

# University Hospitals of Morecambe Bay



NHS Foundation Trust



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Does this document meet the requirements of the Equality Act 2010 in relation to Race, Religion and Belief, Age, Disability, Gender, Sexual Orientation, Gender Identity, Pregnancy & Maternity, Marriage and Civil Partnership, Carers, Human Rights and Social Economic Deprivation discrimination? <b>Yes</b>	
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## BEHAVIOURAL STANDARDS FRAMEWORK

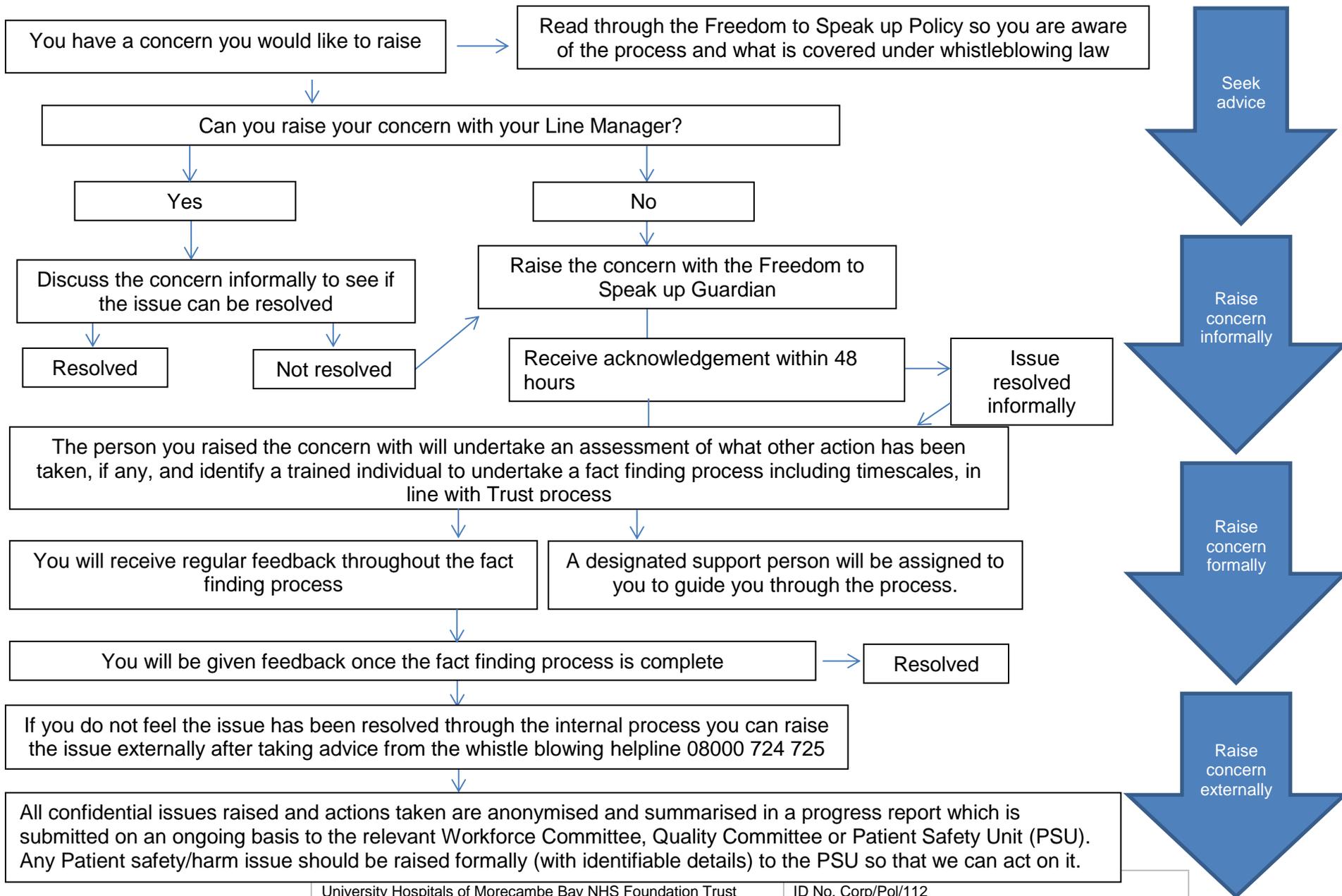
To help create a great place to work and a great place to be cared for, it is essential that our Trust policies, procedures and processes support our values and behaviours. This document, when used effectively, can help promote a workplace culture that values the contribution of everyone, shows support for staff as well as patients, recognises and celebrates the diversity of our staff, shows respect for everyone and ensures all our actions contribute to safe care and a safe working environment - all of which are principles of our Behavioural Standards Framework.

### Behavioural Standards Framework – Expectations ‘at a glance’

Introduce yourself with #hello my name is... 	Value the contribution of everyone	Share learning with others
Be friendly and welcoming	Team working across all areas	Recognise diversity and celebrate this
Respect shown to everyone	Seek out and act on feedback	Ensure all our actions contribute to safe care and a safe working environment
Put patients at the centre of all we do	Be open and honest	For those who supervise / manage teams: ensure consistency and fairness in your approach
Show support to both staff and patients	Communicate effectively: listen to others and seek clarity when needed	Be proud of the role you do and how this contributes to patient care

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# Process for raising a concern – you should always seek to resolve your concern informally<sup>1</sup>



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## 1. SUMMARY

### Speak up – We Will Listen

Speaking up about any concern you have at work is really important. In fact, it's vital because it will help us to keep improving our services for all patients and the working environment for our staff.

You may feel worried about raising a concern, and we understand this. But please don't be put off. In accordance with our Duty of Candour (see Section 6 for link), our Senior Leaders and entire Board are committed to an open and honest culture. We will look into what you say and you will always have access to the support you need.

## 2. PURPOSE

This 'standard integrated policy' was one of a number of recommendations of the review by Sir Robert Francis into whistleblowing in the NHS<sup>2</sup>, aimed at improving the experience of whistleblowing in the NHS. It is expected that this policy (produced by NHS Improvement and NHS England) will be adopted by all NHS organisations in England as a minimum standard to help to normalise the raising of concerns for the benefit of all patients and staff.

Our local process has been integrated into this policy and provides more detail about how we will look into a concern.

The Trust's Behavioural Standards Framework defines clear expectations about behaviours at work that contribute to delivering "a great place to be cared for and a great place to work". Employees of the Trust should ensure all their actions contribute to a safe, respectful and professional working environment.

## 3. SCOPE

This policy covers anyone who works or has worked at University Hospitals of Morecambe Bay, including volunteers, bank / agency / locum workers, students and governors. In this policy they will all be referred to as staff.

## 4. POLICY

### 4.1 What Concerns Can I Raise?

You can raise a concern about **risk, malpractice or wrongdoing** you think is harming the service we deliver. Just 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 0800

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028 4060 or [NHS Protect Fraud Corruption Reporting](#)

- a bullying culture (across a team or organisation rather than individual instances of bullying).

For further examples, please see the Health Education England video [Raising concerns - YouTube](#).

Remember that if you are a healthcare professional you have a professional duty to report a concern and we all have an ethical duty to speak up. **If in doubt, please raise it.**

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

This policy is not for people with concerns about their employment that affect only them – that type of concern is better suited to our Grievance Policy (see Section 6 for link).

## 4.2 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 any such concern. Any such behaviour is a breach of our values as an organisation and, if upheld following investigation, 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.

## 4.3 Confidentiality

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, we will keep your identity confidential, if that is what you want, unless required to disclose it by law (for example, by the police). You can 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.

## 4.4 Who Can Raise Concerns?

Anyone who works (or has worked) in the NHS, or for an independent organisation that provides NHS services can raise concerns. This includes agency workers, temporary workers, students, volunteers and governors.

## 4.5 Who Should I Raise My Concern With?

In many circumstances the easiest way to get your concern resolved will be to raise it with your Line Manager (or Lead Clinician or Tutor). But where you don't think it is appropriate to do this, you can use any of the options set out below in the first instance.

If raising it informally with your Line Manager (or Lead Clinician or Tutor) does not resolve matters, or you do not feel able to raise it with them, you can contact one of the following

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people and raise your concern formally:

- our Freedom to Speak Up Guardian , Heather Bruce, [Heather.Bruce@mbht.nhs.uk](mailto:Heather.Bruce@mbht.nhs.uk), 07890587013 this is an important role identified in the Freedom to Speak Up review 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

If you still remain concerned after this, you can contact:

- our executive director with responsibility for whistleblowing *David Walker, Medical Director 01539 716666, [David.Walker@mbht.nhs.uk](mailto:David.Walker@mbht.nhs.uk)*
- our non-executive director with responsibility for whistleblowing *Bruce Jassi, 01539 715259 [Bruce.Jassi@mbht.nhs.uk](mailto:Bruce.Jassi@mbht.nhs.uk)*

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

If for any reason you do not feel comfortable raising your concern internally, you can raise concerns with external bodies – see Section 4.14.

#### 4.6 Advice and Support

You can also contact the Whistleblowing Helpline for the NHS and social care on 08000 724 725, your professional body or trade union representative [Trade Unions](#).

#### 4.7 How Should I Raise My Concern?

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.

#### 4.8 What Will We 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 (see Appendix 2).

We are committed to listening to our staff, learning lessons and improving patient care. On receipt the concern will be recorded and you will receive an acknowledgement as soon as possible, preferably within two working days. 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.

#### 4.9 Investigation

Where you have been unable to resolve the matter quickly (usually within a few 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 (so, 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

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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. You may be called as a witness to any investigation undertaken.

There will be a right of appeal to any outcome resulting from an investigation.

We may decide that your concern would be better looked at under another process; for example, our process for dealing with bullying and harassment. If so, we will discuss that with you.

If your concern suggests a Serious Incident has occurred, an investigation will be carried out in accordance with the Serious Incident Framework. Any employment issues (that affect only you and not others) identified during the investigation will be considered separately.

#### **4.10 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).

#### **4.11 How Will We Learn from Your Concern?**

The focus of the investigation will be on improving the service we provide for patients. 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.

#### **4.12 Board Oversight**

The board will be given high level information about all concerns raised by our staff through this policy and what we are doing to address any problems. We will include similar high level information in our annual report. The board supports staff raising concerns and wants you to feel free to speak up.

#### **4.13 Review**

We will review the effectiveness of this policy at least annually, with the outcome published and changes made as appropriate.

#### **4.14 Raising Your Concern with an Outside Body**

Alternatively, you can raise your concern outside the organisation with:

- NHS Improvement on 0300 123 2257 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

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- Care Quality Commission on 03000 616161 for quality and safety concerns
- NHS England on 0300 311 22 33 for concerns about:
  - primary medical services (general practice)
  - primary dental services
  - primary ophthalmic services
  - local pharmaceutical services
- Health Education England on 0115 823 3300 for education and training in the NHS
- NHS Protect on **0800 028 40 60** for concerns about fraud and corruption.

#### 4.15 Making a ‘Protected Disclosure’

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 be able 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 8, who you can make a protected disclosure to. To help you consider whether you might meet these criteria, please seek independent advice from the Whistleblowing Helpline for the NHS and social care, Public Concern at Work or a legal representative.

5. ATTACHMENTS	
Number	Title
1	Example process for raising and escalating a concern
2	A vision for raising concerns in UHMBT
3	Equality & Diversity Impact Assessment Tool

6. OTHER RELEVANT / ASSOCIATED DOCUMENTS	
Unique Identifier	Title and web links from the document library
Corp/Pol/023	Being Open <a href="http://uhmb/cs/tpdl/Documents/CORP-POL-023.docx">http://uhmb/cs/tpdl/Documents/CORP-POL-023.docx</a>
Corp/Pol/123	Grievance and Resolution <a href="http://uhmb/cs/tpdl/Documents/CORP-POL-123.docx">http://uhmb/cs/tpdl/Documents/CORP-POL-123.docx</a>
Corp/Proc/022	Reporting and Investigation of Incidents including Serious Incidents <a href="http://uhmb/cs/tpdl/Documents/CORP-PROC-022.docx">http://uhmb/cs/tpdl/Documents/CORP-PROC-022.docx</a>

7. SUPPORTING REFERENCES / EVIDENCE BASED DOCUMENTS	
References in full	
Number	References
1	NHS Employers (2014) <a href="#">Model process flowchart for raising concerns</a> (accessed 20.12.16)
2	Francis QC, Sir Robert (2015) <a href="#">Freedom to speak up: An independent review into creating an open and honest reporting culture in the NHS</a> (accessed 20.12.16)
Bibliography	
NHS Improvement (2016) <a href="#">Freedom to speak up: whistleblowing policy for the NHS</a> (accessed 20.12.16)	

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8. DEFINITIONS / GLOSSARY OF TERMS	
Abbreviation or Term	Definition

9. CONSULTATION WITH STAFF AND PATIENTS	
Enter the names and job titles of staff and stakeholders that have contributed to the document	
Name	Job Title
Joint Working Group	
Joint Local Negotiating Committee	
Mark Tomlinson	Chair JLNC
Heather Bruce	Freedom to speak up guardian

10. DISTRIBUTION PLAN	
Dissemination lead:	Rachel Hunt
Previous document already being used?	Yes previous whistleblowing policy is being used
If yes, in what format and where?	
Proposed action to retrieve out-of-date copies of the document:	As soon as approval is given for this policy it will be removed from the intranet
<b>To be disseminated to:</b>	
Document Library	
Proposed actions to communicate the document contents to staff:	Promotion within the Weekly News – New documents uploaded to the Document Library and subsequent training

11. TRAINING		
Is training required to be given due to the introduction of this policy? *Yes / No * Please delete as required		
Action by	Action required	Implementation Date
Rachel Hunt/Heather Bruce	Training to be devised	

12. AMENDMENT HISTORY				
Version No.	Date of Issue	Page/Selection Changed	Description of Change	Review Date
1.1	05/01/2017	Page 3	Box added to the flowchart to show that a summary report is submitted to the relevant committee/PSU.	01/08/2019
1.2	26/10/2017	Page 3	BSF page added	01/08/2019

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## Appendix 1: Example process for raising and escalating a concern

### Step one

If you have a concern about a risk, malpractice or wrongdoing at work, we hope you will feel able to raise it first with your Line Manager, Lead Clinician or tutor (for students). This may be done orally or in writing.

### Step two

If you feel unable to raise the matter with your Line Manager, Lead Clinician or tutor, for whatever reason, please raise the matter with our local Freedom to Speak Up Guardian:

*Heather Bruce, 07890587013*

This person has been given special responsibility and training in dealing with whistleblowing concerns. They will:

- treat your concern confidentially unless otherwise agreed
- ensure you receive timely support to progress your concern
- escalate to the board any indications that you are being subjected to detriment for raising your concern
- remind the organisation of the need to give you timely feedback on how your concern is being dealt with
- ensure you have access to personal support since raising your concern may be stressful.

If you want to raise the matter in confidence, please say so at the outset so that appropriate arrangements can be made.

### Step three

If these channels have been followed and you still have concerns, or if you feel that the matter is so serious that you cannot discuss it with any of the above, please contact

David Walker, Medical Director, [David.Walker@mbht.nhs.uk](mailto:David.Walker@mbht.nhs.uk), 01539 716666

Bruce Jassi, Non-Executive Director, [Bruce.Jassi@mbht.nhs.uk](mailto:Bruce.Jassi@mbht.nhs.uk), 01539 715259

### Step four

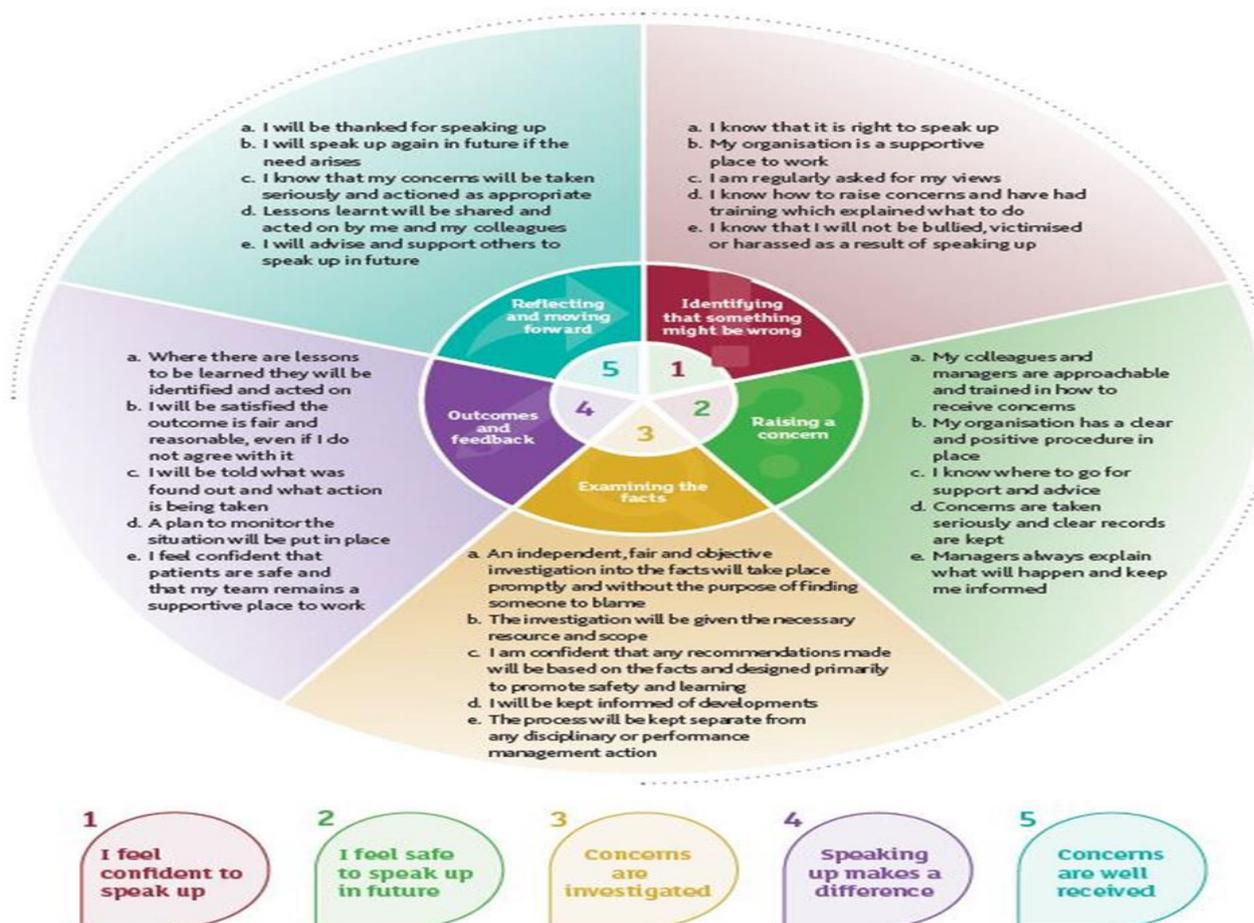
You can raise concerns formally with external bodies on page 6

You should expect to receive acknowledgement of your concern at the earliest possible date from receipt and be assured that your concern is being looked into. Throughout any process whether it an informal fact finding process or an investigation you will receive regular updates on progress.

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## Appendix 2: A vision for raising concerns in UHMBT

Source: Sir Robert Francis QC (2015) *Freedom to Speak Up: an independent report into creating an open and honest reporting culture in the NHS.*<sup>2</sup>



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## Appendix 3: Equality & Diversity Impact Assessment Tool

### Equality Impact Assessment Form

Department/Function	Corporate			
Lead Assessor	Rachel Hunt, Workforce Business Partner			
What is being assessed?	Freedom to Speak Up / Raising Concerns policy			
Date of assessment	October 2016			
What groups have you consulted with? Include details of involvement in the Equality Impact Assessment process.	Equality of Access to Health Group	<input checked="" type="checkbox"/>	Staff Side Colleagues	<input checked="" type="checkbox"/>
	Service Users	<input checked="" type="checkbox"/>	Staff Inclusion Network/s	<input checked="" type="checkbox"/>
	Personal Fair Diverse Champions	<input checked="" type="checkbox"/>	Other (Inc. external orgs)	<input checked="" type="checkbox"/>
	Please give details: Joint Working Group and Joint Local Negotiating Committees and Staff Inclusion Networks			

1) What is the impact on the following equality groups?		
<b>Positive:</b> ➤ Advance Equality of opportunity ➤ Foster good relations between different groups ➤ Address explicit needs of Equality target groups	<b>Negative:</b> ➤ Unlawful discrimination, harassment and victimisation ➤ Failure to address explicit needs of Equality target groups	<b>Neutral:</b> ➤ It is quite acceptable for the assessment to come out as Neutral Impact. ➤ Be sure you can justify this decision with clear reasons and evidence if you are challenged
<b>Equality Groups</b>	<b>Impact</b> (Positive / Negative / Neutral)	<b>Comments</b>
<b>Race</b> (All ethnic groups)	Positive	➤ Provide brief description of the positive / negative impact identified benefits to the equality group. ➤ Is any impact identified intended or legal?  The policy does refer to specific areas to be raised under true whistleblowing which are in the public interest however it does encourage everybody to raise any concern they have which should give staff the confidence to raise a concern and have it looked into whether they have experienced or witnessed an inequality or wrongdoing.
<b>Disability</b> (Including physical and mental impairments)	Positive	
<b>Sex</b>	Positive	
<b>Gender reassignment</b>	Positive	
<b>Religion or Belief</b>	Positive	
<b>Sexual orientation</b>	Positive	
<b>Age</b>	Positive	
<b>Marriage and Civil Partnership</b>	Positive	
<b>Pregnancy and maternity</b>	Positive	
<b>Other</b> (e.g. caring, human rights)	Positive	

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2) In what ways does any impact identified contribute to or hinder promoting equality and diversity across the organisation?	Whilst this policy identifies specific areas which should be raised under whistleblowing, it does encourage all staff to raise any concerns they have and this should encourage people to speak out about any inequalities they have experienced.
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3) If your assessment identifies a negative impact on Equality Groups you must develop an action plan <b>to avoid discrimination and ensure opportunities for promoting equality diversity and inclusion are maximised.</b>
➤ This should include where it has been identified that further work will be undertaken to further explore the impact on equality groups
➤ This should be reviewed annually.

Action Plan Summary
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Action	Lead	Timescale
None required.		

*This form will be automatically submitted for review for Policies and Procedures once approved by Policy Group. For all other assessments, please return an electronic copy to [EIA.forms@mbht.nhs.uk](mailto:EIA.forms@mbht.nhs.uk) once completed.*

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