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Hampshire Partnership 
NHS Trust

PP 1

**VOICING A CONCERN
(WHISTLE-BLOWING POLICY)
- including anti-fraud response –
[Version 4]**

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Hampshire Partnership NHS Trust

POLICIES AND PROCEDURES PROFORMA

Subject and Version of Document: Voicing a Concern (including anti-fraud response) [Whistle Blowing Policy] Version 4

Author: Bernard Carter, Director of Human Resources

Persons/Committees etc consulted whilst document in draft: Policies & Procedures Committee, Trust Management Team, Staff Side.

Date agreed: February 2007

By whom agreed: Trust Management Team

Date of next review/update and by whom: August 2010
Director of HR

Copy obtainable from and/or distribution: Website

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Responsibility for dissemination to new staff: All Clinical and Non-Clinical Department Heads

Principal Target Audience: All Staff

Training Implications: Staff awareness

Amendments Summary:

Amend. No.	Issued	Page	Subject
No. 1	January 2004	1	Telephone numbers for NHS Fraud Help line and the Trust's Local Counter Fraud Specialist added.
No. 2	January 2004	1	Reference to Trust Fraud Policy added.
No.3	January 2004	2	Reference to Nolan Committee and Web address added.
No. 4	January 2004	3	NHS Fraud hotline number added
No. 5	January 2004	4	Contact Numbers updated
No. 6	June 2005	Proforma only	Review date changed to April 2006 – as agreed at Staff Forum.
No. 7	February 2007	All	General updates incorporating audit recommendations
No. 8	August 2007	5	Local Counter Fraud Specialist contact number changed. Trust Auditors and contact number changed

Author: Bernard Carter, Director of HR
Version 4
August 2007

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VOICING A CONCERN (WHISTLE-BLOWING POLICY) - including anti-fraud response -

1. Introduction

All of us at one time or another have concerns about what is happening at work. Usually these concerns are easily resolved. However, when they are about dangers to service users, staff or the public, unlawful conduct, financial malpractice, fraud, health and safety or dangers to the environment, it can be difficult to know what to do.

You may be worried about raising such issues. You may want to keep the concerns to yourself, perhaps feeling it's none of your business or that it's only a suspicion. You may feel that raising the matter would be disloyal to colleagues, managers or to the organisation. You may decide to say something but find that you have spoken to the wrong person or raised the issue in the wrong way and are not sure what to do next. You may also not be clear how your own professional code of conduct relates to Trust procedures.

The Trust has introduced this procedure to enable you to raise your concerns about such matters at an early stage and in the right way. The Public Interest Disclosure Act 1998 was introduced to safeguard anyone who raises such concerns, and this policy includes the Act's requirements.

We would rather that you raised the matter when it is just a concern rather than waiting for proof. Indeed, if you have serious suspicions that an offence has been committed, you must report them as soon as possible. We all have a responsibility to protect the Trust, its service users, staff and the public. If you are in any doubt, you can contact the NHS Fraud Hotline, telephone number 0800 028 40 60 or the Trust's Local Counter Fraud Specialist on 07739 600731.

If something is troubling you which you think the Trust should know about or look into, please use this procedure. You should never accuse individuals directly, and telling the wrong person may jeopardise an investigation. If you are aggrieved about your personal position, please use the Grievance Procedure (PP8) – which you can get from your manager or from the Trust website <http://www.hantspt.nhs.uk/> in the section on Non-clinical Policies (Personnel). This Procedure for Voicing a Concern is primarily for concerns where the interests of other people or those of the Trust itself are at risk.

It is important that you do not investigate by yourself and that you use the Trust's reporting system. The police say they cannot prosecute in over half of fraud and corruption cases because the wrong actions have been taken before the case reaches them.

If in doubt in any such matter, raise it using the procedure set out in this document.

For further advice regarding suspected fraud, please refer to the Trust's Fraud Policy and Manager Guidance (Non-Clinical Policies NCP 3 and NCP 11).

It is also important to note that we should all be aware of, and working in line with, the Seven Principles of Public Life, as recommended by the Nolan Committee's first report on Standards in Public Life. These can be found at:

www.archive.official-documents.co.uk/document/parliament/nolan/nolan.htm

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2. Our Assurances to you

Your safety

The Chairman, Chief Executive and Trust Board are committed to this procedure. If you raise a genuine concern under this procedure, you will not be at risk of losing your job or suffering any form of retribution as a result. Provided you are acting in good faith, it does not matter if you are mistaken. Of course we do not extend this assurance to someone who maliciously raises a matter they know is untrue, and in such cases disciplinary action would be considered.

Your confidence

We will not tolerate the harassment or victimisation of anyone raising a genuine concern. However, we recognise that you may nonetheless want to raise a concern in confidence under this procedure. If you ask us to protect your identity by keeping your confidence, we will respect your request. If the situation arises where we are not able to resolve the concern without revealing your identity (for instance where there is a risk to patient care, or if your evidence is needed in court or a disciplinary hearing), we will discuss with you how we can proceed.

Remember that if you do not tell us who you are, it will be much more difficult for us to look into the matter or to protect your position or to give you feedback. Whilst we will give due consideration to anonymous reports, we cannot follow this procedure for concerns raised anonymously. The NHS Fraud Hotline may be used for anonymous referrals.

3. How we will handle the matter

Once you have told us of your concern, we will look into it to assess initially what action should be taken. This may involve an internal inquiry or a more formal investigation. We will tell you who is handling the matter, how you can contact him/her, the time-scale for action and whether your further assistance may be needed. If you request, we will write to you summarising your concern and setting out how we propose to handle it. We will in any case keep a log of this information and monitor its progress.

When you raise the concern you may be asked how you think the matter might best be resolved. If you do have any personal interest in the matter, we do ask that you tell us at the outset. If your concern falls more properly within the Grievance Procedure we will tell you.

While the purpose of this procedure is to enable us to investigate possible malpractice and take appropriate steps to deal with it, we will give you as much feedback as we properly can. If requested, we will confirm our response in writing. Please note, however, that we may not be able to tell you the precise action we take where this would infringe a duty of confidence owed by us to someone else.

All managers who receive allegations at any of the above stages are responsible for making a decision at the earliest opportunity and for ensuring that the appropriate action is taken, including informing others and documenting the issue as appropriate. This action will include deciding how any person, against whom an allegation is made, is informed of the matter. This will involve conducting a risk assessment to ensure that the investigation is not jeopardised by the disclosure.

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4. How to raise a concern initially

Step one

If you have a concern about malpractice, we encourage you to raise it first with your manager. This may be done orally or in writing. You may wish to involve a Trade Union representative or colleague to advise or assist you, or to speak on your behalf. As soon as you have a concern, you should make an immediate note of it. You should write down all the relevant details – what was said or done, time, date, names and so on.

Step two

If you feel unable to raise the matter with your manager, for whatever reason, please raise the matter with another senior person you can trust. This might be another manager (e.g. a senior financial manager for a financial matter) or an HR Adviser, and again you may wish to involve a Trade Union representative or colleague.

Please say if you want to raise the matter in confidence so that they can make the appropriate arrangements for any meeting.

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 any member of the Trust Board or Trust Management Team.

The "Mention2Martin" scheme is available to all staff and provides an opportunity for you to raise any concerns directly with the Chief Executive by ringing 023 8087 4370 or emailing mention2martin@hantspt-sw.nhs.uk. A response is given within two working days.

You may consult your MP or if appropriate you may raise the matter directly with the Secretary of State for Health. If your concern is about fraud and corruption, you may also contact the NHS Fraud Hotline, telephone number 0800 028 40 60.

5. Independent Advice

If you are unsure whether to use this procedure or you want independent advice at any stage, you may contact your trade union or professional body, or the independent charity Public Concern at Work (020 7404 6609). Their lawyers can give you free confidential advice at any stage about how to raise a concern about serious malpractice at work.

6. External contacts

We hope that you will be happy to raise such matters internally under this procedure but we also recognise that there may be circumstances where matters should properly be reported to statutory regulatory bodies or the police. Senior professional advisors, HR Advisors, trade unions and Public Concern at Work will be able to advise you on such an option and on the circumstances in which it may be appropriate for you to contact an outside body.

Provided you are acting in good faith and you have evidence to back up your concern, you can also contact:

The Health and Safety Executive	01256 404000
Local Counter Fraud Specialist	07970 425275
The Trust's Auditors (Deloitte and Touche Public Sector)	0118 950 8141
National Counter Fraud and Corruption Reporting Line	0800 028 40 60

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7. Confidentiality of Information

The Trust aims to be an open and reasonable organisation, but we still have legal responsibilities to keep information about others secure.

Your contract of employment with the Trust includes a requirement for confidentiality in the use of information to which you have access. This covers medical, personal, financial and business information about service users, staff, other individuals and organisations. If you choose to raise a concern with anyone external to the Trust in option 2 above, you must always keep this responsibility in mind. If there appears to be a conflict with the necessary reporting of your concern, you should seek advice to protect yourself and the Trust's obligations.

8. Contractors, others from external bodies, including local authority staff working in integrated teams, suppliers, agency staff, trainees, volunteers and people on work experience.

An NHS provider is very dependent on a wide range of contractors, suppliers, and others not directly employed by the Trust such as agency staff, trainees, volunteers, or anyone on a work experience placement. Trust staff should use this procedure for reporting concerns relating to persons from any of these groups. Also, any of these people may use the Trust's procedure to report their concerns. Their own employer may have a procedure which could meet the need, but the Trust procedure is always available, if there is any doubt, for concerns which relate to the Trust.

9. If you are dissatisfied

If you are unhappy with the response you receive when you use this procedure, remember you can go to the other levels and bodies detailed. Whilst the Trust cannot guarantee that it will respond to all matters in the way that you might wish, we will try to handle the matter fairly and properly. By using this procedure, you will help us to achieve this.

Bernard Carter, Director of Human Resources
Amendment 7, 31 Jan 2007
Review Date: March 2010 (contact details will be updated as changes occur)