VELINDRE NHS TRUST

REF: BLACK 24

Trust Policy

TRUST WHISTLEBLOWING POLICY AND PROCEDURE

Trust Lead: Georgina Galletly

Non Executive Lead – Professor Vivienne Harpwood
Executive Lead – Mr Ian Sharp, Executive Director of Human Resources
## EXECUTIVE SUMMARY

### TRUST WHISTLEBLOWING POLICY AND PROCEDURE

<table>
<thead>
<tr>
<th>Overview:</th>
<th>This document describes the Trust's policy to enable everyone to blow the whistle safely so that such issues are raised at an early stage and in the right way.</th>
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</thead>
<tbody>
<tr>
<td>Who:</td>
<td>This policy is intended for <strong>All Trust Staff</strong></td>
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</table>
| **Key Messages included within the policy:** | **• This policy should be followed if you are concerned about something that has occurred, or occurring or you believe is likely to occur.**  
**• This policy is to enable us to investigate and deal with possible malpractice.**  
**• This policy is primarily for concerns where the interest of others or of this Trust is at risk.**  
**• Clarity on the meaning of “qualifying disclosures” under the Public Interest Disclosure Act 1998 has been included in this revised draft.** |
| **Responsibilities:** | **• Your Line Manager/Lead Clinician** is first point of contact for internal issues that are raised.  
**• If your Line Manager/Lead Clinician is not the appropriate person to deal with such issues, please raise with **Divisional Management Level**.**  
**• If you feel that the matter is so serious that you cannot discuss it with any of the above, please contact the **Chief Executive, Trust Chair or Non-Executive Director**.** |
| Additional Information: | If your concern relates to the actions of an individual, the investigation into the concern may lead to a disciplinary investigation against that individual. If this is the case, it may be necessary for you to be a witness and provide a statement during the course of the disciplinary investigation and hearing. You will be kept informed of the progress of the investigation throughout its course. |
| **For more information or advice in relation to the Whistleblowing Policy please contact the Head of Planning and Corporate Development on 02920 316972 or via email:** | georgina.galletly@velindre-tr.wales.nhs.uk |

**PLEASE NOTE THIS IS ONLY A SUMMARY OF THE POLICY AND SHOULD BE READ IN CONJUNCTION WITH THE FULL POLICY DOCUMENT.**
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1. **INTRODUCTION**

All of us at one time or another has concerns about what is happening at work. Usually these concerns are easily resolved. However, when you are troubled about something that involves a danger (to patients, public or colleagues), professional misconduct or financial malpractice, it can be difficult to know what to do.

Under the Public Interest Disclosure Act 1998, there are “qualifying disclosures”. “Qualifying disclosure” means any disclosure of information which, in the reasonable belief of the worker making the disclosure, tends to show one or more of the following -

(a) that a criminal offence has been committed, is being committed or is likely to be committed,
(b) that a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject,
(c) that a miscarriage of justice has occurred is occurring or is likely to occur,
(d) that the health or safety of any individual has been, is being or is likely to be endangered,
(e) that the environment has been, is being or is likely to be damaged, or
(f) that information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed.

A list of examples where this policy may be applied is at Appendix 1.

You may be worried about raising such an issue, perhaps feeling it is none of your business or that it is only a suspicion. You may feel that raising the matter would be disloyal to colleagues, to managers or to the Trust. You may have said something but found that you have spoken to the wrong person or raised the issue in the wrong way and are not sure what, if anything, to do next.

The Trust has re-launched this policy to enable everyone to blow the whistle safely so that such issues are raised at an early stage and in the right way. The policy has been written to comply with recent guidance issued from the Welsh Assembly Government WHC (2003) 100 addressing the public interest disclosure act 1998. This policy should be followed if you are concerned about something that has occurred, is occurring or you believe is likely to occur.

The Trust knows from experience that to be successful we must all try to deal with issues on their merits. The Trust welcomes your genuine concerns and is committed to dealing responsibly, openly and professionally with them. Without your help, we cannot deliver a safe service and protect the interests of patients or service users, staff and the Trust. If you are worried, we would rather you raised it when it is just a concern, rather than to wait for proof.

If something is troubling you which you think we should know about of look into, please use this procedure. If, however, you are aggrieved about your personal position, please use the Trust’s Grievance Policy and Procedure (Black 27). This Whistleblowing procedure is primarily for concerns where the interests of others or of this Trust are at risk.
2. **IF IN DOUBT – RAISE IT!**

This applies to you whether you are a permanent, agency or bank employee, the staff of one of our contractors, or a volunteer.

This policy has been drawn up in consultation with staff representatives and has been approved by JNCB. The Trust will periodically review the policy and welcomes your comments. Awareness of this policy should be backed up by the presence of Whistleblowing Posters located in all key areas where staff, contractors or volunteers are present which will detail who to contact should a concern be realised.

3. **OUR COMMITMENT TO YOU**

**Your Safety**

The Trust Board is committed to this policy. If you raise a genuine concern under this policy, you will not be at risk of losing your job, chances of promotion or suffering any form of retribution as a result. Provided you are acting in good faith, it does not matter if you are mistaken or if there is an innocent explanation for your concerns. So please do not think we will ask you to prove it. Of course this assurance is not extended to someone who maliciously raises a matter they know is untrue, in which case can lead to disciplinary action. Whilst the concern is being investigated, the Trust will endeavour to provide support to the individual raising the concern, either internally or by seeking appropriate external support.

**Your confidence**

The Trust will not tolerate the harassment or victimisation of anyone raising a genuine concern. However, the Trust recognises that you may nonetheless be anxious. If so you can ask to talk to someone in confidence, by contacting one of the contacts detailed in appendix 2 or other trusted colleague who can support you through this process in accordance with this policy, perhaps your HR lead. It is recognised that an individual may wish to raise a concern in confidence under this policy. If you ask for your identity to be kept in confidence, this will be noted. If the situation arises where the Trust are not able to resolve the concern without revealing your identity (e.g. if your evidence is needed in court) the Trust will discuss this with you prior to any disclosure.

**Anonymous concerns**

Remember that if you do not tell us who you are, it will be much more difficult for your concern to be investigated and for us to protect your position or give you feedback. Accordingly, whilst the Trust will consider what action may be justified by an anonymous report, we may not be able to handle such reports under this policy.

4. **HOW WE WILL HANDLE THE MATTER**

Once you have told us of your concern, the Trust will look into it to initially assess what action should be taken. This may involve an informal review, an internal inquiry or an investigation. The Trust will tell you who is handling the matter, how you can contact them and whether your further assistance may be needed. At your request, the Trust will write to you summarising your concern and setting out how the Trust propose to handle it. The Trust will not hold a record of any legitimate concern being raised on your personnel file.
When you raise the concerns the Trust may ask you how you think the matter might best be resolved. If you do have any personal interest in the matter, the Trust will ask that you tell us at the outset. If your concern falls more properly within the grievance or other procedures the Trust will tell you. It may be appropriate to seek legal advice during this process to ensure the best protection for all parties.

The purpose of this policy is to enable us to investigate and deal where possible malpractice. To reassure you, the Trust will give you as much feedback as we properly can. Please note, however, that the Trust may not be able to tell you the precise action we take where this may infringe a duty of confidence owed by us to someone else.

If your concern relates to the actions of an individual, the investigation into the concern may lead to a disciplinary investigation against that individual. If this is the case, it may be necessary for you to be a witness and provide a statement during the course of the disciplinary investigation and hearing. You will be kept informed of the progress of the investigation throughout its course.

5. HOW TO RAISE A CONCERN INTERNALLY

Step One
If you have a concern, the Trust hopes you will feel able to raise it in your team or with your Line Manager/Lead Clinician, so it can be resolved locally.

Step Two
If you do not feel Step One is appropriate or it has not worked, please raise the matter with someone at divisional management level. Please say if you want to raise the matter in confidence so that they can make appropriate arrangements. The Trust will ask if you would like us to write to you summarising your concern and the action we propose to take.

If you are unsure who to contact at divisional level, please contact the Divisional Director or the Trust Head of Planning and Corporate Development.

Step Three
If these steps have been followed but have not worked, or you feel that the matter is so serious that you cannot discuss it with any of the above, please contact the Trust Chief Executive, Trust Chair or Non-Executive Director (Appendix 2).

This Trust recognises its accountability within the NHS. As such, you can also contact:

1. The Trust Counter Fraud Officer (Mrs Angela Bright, Associate Director of Finance) on 02920 316947 or the NHS Counter Fraud Line on 08702 400 100 if your concern is about financial malpractice.

2. NHS Wales Health and Social Care Department of the Welsh Assembly Government on 02920 825111.
Independent Advice
If you are unsure whether or how to raise a concern or you want free independent advice at any stage, you may contact:

- Your Trade Union or Professional Association.
- The charity Public Concern at Work on 020 7404 6609. Their lawyers can give you independent confidential advice at any stage about Whistleblowing.

External Contacts
To reassure you that we want you to raise concerns internally and that we will deal with it properly, please know that you can also contact specific regulating bodies, such as the Health and Safety Executive or the Wales Audit Office. Where you believe the local response has been inadequate, you can also raise your concerns with a body such as the National Patient Safety Agency or Health Inspectorate Wales. Public Concern at Work and your union will be able to advise you which route is appropriate in your circumstances. The Trust has signed up to the Public Concern at Work Helpline which can be assessed on Tel no: 020 7404 6609 or at helpline@pcaw.co.uk.

If you are Dissatisfied
If you are unhappy with our response resulting from the investigation into concern, please refer to the Trust's Grievance Policy and Procedure (Black 27). If this leaves you dissatisfied, remember you can go to the other bodies detailed above.

While the Trust cannot guarantee that you will be satisfied with our response, our aim is to handle the matter fairly and properly. By using this policy, you will help us to achieve this.

6. FURTHER INFORMATION

This policy should be used in conjunction with the following policies:

Divisional Confidentiality Policies
Trust Communication Strategy
Divisional Communication Policies/Procedures
APPENDIX 1

Examples of Whistleblowing Scenarios

N.B. THIS LIST OF EXAMPLES IS NOT EXHAUSTIVE

Where the following situations have not been reported, or action has not been taken following
the reporting of:

- Inadequate patient care that is causing harm to the patient.
- Inappropriate treatment to a patient.
- Drug or alcohol abuse.
- Financial deception.
- Healthcare system failures e.g. untoward incidents, near misses.
- Clinical malpractice.
- Concerns regarding significant health and safety risks which are not being dealt with.
- Circumstances related to bullying or harassment (please also refer to the Trust’s
  Policy on Harassment & Bullying at Work – Black 25).
APPENDIX 2

The contact details for Trust Chief Executive, Trust Chair and Non-Executive Director of stage 3 of the Whistleblowing Procedure are as follows:

MRS ALLISON WILLIAMS
TRUST CHIEF EXECUTIVE
Velindre NHS Trust Headquarters
2 Charnwood Court
Parc Nantgarw
Cardiff
CF15 7QZ
Tel: 02920 316916

MR IAN KELSALL
TRUST CHAIR
Velindre NHS Trust Headquarters
2 Charnwood Court
Parc Nantgarw
Cardiff
CF15 7QZ
Tel: 02920 316915

PROFESSOR VIVIENNE HARPWOOD
NON EXECUTIVE DIRECTOR
Velindre NHS Trust Headquarters
2 Charnwood Court
Parc Nantgarw
Cardiff
CF15 7QZ
Tel: 02920 316916