

Whistleblowing Policy

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1. INTRODUCTION

BrisDoc strives for a culture of openness and transparency involving all members of staff and all workers from senior management down. BrisDoc recognises the utmost importance of enabling employees to safely raise concerns of malpractice, negligence, criminal activity, fraud, misconduct or wrongdoing by anyone in the workforce. Those who do raise such concerns, known as “whistleblowers” or “those speaking out”, are considered an asset to the organisation and not a threat.

It is the duty of every member of staff to speak up about genuine concerns. BrisDoc is therefore committed to ensuring that any staff concerns of this nature will be taken seriously and investigated. A disclosure to BrisDoc will be protected if the member of staff has an honest and reasonable suspicion that malpractice has occurred, is occurring or is likely to occur. Staff who raise concerns reasonably and responsibly will not be penalised in any way.

The purpose of this policy is to set out how concerns may be safely raised, who they can be raised with, and how they may be dealt with. In line with its core values BrisDoc will ensure that:

- It is safe to speak up
- Staff have confidence to speak up
- Concerns are investigated
- Speaking up makes a difference
- Concerns are well received.



Patient Care

Patient focused - understanding our patients needs and ensuring we prioritise the “patients view” in all our everyday activities and actions.

Workforce Care

Teamwork and individual responsibility - every person counts, supporting each other, sharing information, valuing and encouraging.

Quality Care

Commitment to do what we say and improve what we do. A commitment to excellence and quality when serving patients and colleagues.

Resource Care

Optimising the use of all resources across the local health economy. Taking care of our working environment and equipment.

2. WHO IS THE POLICY FOR?

The policy applies to all employees, workers, managers and directors within BrisDoc, collectively described as “employees” in this policy. Other individuals, such as agency workers, suppliers, self-employed contractors, are also encouraged to read it and act accordingly where they identify wrongdoing within BrisDoc.

3. BACKGROUND

3.1 Public Interest Disclosure Act 1998

The Public Interest Disclosure Act 1998 (PIDA) provides protection for employees who raise legitimate concerns about specified matters. These are called “qualifying disclosures” and are a disclosure made in good faith by an employee who has a reasonable belief that:

- a criminal offence
- a miscarriage of justice
- an act creating risk to health and safety of any individual
- an act causing damage to the environment
- failure to comply with a legal obligation; or
- concealment of any of the above

is being, has been, or is likely to be, committed.

The qualifying disclosure is “a protected disclosure” if the worker:

- makes the disclosure in good faith and is not motivated by malice of personal gain
- reasonably believes that the information to be substantially true; and
- reasonably believes that the matter falls within the description of matters for which the person or body has been prescribed. For example, breaches of health and safety regulations can be brought to the attention of the Health and Safety Executive (HSE).

The whistleblower does not have to supply proof of wrongdoing – a reasonable belief is sufficient to raise the concern. When a qualifying disclosure is made, BrisDoc is responsible for carrying out appropriate enquiries and investigations.

A disclosure may include concerns relating to:

- environmental issues
- health and safety issues
- criminal behaviour
- negligent behaviour or omissions
- financial wrongdoing such as fraud
- bribery or corruption
- misuse of personal data
- misuse of BrisDoc’s property
- price fixing
- other breaches of statutory duties.

These types of concern are to be distinguished from a grievance in the workplace. Grievances do not generally involve issues of public interest, and usually involve a problem directly related to a person’s work and conditions of employment; or the general conduct of workers which can be resolved internally.

3.2 Francis Review and Freedom to Speak Up

The Francis Inquiry Report was published in February 2013 following a review into the causes of the failings in care at Mid-Staffordshire NHS Trust between 2005 and 2009. The Francis Report tells a story of appalling suffering of many patients within a culture of secrecy and defensiveness. Although the public inquiry was focused on one organisation, it highlighted a whole system failure. A system which should have had checks and balances in place, and working, to ensure that patients were treated with dignity, and suffered no harm. The 1,782 page report has 290 recommendations which cut across and have major implications for all levels of the health service across England. Of particular relevance to whistleblowing is the need for:

- openness, transparency and candour throughout the healthcare system (including a statutory duty of candour), fundamental standards for healthcare providers

- improved support for compassionate caring and committed care and stronger healthcare leadership.

In February 2015 “Freedom to Speak Up” was published following a review by Sir Robert Francis to provide independent advice and recommendations on creating a more open and honest reporting culture in the NHS. The review determined that the importance of listening to staff cannot be over emphasised. When staff raise concerns, they very often know where things are not working well and when care is not safe, so they can help enormously in improving and ensuring acceptable levels of patient care. An Office of the National Freedom to Speak Up Guardian was established sitting in the Care Quality Commission. In November 2016 “Freedom to Speak Up in Primary Care” was published. Freedom to Speak Up in primary care means:

- All NHS staff working in primary care should be encouraged to raise any concern, at the earliest opportunity;
- NHS primary care providers should be proactive in preventing any inappropriate behaviour, such as bullying or harassment, towards staff who raise a concern;
- Each NHS primary care provider should name an individual who is independent of the line management chain and is not the direct employer as the Freedom to Speak Up Guardian, who can offer support to staff raising a concern and can themselves hear any concern.

4. FREEDOM TO SPEAK UP GUARDIAN

BrisDoc’s Freedom to Speak Up Guardians are Non-Executive Directors Kelvin Blake (kelv.blake@gmail.com) and Margaret Hickman (marghickman@me.com). As Non-Executive Directors Margaret and Kelvin are independent of BrisDoc’s line management arrangements and do not directly employ staff. They may therefore ensure that any employee or contractor raising a concern about the organisation is protected from detrimental treatment or victimisation from their employers after they have made a qualifying disclosure.

The role of the Freedom to Speak Up Guardian is to ensure BrisDoc has appropriate whistleblowing policy in place, that staff know where to go to raise a concern, and offer advice and support to staff that have concerns they do not feel they can raise or escalate within their organisation.

5. GUIDING PRINCIPLES

To ensure that this policy is adhered to, and to assure staff that the concern will be taken seriously, BrisDoc will:

- Maintain confidentiality as far as practically possible when any concerns are raised using the internal procedure.
- Deal with the issue promptly commencing appropriate investigations and enquiries.
- Treat misconduct that is identified as a result of the enquiries under BrisDoc’s Disciplinary Policy and Procedure.
- Try to keep the employee who raised the concern updated with developments and any action taken, subject to legal constraints.
- Not allow the person raising the concern to be victimised or suffer reprisals.
- Treat victimisation of whistleblowers as a serious matter that may lead to disciplinary action that may include dismissal.
- Not attempt to conceal evidence of poor or unacceptable practice.

- Take disciplinary action if an employee destroys or conceals evidence of poor or unacceptable practice or misconduct.
- Ensure confidentiality clauses in employment contracts do not restrict, forbid or penalise whistle blowing.
- Liaise with the Department of Health and other organisations to whom staff report malpractice.

5. STANDARD PROCEDURE

The following procedure must be adopted when raising a concern:

- a. Any individual who has reasonable suspicions of malpractice should initially take their concerns (preferably in writing) to their line manager or person responsible for their working practice. If they do not feel that this is the appropriate person (for example, because there is cause to believe the manager is involved in the wrongdoing), they should approach another Senior Manager or HR Department or a Director.

Alternatively any individual may approach the nominated Freedom to Speak Up Guardian for BrisDoc.

It is recognised that for some individuals, raising a concern under this procedure may be a daunting and difficult experience. An individual may choose to be accompanied or represented by their professional organisation or staff representative at any stage of this procedure.

- b. The Senior Manager or Director will establish and record the basis of the concerns that have been raised.
- c. All reported incidents will be investigated.

All reports will be dealt with in confidence, with only staff who need to know, being informed. The whistleblower's identity will not be disclosed without consent.

- d. The individual raising the concern will be advised of the outcome of the investigation as soon as possible, normally within 2 weeks of the date of disclosure. Where a longer period is needed for investigation, the member of staff will be informed in writing.
- e. BrisDoc's Chairman will be informed of all reported disclosures and the actions being taken.

In the case of disclosures on alleged fraud and corruption, the companies' auditor and Remuneration Committee Chair will be informed by the Chairman.

- f. If an individual is not satisfied with the response received and any subsequent action taken they should put their concerns to an alternative Executive Director who will arrange further investigation as they think appropriate.

A written response will be sent to the individual concerned.

If a staff member believes they have been subjected to victimisation, harassment or suffered a detriment (at any time) due to raising a concern, then this is regarded as a serious disciplinary offence and will be dealt with in line with procedure.

- In the first instance the staff member must inform their immediate supervisor (in writing) of their detriment.
- If their immediate supervisor is the subject of the detrimental behaviour they should inform the immediate superior of their supervisor (in writing) of their detriment.
- A full investigation will be conducted in line with procedure.

6. ESCALATION PROCEDURE

In the event that a person does not feel able to use the standard procedure for raising a concern, for example if they do not feel able to discuss the matter with their line manager, HR manager, Senior Manager or Director, and it is not felt necessary to involve the Freedom to Speak Up Guardian, then a Non-Executive Director can be used to raise the concern. Non-Executive Directors have a vital role to play in holding Executive Directors and the organisation to account for the delivery of safe and high quality services as well as the effective management of the company. The details of BrisDoc's Non-Executive Directors can be found on Radar, the BrisDoc staff intranet. Alternatively external advice can be sought from the sources set out in section 9 below.

Commissioners also have responsibility for ensuring that high standards of quality and care are maintained for all patients. The services provided by BrisDoc are commissioned by the Bristol, North Somerset and South Gloucestershire Clinical Commissioning Group (CCG):

- Severnside Integrated Urgent Care Service
- Broadmead Medical Centre,
- Charlotte Keel Medical Practice
- Homeless Health Service

The CCG has a 'Director of Quality' who is responsible for reviewing the safe delivery of health services across all providers e.g. hospital services, primary care, community services.

7. ANONYMOUS REPORTING

BrisDoc actively discourages anonymous whistleblowing. Anonymous reporting makes it particularly difficult to investigate effectively. Initial anonymity of an employee raising concerns may later be lost in any event – it is more effective to raise the concern and be assured of confidentiality.

8. WHAT A WHISTLEBLOWER SHOULD NOT DO

If you have raised a relevant matter of concern or are considering it, you should not do the following:

- Contact the suspected perpetrator of wrongdoing on a fact finding mission
- Discuss the matter with anyone outside of BrisDoc, other than the Freedom to Speak Up Guardian, including the media
- Start your own investigations or enquiries without permission. This could seriously undermine BrisDoc's own enquiries and your integrity.

9. INDEPENDENT ADVICE AND FURTHER READING

Employees who feel unsure about whether or how to raise a concern or want confidential advice can contact the independent charity Protect (formerly Public Concern at Work) 020 3117 2520 or email whistle@protect-advice.org.uk. Their lawyers (<https://www.pcaw.org.uk/contact-protect-advice-line>) can give free confidential advice on how to raise a concern about serious malpractice at work. Their helpline is available 9am-6pm. Sources of information and advice are available on their website <https://protect-advice.org.uk/advice-line>. Protect can advise on the circumstances when it is more appropriate to contact an outside body.

For further reading staff may refer to:

- Guidance produced by Protect <https://protect-advice.org.uk/document-library>
- National Guardian's Office <https://www.nationalguardian.org.uk>
- CQC <https://www.cqc.org.uk/national-guardians-office/content/national-guardians-office>

10. RELATED POLICIES

- Grievance Policy and Procedure
- Equality & Diversity Policy
- Disciplinary Policy and Procedure
- Confidentiality Code of Practice
- Health & Safety Policy
- Code of Expectations and Standards of Behaviour

11. CHANGE REGISTER

Date	Version	Change	Author
5.4.2017	5	Removal of previous change register. Inclusion of Freedom to Speak Up guidance and the work of Sir Robert Francis. Inclusion of BrisDoc's Freedom to Speak Up Guardian. Updated values slide.	CL Nicholls
16.3.2018	6	Change of the Freedom to Speak Up Guardian (at their request) to BrisDoc on-Executive Directors.	CL Nicholls
6.3.2020	7	Map to new template, change references and contacts with Public Concern at Work to Protect, inclusion of links to the National Guardian's Office website, removal of AGPT and NFP, inclusion of CKMP, change commissioner to BNSSG CCG.	CL Nicholls