

Freedom to Speak Up Policy

Version number :	8.0
Consultation Groups	Employees, Managers, HR
Approved by (Sponsor Group)	JSC Policy Sub Committee
Ratified by:	Joint Staff Committee
Date ratified:	2 nd November 2022
Name and Job Title of author:	Freedom to Speak Up Guardian
Executive Director Lead: Freedom to Speak Up Executive Director Lead: Whistleblowing	Chief Nurse/Deputy CEO Chief People Officer
Implementation Date :	November 2022
Last Review Date	November 2022
Next Review date:	November 2025

Services	Applicable
Trust wide	✓
Mental Health and LD	
Community Health Services	

Version Control Summary

Version	Date	Author	Status	Comment
5.0	February 2014	Malcolm Galea, Shefa Begom, Senior HR Adviser	Approved	N/A
6.0	August 2016	Hannah Lootfun, HR Adviser	Approved	Policy updated to reflect national guidance and framework
7.0	August 2018	Ade Dosunmu Freedom To Speak Up Guardian	Approved	Policy updated to incorporate new role of Freedom to Speak Up Guardian
8.0	November 2022	Freedom to Speak Up Guardian	Approved	Policy updated to incorporate new policy guidance from NHSE & NGO.

Contents

Paragraph	Title	Page
	Policy Summary	3
1	Introduction	4
1.1	Explanation of terms and definitions	4
1.2	Purpose of the Policy	5
1.3	Scope of the Policy	6
2	The purpose of the Freedom to Speak Up Guardian	7
3	What concerns can I raise?	7
3.1	Feel safe to raise your concern	8
4	Who can speak up?	8
5	Who can I speak up to?	9
5.1	Speaking Up Internally	9
5.2	Speaking Up Externally	10
6	How should I speak up?	11
7	Whistleblowing: Making a 'protected disclosure'	12
8	What will ELFT do?	13
9	Advice and support	14
10	Review and measuring effectiveness	14
11	Monitoring	15

Appendices	Title	Page
Appendix A	What will happen when I speak up?	16
Appendix B	Avenues for Raising Concerns	17
Appendix C	Raising Concerns with External Organisation	19
Appendix D	Guidance on the Bribery Act 2010	21

Policy Summary

Speak up – we will listen

We welcome speaking up and we will listen. By speaking up at work you will be playing a vital role in helping us to keep improving our services for all patients and the working environment for our staff.

This policy is for all our staff. The [NHS People Promise](#) commits to ensuring that “we each have a voice that counts, that we all feel safe and confident to speak up, and take the time to really listen to understand the hopes and fears that lie behind the words”.

We want to hear about any concerns you have, whichever part of the organisation you work in. We know some groups in our workforce feel they are seldom heard or are reluctant to speak up. You could be an agency worker, bank worker, locum or student. We also know that workers with disabilities, or from a minority ethnic background or the LGBTQ+ community do not always feel able to speak up.

This policy is for all workers and we want to hear all our workers’ concerns.

We ask all our workers to complete the [online training](#) module called Speaking Up. The online module called Listen Up is specifically for managers to complete and the module called Following Up is for senior leaders to complete.

You can find out more about what Freedom to Speak Up (FTSU) is in these [videos](#).

We strive to ensure that everyone works to the highest standards in order to meet the needs of the people who use the Trust’s services. ELFT encourages you to speak up if you believe that the practice of colleagues and/or managers has fallen below the Trust’s standards or if you think there is malpractice or abuse.

ELFTs duty of candour

We want to make it clear that you and your colleagues are entitled and encouraged to speak up without the fear of recriminations. We encourage raising any matters that concern you at an early stage and we will not ask for proof, having reasonable grounds for a concern is sufficient.

In accordance with our duty of candour, our senior leaders and Trust Board, East London NHS Foundation Trust is committed to an open and honest culture.

We will not tolerate any harassment or victimisation of anyone raising a concern, nor will we tolerate any attempt to bully you into not raising any such concern. Such behaviours is a breach of our values as an organisation and could result in disciplinary action.

Disclosure or grievance?

Sometimes an employee believes they are whistleblowing when, in fact, their complaint is a personal grievance. Staff who raise a concern under the whistleblowing policy should believe that they are acting in the public interest.

We will investigate all disclosures of concerns and ensure that you have access to the support you need.

1. Introduction

The Trust is committed to developing a culture of openness and accountability, and making 'speaking up' business as usual. The Trust takes all forms of malpractice, fraud, corruption or abuse very seriously. We are very concerned about the potential effect of these matters on the services we provide.

It is important, therefore, that you feel comfortable raising issues that concern you. If you have any concerns about possible criminal offences being committed; failure to comply with legal obligations; miscarriages of justice; the health and safety of any individual; harm or risk to the environment; or the concealment of wrongdoing and/or information about any of the above, it can be very difficult to know what to do. You may be worried that by reporting issues of concern, you are exposing yourself to possible victimisation, disciplinary action or putting your job at risk. The Trust understands these concerns, and this policy is implemented to reassure you that this is not the case.

1.1 Explanation of terms and definitions

Staff/Employee

It includes full time and part time employees, contractors, agency workers, temporary workers, students, apprentices, volunteers and governors.

Speaking Up/Raising Concerns

'Speaking up' and 'raising concerns' are terms used in this policy. The meaning of both is speaking to someone about the concerns that you may have. Both terms mean you are making a disclosure about the concerns that you may have.

Whistleblowing

Whistleblowing is a term used when a worker reports information concerning wrongdoing. The wrongdoing you disclose must be in the public interest. This means it must affect others, for example, the general public.

There are many issues that could be considered whistleblowing issues. They include:

- an employer breaking the law or breaching contract
- financial wrongdoing such as fraud
- the health and safety of patients, staff or the general public being put at risk
- ethical concerns such as the conduct of staff or conflicts of interest

As a whistleblower, you are protected by law. You should not be treated unfairly or lose your job because you make a disclosure. You can raise your concern at any time about an incident that happened in the past, is happening now or you believe will happen in the near future.

For further information on whistleblowing, please refer to the [government website](#) or [Protect](#), the UK's whistleblowing charity.

1.2 Purpose of the Policy

The purpose of this policy is to provide a safe mechanism for anyone who works for the Trust to come forward and raise any concerns that they have about any aspect of the Trust's work, and to be able to do so without fear of disadvantageous and/or demeaning treatment (detriment) or reprisal.

The purpose of this policy is to:

- Allow staff to have confidence in raising matters of concern
- Encourage individuals to feel confident in raising concerns and to question and act upon concerns about practice
- Provide avenues for individuals to raise concerns and receive feedback on any actions taken
- Ensure the individual receives a response to their concerns and that they are aware how to pursue them if they are not satisfied
- Provide reassurance that individuals will be protected from possible reprisals or victimisation

It is also to support the Trust's culture of openness and accountability, and making 'speaking up' business as usual and to provide a clear, open and transparent process for raising and addressing concerns.

This policy sets out the appropriate mechanisms for you to raise concerns.

The policy aims to assure you that all concerns will be taken seriously; investigation will be evidence-based and focused on learning lessons and improving care, not on blaming individuals.

The policy encourages you to speak up about any worries that you have at work and to not fear personal detriment as the Trust will not tolerate any abuse or disadvantage towards you.

The policy describes the role of the Freedom to Speak Up Guardian, an independent and impartial source of advice for staff at any stage of raising a concern.

The policy applies to full time and part time employees, contractors, agency workers, temporary workers, students, apprentices, volunteers and governors.

Under the Public Interest Disclosure Act 1998 (PIDA), you have a right and duty to raise issues which are in the public interest, without fear of victimisation or harassment.

You can also seek advice and raise concerns from Line Managers, Professional Leads, People & Culture, Trade Unions and the Freedom to Speak up Guardian.

This policy was one of a number of recommendations of the review by Sir Robert Francis into the creation of an open and honest reporting culture in the NHS, aimed at improving the experience of staff with raising concerns and whistleblowing in the NHS.

The Chief Executive, Trust Board, the Freedom to Speak Up team, People & Culture and Staffside representatives are committed to this policy. If you raise a concern, it will be taken seriously.

Who should read this policy?

Full time and part time employees, contractors, agency workers, temporary workers, students, apprentices, volunteers and governors.

1.3 Scope of the Policy

This policy should be used to cover concerns that fall outside the scope of other procedures, including:

- Disclosures related to miscarriages of justice
- Health and Safety risks to the public, service users or employees
- Damage to the environment
- The inappropriate or unauthorised use of public funds or other resources
- Potential corruption, fraud or other financial malpractice
- Conduct that is a criminal offence. This can include fraud, corruption (including bribery). See [Appendix D](#) for guidance on the Bribery Act 2010
- Healthcare matters including suspected maltreatment/abuse of service users or staff
- Concerns about the professional or clinical practice or competence of colleagues or other members of staff
- Other unethical conduct
- Bribery or payment in kind between staff

The above list is by no means an exhaustive list.

This policy should always be read in conjunction with other relevant Trust policies such as the:

- [Counter Fraud and Bribery Policy](#)* and Response Plan
- [Standing Orders Policy](#)
- [Standing Financial Instructions Policy](#)
- [Equality, Diversity & Human Rights Policy](#)

*Concerns or suspicions relating to Fraud should be raised directly with the [Counter Fraud Specialist team](#).

This policy should also be considered alongside professional or ethical guidelines and codes of conduct or freedom to speak up such as those produced by the General Medical Council (GMC), Nursing and Midwifery Council (NMC) and [Public Interest Disclosure Act](#).

This policy is **not** for colleagues with concerns about their own employment conditions or issues that only affect them personally. There are separate policies in place to support with those matters. Please see the policies and procedures for raising a [Grievance](#) and [Dignity at Work](#) (Bullying and Harassment). To raise matters relating to personal issues or about your employment or how you have been treated, please use the Trust Grievance and/or Dignity at Work Policy and Procedure in the first instance or contact the People & Culture Team.

If you are a member of the public, a patient, or a relative or a carer, there are different channels for you to raise your concern or complaint. We suggest you contact the Patient Advice and Liaison Services (PALS). You will find support [here](#).

2. The purpose of the Freedom to Speak Up Guardian

Freedom to Speak Up (FTSU) Guardians help:

- Protect patient safety and the quality of care
- Improve the experience of staff
- Promote learning and improvement

By ensuring that:

- Workers are supported in speaking up
- Barriers to speaking up are addressed
- A positive culture of speaking up is fostered
- Issues raised are used as opportunities for learning and improvement

The FTSU Guardian operates independently, impartially and objectively, whilst working in partnership with their organisation, including the senior leadership team.

FTSU Guardians are not legal experts and are not involved in the investigation of concerns but will follow up and ensure the concern is being looked into and investigated if necessary.

FTSU Guardians support colleagues to speak up when they feel that they are unable to do so by other routes. FTSU Guardians get assurance that appropriate actions are taking place. FTSU Guardians challenge a process where it is necessary.

3. What concerns can I raise?

You can raise a concern about any **patient safety concern, risk, malpractice or wrongdoing** you think is, has or may be harming the service we deliver.

A few examples of this might include (but are by no means restricted to):

- 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 local counter-fraud team in complete confidence.
- A bullying culture (across a team or organisation rather than individual instances of bullying).

For further examples, please see the [short film](#) that **Health Education England** produced to support staff with raising concerns.

Please remember, as a healthcare professional, you have a professional duty to report a concern. **If in doubt, please raise it.**

Do not wait for proof. We would like you to raise the matter while it is still a concern. It does not matter if you turn out to be mistaken as long as you are genuinely troubled.

3.1 Feel safe to raise your concern

If you raise 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.

We will not tolerate the harassment or victimisation of anyone raising a concern.

Nor will we tolerate any attempt to bully you into not raising your concern. Any such behaviour is a breach of our values as an organisation. If upheld following investigation, such behaviour could result in disciplinary action.

Provided you are acting honestly, it does not matter if you are mistaken or if there is an innocent explanation for your concerns. However, anyone acting in a malicious or vexatious manner (for example not having sufficient grounds for action and seeking only to aggravate the defendant) may be subject to formal disciplinary action.

4. Who can speak up?

This policy applies to all staff employed by the East London NHS Foundation Trust. The spirit of this policy will be applied to non-Trust staff such as honorary contract holders, students, contractors, bank and agency staff, volunteers and employees of other organisations who work on our premises. It also encompasses any healthcare professionals, non-clinical workers, receptionists, directors, managers, contractors, volunteers, students, trainees, junior doctors, locum, bank and agency workers, and former workers.

This policy also applies to staff who have left the Trust within a three-month period i.e. three months from the employees last working day at the Trust, bank and agency staff, staff seconded to work in the Trust, students on placement, volunteers and sub-contracted staff.

If you have a complaint against your own personal circumstances, please also refer to the [Grievance Policy](#) and/or the [Dignity at Work Policy](#), which are available on the intranet.

Arrangements for service users or volunteer who work in the Trust

The Trust is dedicated to engage with people who use its services or volunteer in the Trust, enabling them to get more involved in helping design, shape and monitor services to ensure they continually improve and meet the needs of our local citizens and communities. As a service user or volunteer who have concerns at the time of working for the Trust, you should raise your concern formally or informally with your Volunteer Lead (line manager), Trust Volunteer Coordinator or the People Participation Lead. Where you do not think it is appropriate to do so, you can contact one of the following people listed in section 5 below, titled "[Who can I speak up to?](#)"

Service users and volunteers will be given the same consideration and the same right to speak up as

any other staff member who is working for the Trust.

Service users accessing the Trusts' Mental Health Service at the point of raising concern, should follow the local procedure to reporting concerns on the ward/ community or contact [PALS](#) (Patient Advice and Liaison Service) on 0800 783 4839.

5. Who can I speak up to?

5.1 Speaking Up Internally

Most speaking up happens through conversations with supervisors and line managers where challenges are raised and resolved quickly. We strive for a culture where that is normal, everyday practice and encourage you to explore this option – it may well be the easiest and simplest way of resolving matters. However, you have other options in terms of who you can speak up to, depending on what feels most appropriate to you.

You can also speak up to the following:

- Senior manager, partner or director with responsibility for the subject matter you are speaking up about.
- The patient safety team or clinical governance team (where concerns relate to patient safety or wider quality)
- [Your Trade Union representative](#)
- [The Freedom to Speak Up Team](#):
The Freedom to Speak Up Service is identified to act as an independent and impartial source of advice to staff at any stage of raising a concern, with access to anyone in the organisation, including the chief executive, or if necessary, outside the organisation.
 - The [Freedom to Speak Up Guardian](#)
 - email elft.freedomtospeakup@nhs.net (this confidential inbox is monitored by the Freedom To Speak Up Guardian)
 - One of the local [Freedom to Speak Up Champions](#) in your area.
- Our [People & Culture Team](#)
- The Chief Executive Officer
- The Senior Independent Director for Freedom To Speak Up
- The Executive Lead for Freedom To Speak Up
- The Chief People Officer
- The Service Director or Service Manager for your Directorate
- An Executive or Non-Executive Director, list [here](#)
- Fraud, Corruption or Bribery - [Contact the Counter Fraud Specialist Team](#)

All people have been trained in receiving concerns and will give you information about where you can go for more support.

5.2 Speaking Up Externally

If you do not want to speak up to someone within your organisation, you can speak up externally to:

- [Care Quality Commission](#) (CQC) for quality and safety concerns about the services it regulates – you can find out more about how the CQC handles concerns [here](#).
- [NHS England](#) for concerns about:
 - GP surgeries
 - dental practices
 - optometrists
 - pharmacies
 - how NHS trusts and foundation trusts are being run (this includes ambulance trusts and community and mental health trusts)
 - NHS procurement and patient choice
 - the national tariff.

NHS England may decide to investigate your concern themselves, ask your employer or another appropriate organisation to investigate (usually with their oversight) and/or use the information you provide to inform their oversight of the relevant organisation. The precise action they take will depend on the nature of your concern and how it relates to their various roles.

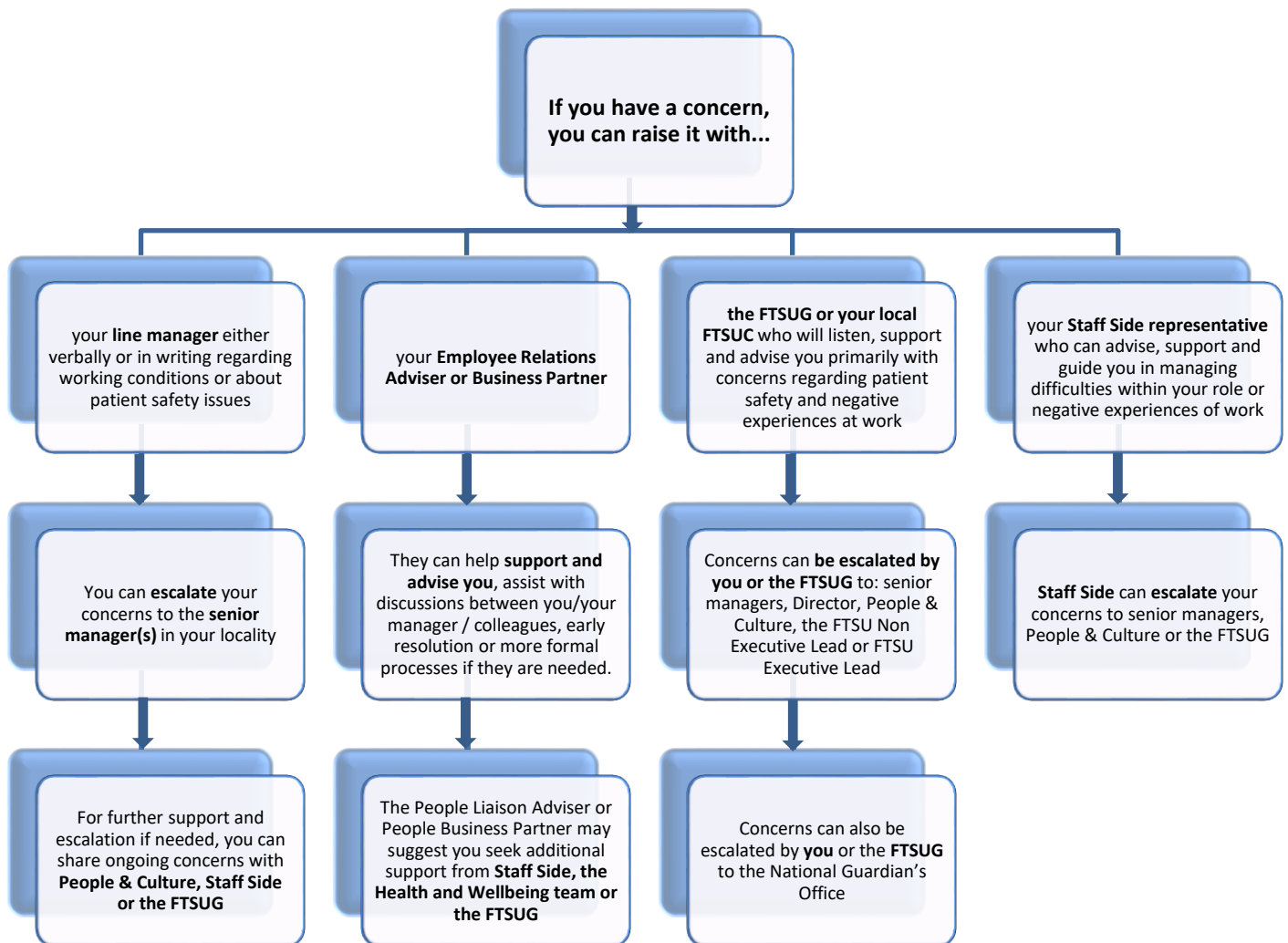
Please note that neither the Care Quality Commission nor NHS England can get involved in individual employment matters, such as a concern from an individual about feeling bullied.

- [NHS Counter Fraud Agency](#) for concerns about fraud and corruption, using their [online reporting form](#) or calling their freephone line 0800 028 4060.

If you would like to speak up about the conduct of a member of staff, you can do this by contacting the relevant professional body such as the General Medical Council, Nursing and Midwifery Council, Health & Care Professions Council, General Dental Council, General Optical Council or General Pharmaceutical Council.

See Appendix C for further information

You wish to raise a concern.
Your concern could relate to patient safety, worker safety, a matter that affects you personally at work, or your team, department, directorate, etc.



If for any reason you do not feel comfortable raising your concern internally, you can raise concerns with external bodies. A list is included as [Appendix C](#).

6. How should I speak up?

You can raise your concerns with any of the people listed above in person, by phone or in writing (including email).

Whichever route you choose, please be ready to explain as fully as you can the information and circumstances that gave rise to your concern.

We hope you will feel comfortable raising your concern **openly**, but we also appreciate that 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, your identity will be kept confidential, unless required to disclose it by law (for example, to the police).

You can also 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 on the outcome.

7. Whistleblowing: Making a 'protected disclosure'

Whistleblowing is the term used when a worker passes on information concerning wrongdoing. The wrongdoing will typically (although not necessarily) be something they have witnessed at work. The wrongdoing you disclose must be in the public interest. This means it must affect others, for example, the general public.

There are very specific criteria that need to be met for an individual to be covered by whistleblowing law when they raise a concern (to claim the protection that accompanies it). There is also a defined list of 'prescribed persons', similar to the list of outside bodies on page 17 - 19, who you can make a protected disclosure to.

To be covered by whistleblowing law, a worker who makes a disclosure must reasonably believe two things.

1. That they are acting in the public interest.
This means in particular that personal grievances and complaints are not usually covered by whistleblowing law.
2. That a worker must reasonably believe that the disclosure tends to show past, present or likely future wrongdoing falling into one or more of the following categories:
 - criminal offences (this may include, for example, types of financial impropriety such as fraud)
 - failure to comply with an obligation set out in law
 - miscarriages of justice
 - endangering of someone's health and safety
 - damage to the environment
 - covering up wrongdoing in the above categories

To help you consider whether your disclosure may meet these criteria, please seek independent advice.

1. [Speak Up](#) - Free, independent, confidential advice on the speaking up process.
2. [Protect](#) - (formerly Public Concern at Work), call 0203 117 2520 or message (submit a form).
3. There is also a defined list of "prescribed people and bodies" on the Government website, [here](#). It is a list of the prescribed persons and bodies who you can make a disclosure to. There is also a brief description about the matters you can report to each prescribed person.

8. What will ELFT do?

We are committed to the principles of the Freedom to Speak Up Review and its vision for raising concerns, and will respond in line with them.

The matter you are speaking up about may be best considered under a specific existing policy/process; for example, our process for dealing with bullying and harassment. If so, we will discuss that with you.

If you speak up about something that does not fall into an HR or patient safety incident process, this policy ensures that the matter is still addressed.

Once you have informed someone of your concern, a suitable person will discuss the matter with you to ensure they have properly understood the nature and context of the concern. The information will initially be assessed by the person who you raised it with to establish what action should be taken. We are committed to the principles of the Freedom to Speak Up review and its vision for raising concerns, and will respond in line with them.

We are committed to listening to our staff, learning lessons and improving patient/service user care. On receipt, the concern will be recorded and you will receive an acknowledgement. The central record will record the date the concern was received, whether you have requested confidentiality, a summary of the concerns and dates when we have given you updates or feedback.

Investigation

Where you have been unable to resolve the matter quickly (usually within a 10 working days) with your line manager, we will carry out a proportionate investigation – using someone suitably independent (usually from a different part of the organisation) and properly trained – and we will reach a conclusion within a reasonable timescale (which we will notify you of).

Wherever possible we will carry out a single investigation (for example, where a concern is raised about a patient safety incident, we will usually undertake a single investigation that looks at your concern and the wider circumstances of the incident). The investigation will be objective and evidence-based, and will produce a report that focuses on identifying and rectifying any issues, and learning lessons to prevent problems recurring.

We may decide that your concern would be better looked at under another process; for example, our process for dealing with bullying and harassment. The Trust reserves the right to decide which policy will be followed to address your concern. If this is the case, we will discuss and confirm this with you.

Any employment issues (that affect only you and not others) identified during the investigation will be considered separately. Again, the Trust reserves the right to decide what policy will be followed to address your concern.

Communicating with you

We will treat you with respect at all times and will thank you for raising your concerns. We will discuss your concerns with you to ensure we understand exactly what you are worried about. We will tell you how long we expect the investigation to take and keep you up to date with its progress.

Wherever possible, we will share the full investigation report with you (while respecting the confidentiality

of others).

How will we learn from your concern?

The focus of the investigation will be on improving the service we provide for patients and services. Where it identifies improvements that can be made, we will track them to ensure necessary changes are made, and are working effectively. Lessons will be shared with teams across the organisation, or more widely, as appropriate.

Board oversight

The Board supports staff raising concerns and wants you to feel free to speak up. The Trust Board will be given the themes about concerns raised by our staff through this policy and what we are doing to address any problems. The themes will also be included in the annual report.

9. Advice and support

We understand that such processes may be difficult and in order to support you further you have access to the [Care First](#), the Employee Assistance Programme (EAP).

[Care First](#) provides:

- Unlimited Freephone access 24 hours a day, every day of the year for personal and work related issues.
- Short term counselling and support by telephone and face to face (up to six one hour sessions per issue).
- Support and referral for longer term issues.
- Information services for any practical and day-to-day issues.
- Management support and referral services.
- On-line counselling, supporting articles and wellbeing advice.

Care First can be contacted on 0800 174 319 or you can visit <https://carefirst-lifestyle.co.uk/>

Support is also available from the occupational health department.

Mediation Services

Mediation can be a useful mechanism for dispute resolution (to avoid) or reconciliation (to resolve) dysfunctional working or relationships that manifest through the raising of concerns. More information about mediation and how to access is available [here](#) on the Trust intranet.

10. Review and measuring effectiveness

We will review the effectiveness of this policy and local process, with the outcome published and changes made as appropriate.

People & Culture and the Freedom to Speak Up Guardian will monitor and analyse data pertaining to complaints raised under the policy on a quarterly basis. People & Culture will use the data to monitor the implementation of the Policy and the management of cases. In addition, the data will be collated and

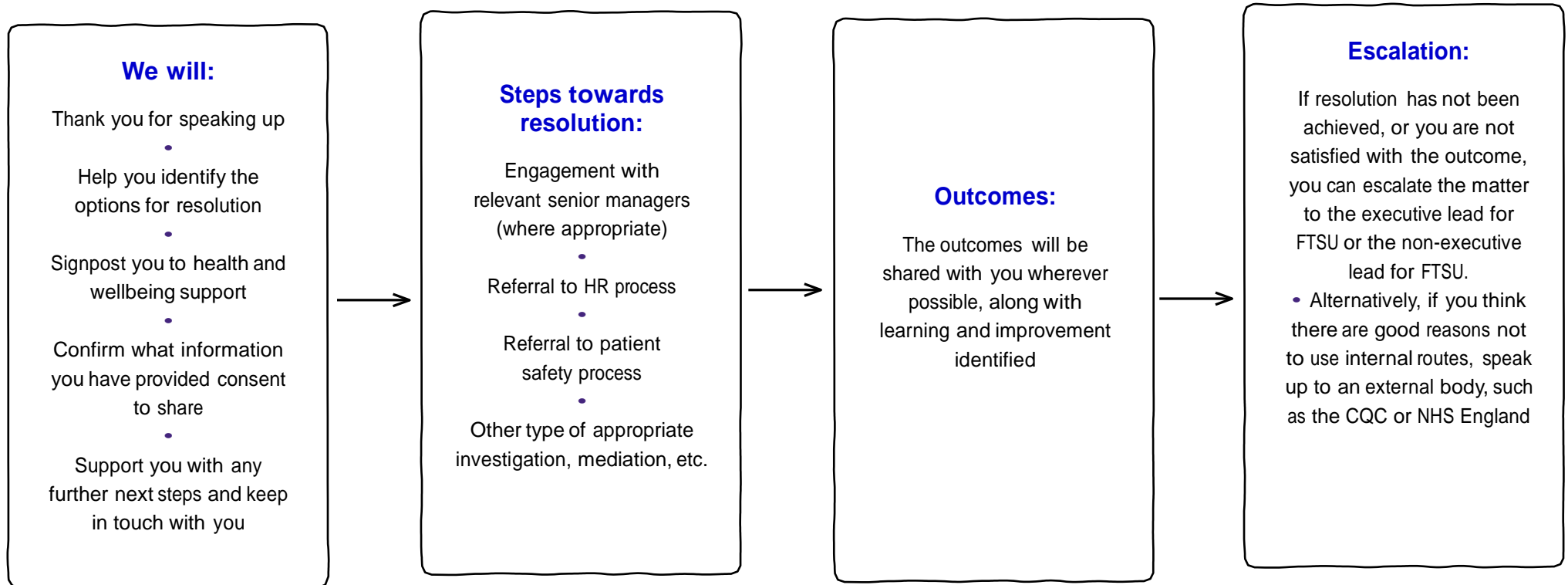
analysed for information regarding the reasons for raising concerns and any patterns/similarities derived from those concerns.

The data will be used to inform and improve policies, as well as provide recommendations for improving working practises. People & Culture will provide relevant reports, based on this data to the Executive Board and Joint Consultative Committee.

11. Monitoring

It is the responsibility of the Chief People Officer to monitor and review this policy, and to present any necessary changes, after negotiation with the Joint Staff Committee to the Service Delivery Board and the Trust Board.

Appendix A: What will happen when I speak up?

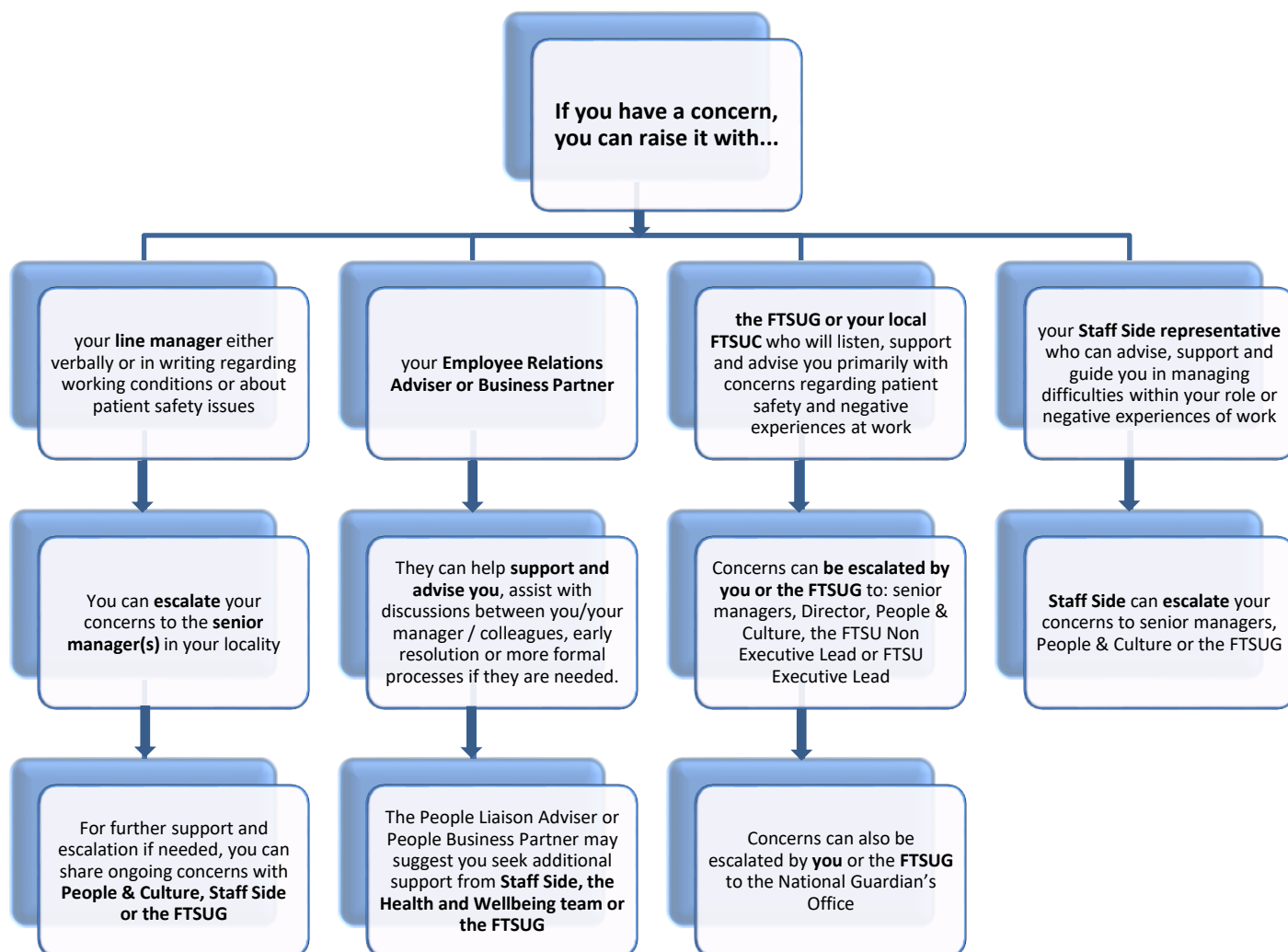


Appendix B – Avenues for Raising Concerns

You wish to raise a concern.
Your concern could relate to patient safety, worker safety, a matter that affects you personally at work, or your team, department, directorate, etc.

FTSUG = Freedom to Speak Up Guardian

FTSUC = Freedom to Speak Up Champion



Depending on the nature of your concern, you can also:

- **Report an incident on Datix**

When an incident or near miss occurs the most important thing is to deal with the incident to ensure service users, staff and the environment are safe.

As soon as possible after that, take the time to report what happened using the electronic Datix Incident Reporting Form ([here](#)), however minor it may seem to you. This helps the Trust identify

when seemingly minor incidents keep on occurring. We can then learn from them and make improvements for the benefit of everyone.

NHSI's definition of a patient safety incident: *"Patient safety incidents are any unintended or unexpected incident which could have, or did, lead to harm for one or more patients receiving healthcare"*

NHSI's definition of a near miss: *"Any patient safety incident that had the potential to cause harm but was prevented, resulting in no harm to people receiving NHS-funded care."*

To report all patient and staff incidents and near misses on Datix simply click on the Datix icon located on your desktop, a password is not required and complete the mandatory fields marked with a red asterisk.

If you have a query or require support, in the first instance speak to your manager. Further support is available from the Incident Team at elft.incidentreporting1@nhs.net

- **Contact a Bullying and Harassment Support Advisers**
Contact details on the intranet [here](#), for advice on a bullying/harassment concern
- **Contact the Counter Fraud Team** if you have a concern relating to preventing, deterring or detecting fraud

Appendix C – Raising Concerns with External Organisations

Staff who are considering raising concerns and would like more advice, who have raised concerns that are being dealt through the appropriate internal channels, or who are dissatisfied with the action taken or outcome may wish to consider approaching the following organisations:

- [NHS England & Improvement](#) for concerns about:
 - how NHS trusts and foundation trusts are being run
 - other [providers with an NHS provider licence](#)
 - NHS procurement, choice and competition
 - the national tariff
 - primary medical services (general practice)
 - primary dental services
 - primary ophthalmic services
 - local pharmaceutical services
- [Care Quality Commission](#) for quality and safety concerns
- [Health Education England](#) for education and training in the NHS
- [NHS Protect](#) for concerns about fraud and corruption.

Other organisations you can raise a concern with are in the table below.

Other organisations you can raise a concern with:

Name of Organisation	Description	Contact Details
National Whistleblowing Helpline – Speak Up	<p>Speaking up is the act of reporting concerns about malpractice, wrongdoing or fraud. Within the NHS and social care sector, these issues have the potential to undermine public confidence in these vital services and threaten patient safety. If you are working in this sector but don't know what to do, or who to turn to about your concerns, we are the leading source of signposting, advice and guidance.</p> <p>Whether you are an employee, worker, employer or professional body/organisation, you can call their free speaking up helpline or complete the online form safe in the knowledge everything you Speak Up is strictly confidential and anonymous. Speak Up offer legally compliant, unbiased support and guidance to ensure you can act in accordance with your values. This ensures you fully understand your options and legal rights specific to your employment situation.</p>	Tel: 08000 724 725 Contact: https://speakup.direct/contact-us/

Name of Organisation	Description	Contact Details
<u>Protect: Speak up to stop harm</u> (Formerly PCAW: Public Concern At Work)	Staff may wish to take advice from an independent organisation. Protect is a charity which offers free and confidential advice.	Tel: 0203 117 2520 Website: www.protect-advice.org.uk
<u>NHS Counter Fraud Authority</u>	If an NHS worker tells NHS Counter Fraud Authority about any suspected wrong doing, they believe may have occurred (including crimes and regulatory breaches) they will qualify for the same employment rights as if they had made a disclosure to their NHS employer. The Public Interest Disclosure Act 1998 (PIDA) provides a statutory framework for protecting workers from harm if they blow the whistle on their employer.	Tel: 0800 028 40 60 Website: https://cfa.nhs.uk/reportfraud
<u>Advice, Conciliation & Arbitration Service [ACAS]</u>	Their aim is to improve organisations and working life through better employment relations. They assist with employment relations by supplying up-to-date information, independent advice.	Tel: 0300 123 1100 Website: www.acas.org.uk
Professional Representative and Regulatory Organisations	<p>All staff retain the right to consult, seek guidance and support from their professional organisation or trade union, and from statutory bodies such as the Nursing and Midwifery Council (NMC), the General Medical Council (GMC) or Health & Care Professions Council (HCPC).</p> <p>Staff are encouraged to consult with the appropriate body if an issue continues to remain unresolved locally, and there is an obligation to comply with the codes of practice of their relevant professional body.</p>	<p>General Medical Council Tel : 0161 923 6602 Website: www.gmc-uk.org</p> <p>Nursing & Midwifery Council Tel: 020 7637 7181 Website: www.nmc-uk.org</p> <p>Health & Care Professions Council Tel: 0845 300 6184 Website: www.hcpc-uk.org/</p>
<u>The Parliamentary and Health Service Ombudsman</u>	<p>The Ombudsman may look into complaints by staff on behalf of a patient, if they are satisfied that there is no one more appropriate to act on a patient's behalf, such as the immediate relative.</p> <p>Information leaflets about the Ombudsman's role and the procedures for reference are available from the Patient Liaison Office or The Parliamentary and Health Service Ombudsman, Millbank Tower, Millbank, London, SW1P 4QP</p>	Tel: 0345 015 4033. Website: www.ombudsman.org.uk

Appendix D – Guidance on the Bribery Act 2010

The guidance on [The Bribery Act 2010](#) is about procedures that relevant commercial organisations can put into place to prevent persons associated with them from bribing (section 9 of the Bribery Act 2010)

Examples of Bribery

In the Act, the offence of bribery is outlined as the receipt or acceptance of a bribe, or the offer to, promise or giving of a bribe, which assists in obtaining/ retaining business or financial advantage, or the inducement or reward of someone for the “improper performance” of a relevant function.

The Act creates four categories of offence, which address the following:

- Offering, promising or giving a bribe to another person
- Requesting, agreeing to receive or accepting a bribe from another person
- Bribing a foreign official
- A corporate offence of failing to prevent bribery.

A commercial organisation (including a Foundation Trust) is now liable for the activities of associated third parties as well as its own staff, and corporate ignorance offers no protection from prosecution. The only defence available to the Trust would be therefore to prove that they ‘had in place adequate procedures designed to prevent a person associated with it from undertaking such conduct’.

The Act provides for unlimited fines and individuals are liable to a prison sentence of up to ten years. A director convicted of a bribery offence is also likely to be disqualified from holding a director position for up to 15 years. The Act is not retrospective.