



## VOICING YOUR CONCERNS

Code of Conduct and Procedure for Staff Who Wish to Raise Issues of Concern about the Functioning of the Trust in particular in relation to service user or patient safety

### 1. INTRODUCTION

- 1.1 Chesterfield Royal Hospital NHS Foundation Trust wishes to encourage a climate of openness and dialogue where staff can express their concerns about the delivery of care or the way the Trust is conducting its business. This is welcomed as a contribution towards improving services, which must be done in good faith and with honest intent, and with proper regard to principles of confidentiality.
- 1.2 A local procedure detailed in Appendix 1 has been developed and agreed by the Joint Consultative Committee to enable all staff to address and resolve issues of concern efficiently and effectively.
- 1.3 This procedure specifically excludes issues related to terms and conditions of employment and individual grievances relating to matters affecting working conditions, which are covered by other jointly agreed procedures.

### 2. POLICY STATEMENT

- 2.1 Chesterfield Royal Hospital NHS Foundation Trust wants to promote an open and transparent culture where all workers feel safe to raise concerns. The Trust aims to ensure that all expressions of concern are dealt with sympathetically and seriously, and that workers or volunteers raising concerns will be kept fully informed of any action taken. Where no action is considered practicable or appropriate, a full and prompt explanation will be provided.

### 3. DEFINITIONS

- 3.1 The term disclosure refers to any public distribution of information.

### 4. PROCEDURE/GUIDELINES/PROCESS

#### 4.1 Confidential Information on Patients and Staff

- 4.1.1 In the expression of any concern, members of staff have an obligation to safeguard confidential information about patients and other employees. Disclosure of personal information about any patient or member of staff outside the scope of this code of conduct and procedure will be regarded as a serious disciplinary matter. This applies even when a member of staff believes that they are acting in the best interest of the other person by disclosing personal information to unauthorised recipients.

#### 4.2 Awareness of the Code and Procedure

- 4.2.1 All members of staff who have supervisory or line management responsibility must ensure that a system of reporting and feedback is known and understood within the division or directorate so that staff concerns can be dealt with thoroughly, professionally and in a timely

manner. Copies of documentation relating to this policy will also be held centrally by the HR Department.

### 4.3 Organisational Information

4.3.1 If a member of staff, in the course of their employment, believes there has been malpractice, they should pursue this in accordance with the procedure at Appendix 1. Examples of matters to be referred include:

- Poor standards of patient care, including for example, behaviours not consistent with our Proud To Care values;
- breach of a statutory or legal requirement, standing financial instruction or standing order;
- abuse of authority;
- conflict of interest;
- disclosure of confidential information to unauthorised recipients;
- a deliberate attempt to cover up any of the above

The Public Interest Disclosure Act (1998) protects individuals who make certain disclosures of information in the public interest. Provided these disclosures are made in accordance with this policy, and are not made maliciously or falsely, the Trust will endeavour to protect these individuals in accordance with this Act and it is unlikely that disciplinary action would be taken.

Workers who raise concerns and require support should seek this through their HR Partner or through Occupational Health who will be able to source counselling support if needed.

### 4.4 Health and Safety

4.4.1 Regulation 12 of the Management of Health and Safety at Work Regulations 1992 requires employees to **inform employers** of any work situation which could reasonably be considered to represent a serious and immediate danger to health and safety, and of any shortcomings in the employer's protection arrangements which have not been previously reported.

4.4.2 This places a duty on all employees whilst at work to draw to the attention of their immediate line manager the specific problem as quickly as possible. The designated local health and safety representatives are available to help individual members of staff in raising concerns in accordance with the agreed procedures. However, if representations are ignored and they believe there is danger to the health and safety of any individual or the environment, members of staff should report their concerns in writing direct to the Chief Executive.

### 4.5 Reference to Other Bodies

4.5.1 All members of staff retain the right to consult, and to seek guidance and support from their professional organisations or trade unions and from statutory bodies.

4.5.2 Where a member of staff has a concern about the care of a patient detained under the Mental Health Act 1983, they may be able to refer the matter to the Care Quality Commission if the concern remains unresolved after it has been reviewed through local procedures.

4.5.3 Where a member of staff has a concern about a matter relating to possible fraud, they can also contact the Counter Fraud Service.

4.5.4 Any member of staff can also contact the free, confidential and independent helpline on 0800 389 9973 and leave an anonymous message or with their name and number. This line is available 24 hours a day. These messages will be picked up and followed through. If an individual has left their details they will be contacted to find out more and be informed of

the outcome. Concerns can also be emailed to [CRHFT.youtalkwelisten@nhs.net](mailto:CRHFT.youtalkwelisten@nhs.net). Alternatively, there is a form on the intranet which can be downloaded and completed and sent to the Director of Workforce & Organisational Development.

There is also an NHS whistleblowing helpline which can be contacted on 08000 724 725. This is available weekdays between 08.00 and 18.00, with an out of hours answering service on weekends and public holidays. They can also be emailed at [enquiries@wbhelpline.org.uk](mailto:enquiries@wbhelpline.org.uk). Details of the service are also available at [www.wbhelpline.org.uk](http://www.wbhelpline.org.uk) where you can also email or submit a question online.

- 4.5.5 Members of staff have the general right of any citizen to consult their Member of Parliament at any time. In relation to raising issues of concern as employees, however, staff will normally be expected to have exhausted local procedures before doing so.

#### **4.6 Disclosure to the Media**

- 4.6.1 If, having exhausted internal procedures, a member of staff contemplates the possibility of disclosure to the media, before doing so they should seek guidance from their professional or trade union representative. They must also notify the Chief Executive. It is important for members of staff to bear in mind that media disclosure does not in itself resolve the issue(s) causing their concerns. Ultimately these can only be addressed effectively by internal dialogue between the individual and the Trust, using the enclosed procedure.

- 4.6.2 Provided a member of staff has exhausted the internal procedure set out in Appendix 1, and has followed the action in 4.5.4 above, if they feel the Trust has failed to act on their concerns it will be open to them to make a statement to the media without any action being taken against them by the Trust.

- 4.6.3 However, in any disclosure to the media, members of staff must ensure that:

- (a) the information they put into the public domain is accurate;
- (b) the way in which they make it public will not lead to disruption of the provision of a service to the detriment of patient care;
- (c) the information disclosed does not breach patient or employee confidentiality; or
- (d) the disclosure will not be seen as 'malicious' in the context of any attempts being made by the Trust to resolve the issue.

- 4.6.4 Any member of staff who, in disclosing information to the media, fails to show that they have reasonably tried to satisfy the criteria set out in 4.5.4 and 4.6.2 above may undermine the mutual trust and confidence which should exist in their employment relationship and leave themselves open to disciplinary action.

#### **4.7 Approaches to Members of Staff by the Media**

- 4.7.1 It is important to recognise that members of staff may be approached by the media and asked to provide information about, or comment upon, issues relating to the functioning of the Trust. In such cases, members of staff should ensure they follow the requirements of 4.5.4 and 4.6.2 above. In the case of sensitive or controversial issues, members of staff are advised to refer enquiries to the Head of Communications or their own line manager, or, if out of hours, the Site Matron (via Switchboard).

- 4.7.2 If a member of staff believes that they may have unwittingly or inadvertently disclosed such information, they should report without delay to their line manager. Whilst this will normally be investigated within the disciplinary procedure it is highly unlikely that disciplinary action would be taken if the disclosure was made inadvertently or in good faith.

- 4.7.3 On occasion, members of staff may legitimately be asked to comment upon issues relating to the functioning of the Trust in a separate, recognised capacity (for example, as an elected local authority representative). This is acceptable provided such comments are

clearly seen to be made in their separate capacity and not as a member of staff. At the same time, they should avoid making any statements which, from their greater knowledge of the organisation as a member of staff, they know to be likely to undermine the public's confidence in local services.

## **5. ROLES AND RESPONSIBILITIES**

- 5.1 It is the responsibility of employees to raise any concerns they have in line with this policy in the appropriate manner.
- 5.2 It is the responsibility of managers to deal promptly with any concerns raised and feedback to the person(s) raising them. Furthermore the manager will then be required to take any appropriate action to redress this.

## **6. TRAINING REQUIREMENTS**

- 6.1 There are no training requirements for this policy.

## **7. KEYWORDS**

- 7.1 Disclosure, malpractice, concerns, openness

## **8. REFERENCES**

- 8.1 The Public Interest Disclosure Act (1998)  
Regulation 12 of the Management of Health and Safety at Work Regulations 1992  
Mental Health Act 1983

## **9. RELATED POLICIES**

Confidentiality policy (Organisational Policies 1.11)  
Safeguarding Adults Policy (Organisational Policies 2.16)

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Director responsible:	Director of Workforce and Organisational Development

## PROCEDURE FOR STAFF WHO WISH TO RAISE ISSUES OF CONCERN ABOUT THE FUNCTIONING OF THE TRUST

### AIM

The Chesterfield Royal Hospital NHS Foundation Trust aims to ensure that all expressions of concern are dealt with sympathetically and seriously, and that members of staff raising concerns will be kept fully informed of any action taken. Where no action is considered practicable or appropriate, a full and prompt explanation will be provided.

### STAGE ONE

A member of staff should, in the first instance, raise issues of concern, either verbally or in writing, with their immediate line manager. The manager will investigate promptly and thoroughly, seeking help or advice, if required, from an appropriate senior member of staff of the Trust.

The manager should report their findings and should also provide feedback to the employee originating the concern. This should normally be done within **ten working days** unless the investigation cannot properly be completed within this time.

A file note should be made recording the date, the name of the member of staff and an outline of the concerns. A record of the outcome should also be made.

Copies of any documentation relating to a concern raised under this policy should be held centrally within the HR department.

### STAGE TWO

If the matter is not resolved at Stage One the member of staff should write to the appropriate senior manager within the division or directorate - the Divisional Director, Head of Nursing, Divisional Senior Matron or Head of Midwifery, General Manager, Clinical Lead, Head of Department or Head of Service. The senior manager will arrange to meet the member of staff to discuss the matter. This will normally be done within **ten working days**. A file note must be made of this conversation by the manager leading the discussion.

### STAGE THREE

If the matter is not resolved at Stage Two the member of staff should put their concerns in writing to an appropriate Executive Director of the Trust:

Chief Executive  
 Medical Director  
 Director of Finance and Contracting  
 Director of Nursing & Patient Care  
 Director of Facilities Services  
 Director of Strategy & Performance  
 Director of Corporate Administration  
 Director of Workforce and Organisational Development

The Executive Directors will aim to meet the member of staff to discuss the matter within **10 working days**, although this may be delayed by the need for the Executive Directors to review the progress of discussions at Stages One and Two.

### MATTERS OF CONCERN INVOLVING MANAGERS

Members of staff who have concerns about the actions of managers in relation to the functioning of the Trust may raise them under this procedure. (This excludes matters relating to terms and conditions of employment and individual grievances, which are dealt with under separate agreed procedures).

Where matters of concern involve the immediate line manager or senior managers within the directorate, the member of staff has the right to draw these to the attention of an Executive Director without going through Stages One and Two.

If the concerns involve an Executive Director, the member of staff has the right to raise these with the Chairman of the Trust, or another Non-Executive Director, or a Staff Governor.

## **GENERAL**

The Trust acknowledges that staff may be apprehensive about raising concerns, or lack confidence in their ability to discuss matters of concern with managers. To help this, a member of staff may, if they choose, be accompanied in any of the meetings by another member of staff, or a local trade union representative. In such cases, the professional or trade union representative is not acting in a formal capacity but is there informally to support the member of staff.

## **OUTCOME**

The procedure is designed to ensure that members of staff can air their concerns in a constructive way which allows the Trust to respond to these positively. It is expected that the overwhelming majority of concerns will be fully addressed via Stages One, Two and Three.

If, at the exhaustion of the procedure, an individual does not feel their concerns have been answered, they may seek external assistance as per sections 4.5.2, 4.5.3, 4.5.4 and 4.6.1 of the Code of Conduct. It is also open to them to air their concerns publicly, but they must ensure the requirements of sections 4.5.4, 4.6.1, 4.6.2, 4.6.3 and 4.6.4 are met.