

A guide to the Whistleblowers' Support Scheme

Updated March 2021. **The update is highlighted in yellow**

What is the Whistleblowers' Support Scheme?

The Whistleblowers' Support Scheme provides confidential, practical support and advice for NHS workers – current and former – who can demonstrate they are having difficulty finding suitable employment in the NHS as a result of raising a concern in the public interest.¹

As Sir Robert Francis stated in his Freedom to Speak Up report, whistleblowers are owed “a debt of gratitude for speaking up about their concerns”. NHS England and NHS Improvement developed the scheme in response to the recommendations in the report; in particular, principle 12 (‘support to find alternative suitable employment within the NHS’).

If you have any queries, or you need help completing the application form, please email the scheme manager on nhsi.wbss@improvement.nhs.uk and we will get back to you.

All the information you provide is treated in strictest confidence. The minimum necessary is disclosed to people to administer and assess your application, and if you are eligible, to people who provide the support services.²

Who can apply?

You can apply for the Whistleblowers' Support Scheme if you:

- are an NHS worker, current or former
- have raised concerns in the public interest about the NHS
- can demonstrate sound performance prior to raising concerns
- suffered detriment as a result of speaking up
- have experienced difficulties staying in or finding suitable NHS employment since raising concerns in the public interest
- are eligible to work in the UK
- are looking for work in England.

The full eligibility criteria are on page 4 and on the website.

¹ Raised concerns about safety, risk, malpractice or wrongdoing at work in the NHS which they thought was in the public interest.

² NHS England and NHS Improvement (comprising Monitor and the NHS Trust Development Authority) are data controllers for the purposes of data protection legislation. Please see the privacy notice on page 10 for more information.

How the scheme works

What support do we offer?

We designed the scheme based on evaluation and feedback from pilot schemes for primary and secondary care launched in 2017.

[Working Transitions](#), specialists in supporting people through career transition, will create tailored support packages to help participants develop the skills and confidence needed to get back into employment. This could include career coaching, advice, CV writing and interview skill practice, and assistance in applying for an NHS return-to-work scheme. For those who are in employment, the aim is to support them to remain in employment.

The scheme can also help with access to shadowing,³ short-term work experience or a work placement in a health and social care organisation.

We recognise that during the coaching process, some participants may decide to look for a role outside health and social care. In this case the scheme will provide the initial three coaching sessions, action planning and signposting to pursue alternative career ambitions, but the support is unlikely to include assistance for work placements or training.

The scheme is unable to guarantee an offer of suitable employment.

Access to the scheme

Access to the scheme will be fair, open and transparent. It is open to staff at all grades and from all backgrounds.

If you are interested, you need to complete an application form and submit it along with supporting information. The applications will be reviewed by scheme managers and may be referred to a panel for a decision. More information about the panel can be found on page 5.

³ Shadowing is an opportunity to observe someone undertake a job you may be interested in doing.

If you are a party to a settlement agreement, you should check whether you are able to disclose the existence and/or details of it in your application. If you think that your agreement prevents you disclosing details please contact your previous trust directly to request permission/variation of the agreement. Some NHS trusts and NHS foundation trusts have already advised that they will, where possible, vary relevant clause(s) in settlement agreements to enable former staff to apply for the Whistleblowers' Support Scheme. If you need to check whether a particular NHS trust or NHS foundation trust has already made that commitment then please contact the scheme manager who will be able to advise further.

Eligibility criteria

Is an NHS whistleblower: NHS whistleblowers may be workers or former workers (NHS employees, agency workers, bank workers, locums, trainees, students on placement) who have raised concerns about safety, risk, malpractice or wrongdoing at work in the NHS which they thought was in the public interest.

Performance is sound prior to raising concerns: Applicants need to demonstrate their performance, capability and conduct were sound prior to raising concerns. One criterion of the scheme is that there were no significant concerns in relation to your conduct and capability at work before you raised concerns. We will talk to applicants about how best to provide this information, including discussing with them the standard process we use to check performance with previous employers. We only contact previous organisations with the knowledge and agreement of applicants, **however the panel will need to see evidence of verification of prior performance to assess eligibility for the scheme.**

Difficulty finding suitable employment since raising concerns in the public interest: Applicants need to provide evidence they have applied for suitable employment but been unsuccessful. If you are currently employed, you will also need to provide evidence you need support finding alternative suitable employment, either inside or outside your existing organisation.

Eligible to work in the UK: The scheme is for NHS whistleblowers. It will not apply to those who aren't eligible to work in the UK or have criminal investigations/convictions that prevent them from working.

Looking for work in England: This scheme is funded for those looking for suitable employment within the NHS or social care in England. If you are looking for work outside England please contact the NHS or social care organisations for your area.

Please note:

- Meeting the eligibility criteria of this scheme is not the same as a court judgement. It can't be used in a tribunal and is not an endorsement of you as a whistleblower. It is not a legal acceptance of having made a protected disclosure or having raised a concern.
- If you have taken part in the pilot scheme, you cannot re-apply.
- The scheme will give as much support as possible, but you will need to commit to fully participating and fulfilling the responsibilities set out at the end of this guide.

How to apply

Please submit your application form, equalities monitoring form and supporting evidence to nhsi.wbss@improvement.nhs.uk

The application form gives more detail on the sort of evidence you can use to demonstrate eligibility.

If you require a printed copy of the application form, please e-mail nhsi.wbss@improvement.nhs.uk

At the moment, due to remote working during the Covid pandemic, we are only able to accept electronic applications. If this is a barrier to applying please get in touch and we can agree the best approach.

Once we have received your application we will send you an acknowledgement within five working days. Having checked the form is complete and accompanied by the appropriate evidence, the scheme manager will review it. The scheme manager may contact you to discuss your application and we may decide to approve it ourselves or refer it to a panel for a decision.

Throughout this process, we will treat your information and documentation with complete confidentiality. See page 10 for details of how your information will be stored and shared.

Assessment of application

All applications will be assessed against the set eligibility criteria by a panel.

The panel

We want to ensure there is a fair and supportive panel that understands the backgrounds and needs of applicants. The panel will be made up of three members from the following groups:

- a former NHS whistleblower, or someone from an organisation that works with whistleblowers
- an NHS professional, or an executive/senior clinician or manager
- or an equivalent manager with relevant knowledge and expertise from a regulatory or oversight body.

You will be made aware of the panel members' names and job roles along with the date your application is likely to be considered. To protect your confidentiality, panel members will sign a confidentiality agreement before we share any details with them.

Due to the current Covid restrictions all panels are meeting remotely using video conferencing. We will discuss this with you and you can either access the meeting on a computer or you can dial in using a phone. The panel members will discuss the information in your application and assess it against the set criteria.

You will then be contacted within five days of the panel assessment with the decision, feedback and next steps.

Travel expenses

Where panels meet in person, reasonable travel expenses for panel hearings must be agreed in advance and are reimbursed in accordance with NHS England and NHS Improvement policies. Receipts are required for all expenses, except where travel and accommodation have been booked directly by NHS England or NHS Improvement.

If you get a place on the scheme

If you get a place on the scheme you will be referred to Working Transitions, an organisation that provides highly qualified coaches,⁴ experienced in helping people in their careers.

We will share your name, email address, telephone number and home postcode with them so they can contact you and assign you to a coach in your area. They will make an initial assessment of your needs and offer you coaching or other support services if more appropriate.

Your coach will help you explore what's important to you and provide a sounding board as you think through your career options. They will support you to develop a personal action plan around activities that will help you in seeking employment. These might include practising interview skills, writing supporting statements, application and CV writing, building self-confidence, accessing an NHS return-to-work scheme, or assistance in obtaining a work placement (this list is not exhaustive).

You will be able to make your own decisions about the level and type of support you need. This may include decisions about other support services, such as psychological services.

Working Transitions

Working Transitions is one of the UK's leading career transitions experts. Established over 25 years ago, they have helped more than 750,000 people to move forward positively. All the support is confidential and tailored to the needs of the individual.

Professional registration

If you need to revalidate/renew your professional registration requirements, including continuing professional development (CPD) and practice hours, we may need to address this through a separate action plan so that we can consider specific support.

The scheme does **not** automatically enable participants to revalidate or renew their professional registration but we can help you identify what to do to achieve that, and can provide elements of related support.

We do not pay the costs of professional registration.

⁴ **Coaching** is a form of development in which a person called a **coach** supports a learner or client in achieving specific goals. The learner is sometimes called a coachee.

Work experience and placements for those not in employment

If you've been out of work for a while, your action plan might include a gradual introduction back into work. Your coach will help you think through what's best for you. This might include:

- shadowing someone working in a health and social care organization
- a short time in a work experience role or a voluntary role
- a fixed-term contract (or work placement).

You may prefer to start with part-time work – slowly building up the hours – or go straight to a full-time position. If you belong to a professional body requiring revalidation, your action plan may include necessary actions to address any issues relating to this.

Our responsibilities

The NHS Constitution sets out clear expectations about the behaviours of staff. We are committed to and strive to live the values of the NHS Constitution: working together for patients, respect and dignity, commitment to quality of care, compassion, improving lives, everyone counts. We have taken these values into account in the design and implementation of this scheme.

We will:

- do what we say we will do
- keep you updated on the progress of your application
- listen and respond to your queries within five working days or let you know within five working days when we will be able to provide a response
- be helpful and polite and treat you fairly and with respect
- listen to feedback and use it to continuously improve the scheme
- respect and protect your personal information
- deal with you fairly and consistently so that similar circumstances are handled consistently
- deal with complaints promptly and sensitively; investigating thoroughly and fairly, basing decisions on the available facts and evidence
- explain fully when things go wrong and say what we will do to put matters right as quickly as possible
- create and maintain reliable and usable records as evidence of our activities.

Your responsibilities

As an NHS worker or former NHS worker you are committed to and strive to live by the values underpinning the NHS Constitution.

For the scheme to be a success, it is important you:

- respond promptly when we communicate with you. This will help us progress things quickly for you
- let us know if your contact details change
- participate in surveys or evaluation requested by the scheme providers: your feedback is valued and is important to the continuous improvement of the scheme
- engage in the coaching sessions (and other agreed support)
- develop individual action plans with support from Working Transitions and attend up to three coaching sessions to facilitate this
- treat all staff involved with the provision of the scheme with respect, including those from Working Transitions, NHS England and NHS Improvement, and any placement or work experience staff
- share any feedback or complaints as soon as reasonably possible
- let us know in writing if you decide to withdraw from the scheme.

Leaving the scheme

It is expected that participation in the scheme will end after 12 months.

There will be scheduled check-ins throughout the scheme. We may review places if participants fail to engage or fulfil the responsibilities listed above and may decide to end participation in the scheme, in such circumstances.

Participants may also leave the scheme at any time by emailing Working Transitions and the scheme manager, outlining the reasons for the decision.

Privacy

NHS England and NHS Improvement

NHS England and NHS Improvement (comprising the NHS Trust Development Authority and Monitor) are collaborating to provide the Whistleblowers' Support Scheme. To deliver this service, we process personal data about applicants. NHS England and NHS Improvement are joint controllers for the purposes of data

protection legislation. Our joint privacy notice can be found at:

www.england.nhs.uk/nhse-nhsi-privacy-notice/

How we use your information

Any information you provide about this scheme will be treated with utmost confidentiality. It will be stored on NHS Improvement's secure servers and only the Whistleblowers' Support Scheme team will be able to access it.

We need to establish that you are eligible to benefit from the scheme. This involves assessing the information you provide against the eligibility criteria described previously.

In accordance with the Equality Act 2010, we ask you to complete an equalities monitoring information form so that we can ensure the scheme provides equal opportunities and does not discriminate. This equalities form will only be linked to your application form for analysis purposes. It will not be shared with the panel. Your application will not be affected if you decide not to share some or all of your equalities monitoring information.

Your application is read in the first place by a scheme manager. They check the form is complete and may approve it themselves or refer it to a panel to assess your application. The scheme manager will also communicate with you about the progress of your application.

The information you provide in the application form and the supporting evidence will be used to assess your application against the eligibility criteria. The information we request is the minimum necessary to process your application and is only used for the purpose of your application. It is handled in the strictest confidence and is only shared with people who need to see it in relation to your application.

If you are accepted onto the scheme, you will be notified and your contact details will be forwarded to Working Transitions with your consent. None of the other information in your application form will be shared.

Working Transitions will give you information about their privacy policy when you start on the scheme. Any discussions between you and your coach will be confidential. They will only share high level information with the Whistleblowers' Support Scheme manager to allow for contract monitoring.

Working Transitions will provide the scheme manager with a copy of your action plan for monitoring and evaluation. The scheme manager will also review your feedback

on your experience on the scheme.

If Working Transitions needs to discuss your more specific requirements, for example to arrange a work placement or specific training, they will ask your permission first. Working Transitions may send the information they receive from us to a sub-contractor so that other support services can be provided if appropriate, they will ask your permission to do this.

With your permission we may pass information to organisations hosting work placements.

We may disclose your personal data to other third parties if we are required to by law, a court order, or in support of legal proceedings.

How long we keep your personal data

If your application is successful we will keep your application and associated information for six years after you have left the scheme. If your application is unsuccessful we will keep the information for 12 months.

This retention is in line with best practice guidance provided by the Information Governance Alliance [Records Management Code of Practice for Health and Social Care 2016](#).

Legal basis

The legal basis for NHS England and NHS Improvement (comprising the NHS Trust Development Authority and Monitor) to process your personal data for the Whistleblowers' Support Scheme is that you have consented to the processing of your personal data for the purposes of the Scheme as described in this privacy notice and the application pack. This is GDPR Article 6(1)(a). Evidence of your consent is provided by your signing the declaration.

We also collaborate to deliver the scheme in our official capacity as public authorities, so our additional legal basis is Article 6(1)(e) – "...exercise of official authority...".

Under the Equality Act 2010 we must comply with the Public Sector Equality Duty. We therefore have a requirement to process equalities monitoring information under Article 9(2)(b) "...processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of suitable employment and social security and social protection law..."