

## **Raising Concerns and Whistle Blowing policy for Bank Members**

### **1. Introduction**

This policy is designed to provide guidance and support for our bank members if raising concerns about wrongdoing at work and to encourage all bank members to raise any concerns in the right way.

This policy is also designed to ensure that such matters are dealt with fairly, consistently, effectively and in a timely manner, in accordance with current legislation.

### **2. What is Whistle Blowing?**

We take malpractice seriously and whistle blowing can therefore be described as a process of reporting matters of concern and covers: -

- Unsafe patient care
- Failure to protect or safeguard patients
- Poor clinical practice or other malpractice which may harm patients
- Criminal offences
- Fraud or corruption
- Negligence
- Other Civil Law issues, such as racial, sexual or disability discrimination
- A bullying culture
- Miscarriage of Justice
- Danger to Health and Safety such as unsafe working conditions

Environmental issues (e.g. pollution)

Please note that this list is not exhaustive.

### **3. Scope**

This policy is applicable for use by all bank members registered with NHS Professionals.

It is your responsibility to familiarise yourself with and to understand this policy however please be aware that you should also be aware of and comply with policies regarding raising concerns and whistle blowing in the Trusts where you work assignments.

### **4. Your Safety**

NHS Professionals Board and the Chief Executive are committed to this policy.

If you raise a genuine concern in good faith under this policy, you will not be at risk of any detriment or suffer any form of retribution as a result even if you are mistaken.

We do not however extend this assurance to someone who maliciously raises a matter they know to be untrue and this may result in disciplinary action.

## **5. Your confidence**

Please be assured that we will not tolerate the harassment or victimisation of anyone raising a genuine concern. We do however recognise that you may wish to raise a concern in confidence under this policy.

If you ask us to protect your identity by keeping your confidence, your identity will not be disclosed without your consent. If the situation arises where we are not able to resolve the concern without revealing your identity, then an agreement will be reached about whether and how to proceed.

Please note that, if you raise concerns anonymously, it will be much more difficult for the matter to be looked into and for feedback to be provided. While we will consider concerns raised anonymously, any possible actions may be limited because of the anonymity of the person raising the concern.

## **6. How to Raise Your Concerns with us**

Whichever method you choose please let us know that you are informing us under NHS Professionals' Whistle Blowing Policy and we will then contact you to clarify the issues you have raised and agree with you how you wish to proceed as outlined below.

As an NHS Professionals bank member you have a duty of care to ensure that the best care and treatment is provided to all patients. In addition, you are expected to be open and honest and if you believe that you have witnessed care or treatment that falls below the standards expected by the Trust or professional bodies either due to the actions of an individual or a group or due to a lack of resources, then you have a duty to alert senior staff in the NHS organisation where you are working to such concerns.

The best way to let us know of your concerns is via our online feedback form available on the feedback page of our website at [www.nhsprofessionals.nhs.uk](http://www.nhsprofessionals.nhs.uk).

Alternatively you can email our clinical governance team at [clinical.governance@nhsprofessionals.nhs.uk](mailto:clinical.governance@nhsprofessionals.nhs.uk).

If you prefer to speak to someone you can call our national service centre which is open 24 hours a day on 03332 407 552.

## **7. How We Will Handle Your Concern**

Once a concern has been raised to us, our clinical governance team will look into it and make an initial assessment of what action should be taken. This may involve an internal inquiry or a more formal investigation. We will tell you the name of the person who is handling the matter, how they can be contacted, how the matter will be dealt with, the timeframe for a response and whether further assistance may be needed.

Please note that we may not be able to tell you the precise action taken, where this would infringe a duty of confidentiality owed by NHS Professionals to someone else.

## **8. Staff Representation**

If you wish to raise a concern under this policy, you may bring a friend, or trade union or professional representative (not acting in an official capacity) to any interviews that may be arranged, provided that the person is not involved in the area of work to which the concern relates. It should be noted that this person should attend to provide personal support only and will not be allowed to become involved in the proceedings.

## **9. Public Disclosure**

The Public Interest Disclosure Act 1998 (often referred to as the “Whistleblowers Act”) gives protected rights to bank members who wish to raise concerns in specific areas, such as health and safety or malpractice.

It is important to be aware that, any member of staff, who discloses information about matters of patient care, to the media or the public, without using this policy, is outside the protected rights for public disclosure under the Public Interest Disclosure Act and may be subject to disciplinary action.

## **10. Independent Advice**

For guidance on whether to use this procedure or if independent advice is needed at any stage, you may contact:

### **10.1 National Whistle Blowing Helpline for Staff**

This service offers free, confidential advice to all staff within the NHS and Social care. The helpline will be able to clarify whether you have a whistleblowing concern and talk you through the processes to raise your concern; or will advise you on how to escalate the concern, if you feel that the issues raised have not been dealt with appropriately. It can also advise you of your rights under the Public Interest Disclosure Act which is aimed at protecting those who raise a patient safety or other issue in the public interest by following the correct procedures.

To speak to a helpline advisor you should telephone: **08000 724 725**. The phone line is open Mon-Fri 8am-6pm. If calling out-of-hours or on a bank holiday, there is also an answering service where you can leave a message for an advisor to call you back at a convenient time.

Alternatively, you may send an email to: [enquiries@wbhelpline.org.uk](mailto:enquiries@wbhelpline.org.uk) All messages are treated in strict confidence.

Further information is obtainable through the National Whistleblowing helpline website <http://wbhelpline.org.uk/>

### **10.2 Public Concern at Work**

PCaW is a charity that provides free, confidential legal advice to people who are concerned about wrongdoing at work and not sure whether, or how, to raise their concern.

Telephone: 020 7404 6609

Website: [www.pcaw.org.uk](http://www.pcaw.org.uk)

Email: [whistle@pcaw.org.uk](mailto:whistle@pcaw.org.uk)

### 10.3 NHS Employers

The following guidance is available: <https://www.nhsemployers.org/retention-and-staff-experience/raising-concerns-whistleblowing>

#### 10.3 You can also contact:

- Your Trade union or professional association
- The NHS Fraud and Corruption Reporting Line on:0800 028 4060.

### 11. If You Are Dissatisfied

While we cannot guarantee that we will respond to all matters in the way you might wish, we will try to handle the matter fairly and properly and by using this policy you will help us to achieve this.

If you are worried that your concern has not been taken seriously or your concern has not been dealt with appropriately, you may escalate your concern with a relevant regulatory body (referred to as a prescribed person or prescribed body) - see the list of prescribed persons/bodies below.

We would strongly recommend that you seek further advice before escalating concerns externally. Extensive guidelines on how to raise a concern and how to escalate a concern, where appropriate, with regulatory bodies, can also be found on the following websites:

- British Medical Association (BMA) - guidance for doctors and medical students [www.bma.org.uk](http://www.bma.org.uk)
- General Medical Council (GMC) - guidance for doctors on raising and acting on concerns [www.gmc-uk.org](http://www.gmc-uk.org)
- Nursing and Midwifery Council (NMC) - guidance and toolkits for nursing and midwifery [www.nmc-uk.org](http://www.nmc-uk.org)
- Health and Care Professions Council (HCPC) - guidance for health care professionals [www.hpc-uk.org](http://www.hpc-uk.org)
- Care Quality Commission (CQC) - guidance for health and care staff about how you can escalate a concern with the CQC [www.cqc.org.uk](http://www.cqc.org.uk)
- The Royal College of Nursing - guidance for qualified and unqualified nursing staff [www.rcn.org.uk](http://www.rcn.org.uk)

### VERSION HISTORY

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1	30/04/2015	Ratified by NJPF and CG Committee	Karen Barraclough, Senior Nurse/ Head of Governance Donna Lee, Head of Human

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2	July 2019	Reviewed and updated	Karen Barraclough, Chief Nurse/ Head of Governance
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