



Voicing your concerns for staff (whistleblowing policy)

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Contact Details for further information	NHS BSA HR Shared Services Team england.hrqueries@nhsbsa.nhs.uk 0300 330 1369

Document Status

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1 Policy statement

- 1.1.1 NHS England is committed to achieving the highest possible standards of service for the benefit of patients, employees, service users and visitors. Where standards are not as would be expected, we want to learn and welcome the opportunity to address issues as early as possible and make necessary improvements swiftly.
- 1.1.2 NHS England aims to create a culture which is free from bullying and oppressive behaviours and that gives individuals the confidence to speak up and voice concerns.
- 1.1.3 A relevant concern can relate either within the workplace or externally, in relation to danger, risk, malpractice or wrong doing which affects others. If a worker is asked to do something, or is aware of the actions of another, which they consider to be a danger, risk, malpractice or wrong doing they can raise it using this policy. The worker must have a reasonable belief that raising the concern is in the public interest.
- 1.1.4 NHS England is committed to ensuring that in accordance with The Public Interest Disclosure Act 1998, whistleblowers will be protected from detrimental or unfavourable treatment and victimisation from their employers and co-workers after they have made a qualifying disclosure of a concern in the public interest.
- 1.1.5 All aspects of our business, including the relationships we create, our approach to work and the decisions we make are built upon the NHS values, as set out in the NHS Constitution. Our values are a commitment to quality of care, working together for patients, improving lives, compassion, respect and dignity and the belief that everyone counts. This policy is underpinned by our values to help us deliver health and high quality care for all, now and for future generations.

1.2 Policy principles

- 1.2.1 This policy and associated procedure have been developed to enable the workforce to make known, personally, any concerns about both the services we provide directly and those services we commission from other providers, that they feel are in the public interest, to an appropriate manager and to seek independent advice.
- 1.2.2 Staff will be fully supported to voice concerns with requests for confidentiality and anonymity being respected.
- 1.2.3 The purpose of this policy is to:-
- to ensure a clear understanding of what constitutes a relevant concern
 - encourage concerns to be raised at an early stage, and in the right way as set out in the Voicing your concerns for staff procedure

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- support the creation of an environment where staff are confident to speak up and voice concerns without fear of repercussions
- take steps to minimise any difficulties which individuals may experience as a result of raising a concern. If, for example, an individual is required to give evidence in criminal or disciplinary proceedings arrangements will be made to provide advice about the procedure and support.

1.2.4 The intended outcomes of this policy and associated procedure are to ensure that:

- all workers will understand and have confidence in the process of raising a concern if the need arises;
- the needs of individuals are balanced with the overall requirements of NHS England;
- all workers have a clear understanding of their roles and responsibilities with regards to raising concerns.

1.2.5 Employees and those who raise matters in the public interest under this policy will be fully supported by the NHS England Board and protected in accordance with the Public Interest Disclosure Act 1998 (PIDA) and as such will not be at risk of losing their job or suffering any form of retribution as a result.

1.2.6 In line with the terms of the Public Interest Disclosure Act, workers should, if at all possible, use the internal policy of the organisation in the first instance, rather than going directly to wider disclosure, for example, the media or the police and we encourage the people that work for us to do this.

1.2.3 Workers should not act in bad faith or raise malicious, vexatious or knowingly untrue concerns. Those who raise concerns with a reasonable belief that raising the concern is in the public interest, will be given protection under this procedure.

1.2.4 Allegations of a frivolous or malicious nature, or an allegation made for personal gain, will be treated as a serious disciplinary offence. Employees will be dealt with in accordance with NHS England's Disciplinary Policy and Procedure. Workers not directly employed by NHS England will be dealt with in accordance with their employing body's disciplinary procedures.

1.2.5 Victimising or deterring workers from raising a concern about fraud, abuse or serious malpractice is also considered a serious disciplinary offence and may constitute gross misconduct as defined within NHS England's Disciplinary Policy and Procedure.

1.2.11 NHS England will not tolerate the harassment or victimisation of anyone raising a concern.

1.2.12 NHS England will ensure that all staff receive training in voicing concerns through the adoption of the national NHS training produced by Health Education England as part of the Mandatory and Statutory training package.

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2 Scope of policy

- 2.1 For the purposes of this policy it is proposed that the term ‘worker’ refers to people who are working for NHS England in either an ‘on-payroll’ or ‘off-payroll’ capacity. The term ‘worker’ will therefore include contractors (such as agency staff), students, trainees, secondees and office holders. The terms ‘employee’ will only be used where specific provisions apply.

3 Roles and responsibilities

3.1 Workers are responsible for:

- a) raising any concerns as early as possible in accordance with this policy and ensuring that confidentiality is maintained throughout.

3.2 Line managers are responsible for:

- a) encouraging a climate of openness, within which workers feel confident to express views and concerns in the knowledge that concerns will be handled promptly in an appropriate and serious manner;
- b) creating opportunities for staff to make their contributions in both teams and on an individual basis;
- c) maintaining confidentiality and providing support to staff raising concerns.

- 3.3 For further information on roles and responsibilities please refer to the Voicing your concerns for staff (whistleblowing) procedure.

4 Monitoring Compliance

- 4.1 An annual summary on all reports which have been received under this policy, on a completely anonymous and confidential basis, will be reported to the Freedom to Speak Up Guardian and nominated Non-Executive Director.
- 4.2 The purpose of this review will be to ensure that the policy is working effectively and that issues raised are being dealt with in an appropriate and timely manner.
- 4.3 The NHS England Board will also be seeking reassurance that no form of harassment or other disadvantage has been taken against people who have raised matters under this policy in good faith.
- 4.4 The legal requirement on NHS England for compliance with The Public Interest Disclosure Act 1998 is met.
- 4.5 To ensure transparency NHS England will publish within the Annual report the number of formally reported concerns.

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5 Application of Policy

- 4.1 This policy should be read and applied in conjunction with NHS England's voicing your concerns for staff (whistleblowing) procedure.