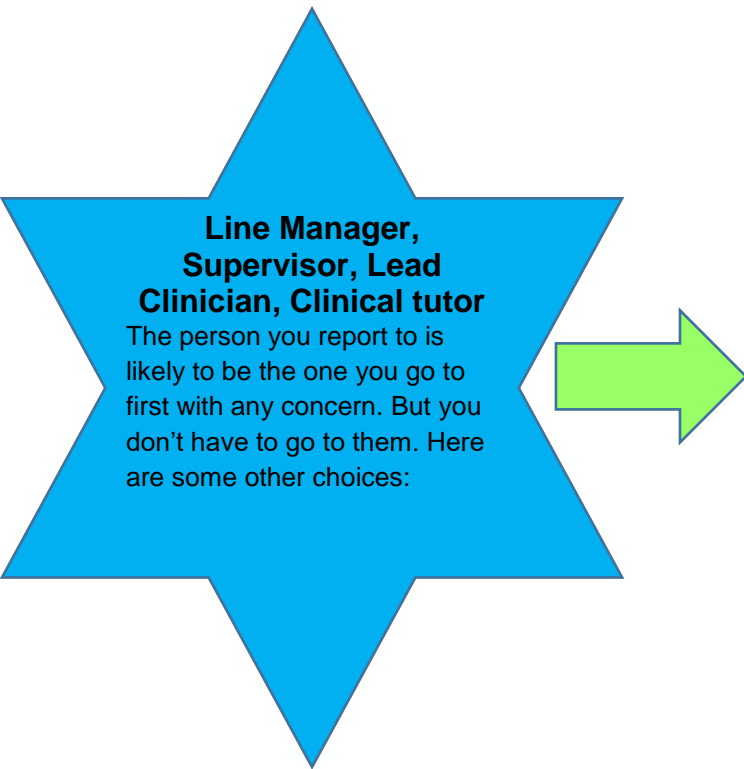
### Monitoring compliance with this Policy

The Trust's Freedom to speak up guardians are responsible for keeping records of concerns raised and outcomes in line with guidance provided by the National Guardians Office. They are responsible for escalating urgent safety concerns to the trust executive team where appropriate and report formally to the trust board on a regular basis.

The Trust board has the overarching responsibility of ensuring this policy is adhered to and used to promote an open and honest culture of raising concerns.

<b>Measurable Policy Objective</b>	<b>Monitoring/ Audit method</b>	<b>Frequency</b>	<b>Responsibility for performing the monitoring</b>	<b>Monitoring reported to which groups/ committees, inc responsibility for reviewing action plans</b>
Number of concerns raised and key themes	Formal report using ongoing data from concerns raised database	Quarterly/ Annual	Freedom to Speak up Guardians	Quality and Performance Committee/ Trust Board (July- annually)

## How do I raise a concern?



<p><b>Advocates</b> The Trust has 190 trained and friendly Speaking up Advocates who have volunteered for this role as well as doing their ordinary jobs. Find more information about how they can help you and a list of Advocates here <a href="http://gti/about/showing-we-care/speaking-up/speaking-up.aspx">http://gti/about/showing-we-care/speaking-up/speaking-up.aspx</a></p>
<p><b>Confidential Email</b> You can email <a href="mailto:SpeakUp@gstt.nhs.uk">SpeakUp@gstt.nhs.uk</a> in complete confidence. You will receive a swift response and independent advice on what to do next from the Freedom to Speak up Guardian.</p>
<p><b>Confidential Phone</b> This is an external helpline 0800 174 319 and is part of the Employee Assistance Programme. Ask for the <i>Speaking Up Service</i> to make sure you are put through to the right person.</p>
<p><b>Trade Union/ Professional</b> If you are a member of a Trade Union you can find your contact here <a href="http://gti/staffguide/tradeunions/tradeunions.aspx">http://gti/staffguide/tradeunions/tradeunions.aspx</a> Alternatively, contact your professional body, if you belong to one, for advice.</p>



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Public Concern at Work is a charity that can provide you with independent, confidential advice about raising concerns externally. They will also, for your own protection, provide you with free legal advice. They can be contacted on 020 7404 6609.