



VOICING CONCERN POLICY

Co-ordinator:

Director of HR

Reviewer:

Grampian Area
Partnership Forum

Approver:

Partnership Fora of
GUHT, GPCT and
Grampian NHS Board and
the Grampian
Management Team.

Signature

Signature

Signature

Identifier:

NHS/POL/14/HR

Review date:

This policy will be
reviewed annually by
the Harmonisation Sub
Group of the GAPF

Implementation date:

1st August, 2006.

UNCONTROLLED WHEN PRINTED

VERSION 1

**NHS GRAMPIAN
VOICING CONCERN POLICY**

This policy is also available in large print and on computer disk. Other formats can be supplied on request.

Please call the Corporate Communications Team on 01224 554400 for a copy.

NHS GRAMPIAN VOICING CONCERN POLICY

1 INTRODUCTION

This policy is available to all staff and ex-staff, who have concerns relating to:

- the delivery of care
- the health and safety of staff or visitors, or
- the impairment of the viability or integrity of the Organisation.

Such concerns may relate to malpractice, including fraud, abuse in care, substantial poor performance or outcomes, danger to public safety or damage to the environment.

The Public Interest Disclosure Act, 1998, (PIDA) to which NHS Grampian is committed, ensures protection for an individual who raises a concern relating to any of the following:

- a criminal offence
- a failure to comply with a legal obligation
- a miscarriage of justice
- endangering an individual's health & safety
- damage to the environment
- concealment of information relating to the above

provided they are in the public interest as opposed to being interesting to the public.

2 POLICY STATEMENT

NHS Grampian is committed to achieving the highest possible standards of service and the highest possible ethical standards in health care and all aspects of practice. To achieve these ends, it encourages staff to use internal mechanisms for reporting any malpractice or illegal acts or omissions by its workers or ex-workers.

This policy applies to all staff whether permanent, temporary, casual, agency or contractors and reflects the standards set out in the PIN Guideline published by the Scottish Partnership Forum.

The intention of this policy is to encourage staff to raise concerns without fear of penalty or victimisation. Key to this is our commitment to a “no blame” culture and staff can be assured that concerns raised in good faith will be protected under the Public Interest Disclosure Act, 1998.

General information and advice relating to the Public Interest Disclosure Act, 1998, can either be obtained internally, through your local HR Department, or from a variety of external sources including Public Concern At Work, Scotland and the Advisory, Conciliation and Arbitration Service (ACAS).

This policy does not remove the entitlements in terms and conditions of employment of some staff groups to publish and lecture without the prior consent of NHS Grampian [see Para 330 of the Terms and Conditions for Medical and Dental Staff].

3 OTHER POLICIES AND PROCEDURES

NHS Grampian has a range of policies and procedures which deal with standards of behaviour at work. These include Employee Conduct, Grievance, Dignity at Work and Recruitment and Selection and employees are encouraged to use the provisions of these procedures when appropriate. There may be times, however, when your concern is not about your personal employment position and the matter needs to be handled in a different way.

Examples include:

- malpractice, or ill treatment of a patient/client/customer by a member of staff
- a criminal offence which has been committed, is being committed, or is likely to be committed
- suspected fraud
- disregard for legislation, particularly in relation to health and safety at work
- the environment has been, or is likely to be, damaged
- a breach of standing financial instructions
- undue favour being shown over a contractual matter
- a breach of a code of conduct
- instances of information on any of the above having been, being, or likely to be concealed.

NHS Grampian will not tolerate the harassment, or victimisation, of any member of staff who raises a concern (including informal pressures) and will treat any instances of such action as serious misconduct.

4 PROCEDURE

4.1 Internal Mechanism

4.1 (a) Before raising a concern an individual should carefully consider:

- whether or not the concern is serious
- whether or not there are issues of patient confidentiality
- personal confidentiality for themselves and colleagues since anonymity may not always be possible

4.1 (b) This policy ensures that individuals are protected from reprisals and victimisation, including unfair dismissal, as a consequence of raising a concern, provided that the person raising the concern:

- does so in good faith
- reasonably believes that the concern raised, and the allegation it contains, are substantially true
- does not do so for personal gain
- believes that the concern is of a serious nature

Individuals should be aware that if they maliciously raise unfounded allegations this may be treated as a disciplinary matter. However, individuals who come forward in good faith have nothing to fear and their concern will be looked into thoroughly and dealt with appropriately.

It should also be noted that victimising an individual who raises a serious concern in good faith will be treated as a disciplinary matter, as may the act of discouraging someone from raising such a concern.

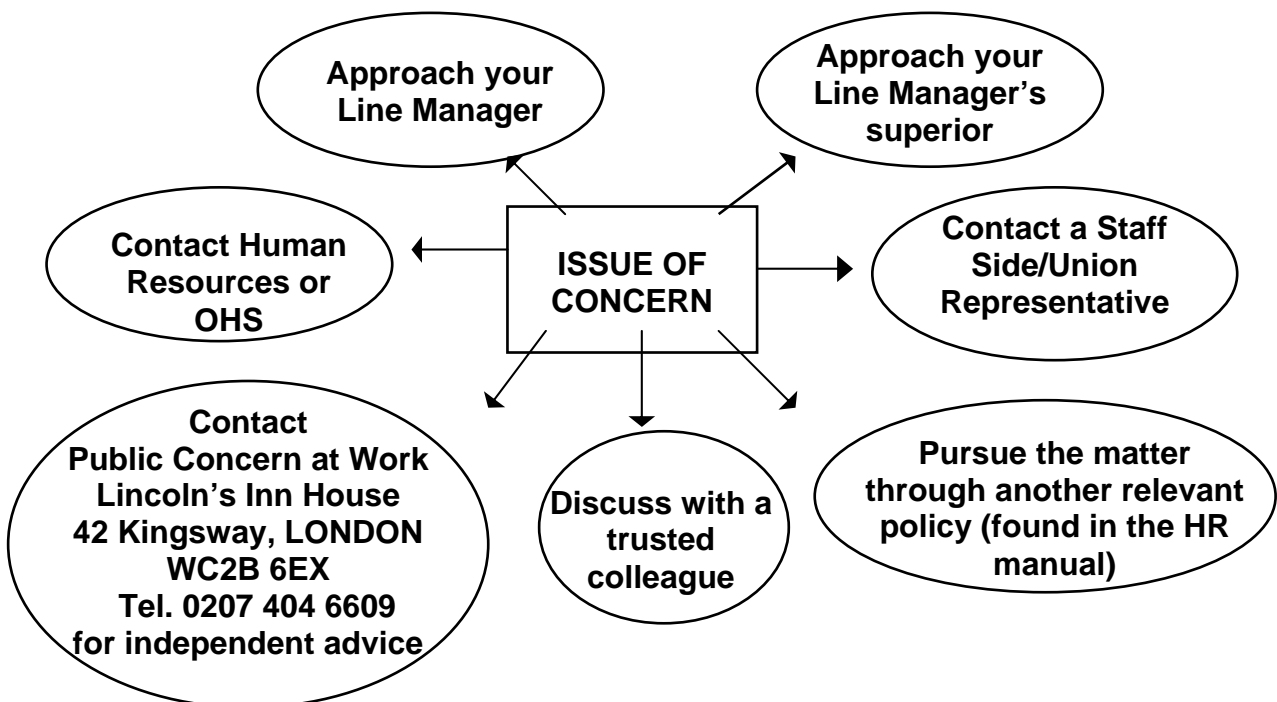
4.1 (c) An individual may raise a concern externally and still receive protection through PIDA provided that he or she:

- believes that if he/she were to disclose the matter to his/her employer the issue would be subject to a detriment

- believes that evidence relating to the subject matter of the disclosure would be concealed or destroyed if disclosure were made to their employer, or
- has already disclosed this information to their employer.

4.2 Stage I

If, after due consideration of the above, you decide to raise a concern, a number of options are open to you. In most cases you should approach your line manager in the first instance, although you may wish to pursue the issue through one of the alternative routes shown on the illustration overleaf before raising the matter with your line manager.



NOTE: Appendix 1(a) illustrates Stage I in the form of a flow chart.

4.3 Stage II

Once you have decided that the issue of concern should be formally reported to your line manager, your manager may:

- deal personally with the issue
- refer the issue to a more senior colleague
- pursue the issue according to another relevant policy.

Your line manager will inform you which course of action is being taken within 10 days of you raising the concern formally. If, for practical reasons this deadline cannot be met, you will be informed of the new timescale.

While every effort will be made to deal with the issue as quickly as possible, this will not be at the expense of in-depth consideration.

You will receive further feedback provided that this does not give rise to a breach of confidentiality. You will also be informed if your further involvement is required.

NOTE: Appendix 1(b) illustrates Stage II in the form of a flow chart.

5 COMPLAINTS ABOUT THE CHIEF EXECUTIVE

If the concern is about the Chief Executive, this should be raised with the Chair who will decide on how the investigation will proceed. This, however, does not exclude an individual's right to contact another appropriate individual/organisation in the first instance, should they so wish.

6 POSSIBLE OUTCOMES

- 6.1 If the investigation concludes that there are grounds for further action against individuals, the appropriate policy and procedure should be followed.
- 6.2 It may also be appropriate, during the course of the investigation, to report concerns to external agencies e.g. the Police, Social Services, the Scottish Environmental Protection Agency, the Health & Safety Executive etc. In such an event, it may be necessary to suspend internal investigations until the outcome of external investigations and/or criminal procedures are known.
- 6.3 Where the investigation concludes that the concerns raised are of a malicious nature, disciplinary action against the original complainant may be appropriate.
- 6.4 Where the concern is established as being unfounded, no action will be required.

7 APPEALS

You may feel that, despite using these facilities, your concern has not been resolved satisfactorily. Under these circumstances you are encouraged to contact the Director of Human Resources who can arrange for you to discuss the issue with a Board Member. If, following this, the matter remains unresolved, a small appeals panel, at Board level, will be convened to investigate and resolve the issue.

8 EXTERNAL MECHANISMS

- 8.1 If these internal procedures work well there should be no need for any member of staff to contact external persons or agencies. If, however, an individual believes that the internal procedures have failed, or if there are exceptional circumstances, it is reasonable to contact external agencies.
- 8.2 It must be remembered that contacting an external agency, in particular the press or media, could result in a breach of confidentiality for individuals and patients. In order to be sure of gaining the full protection which the Public Interest Disclosures Act provides, staff should consider using internal mechanisms in the first instance rather than approaching an external agency. The choice of external agency may depend on the particular concern being raised and a list of some relevant external bodies is attached at Appendix 2.
- 8.3 If you decide to contact an external agency, you may wish to take advice from Human Resources, your Staff Side Representative or the Organisation's Public Affairs Department on the best way to proceed.

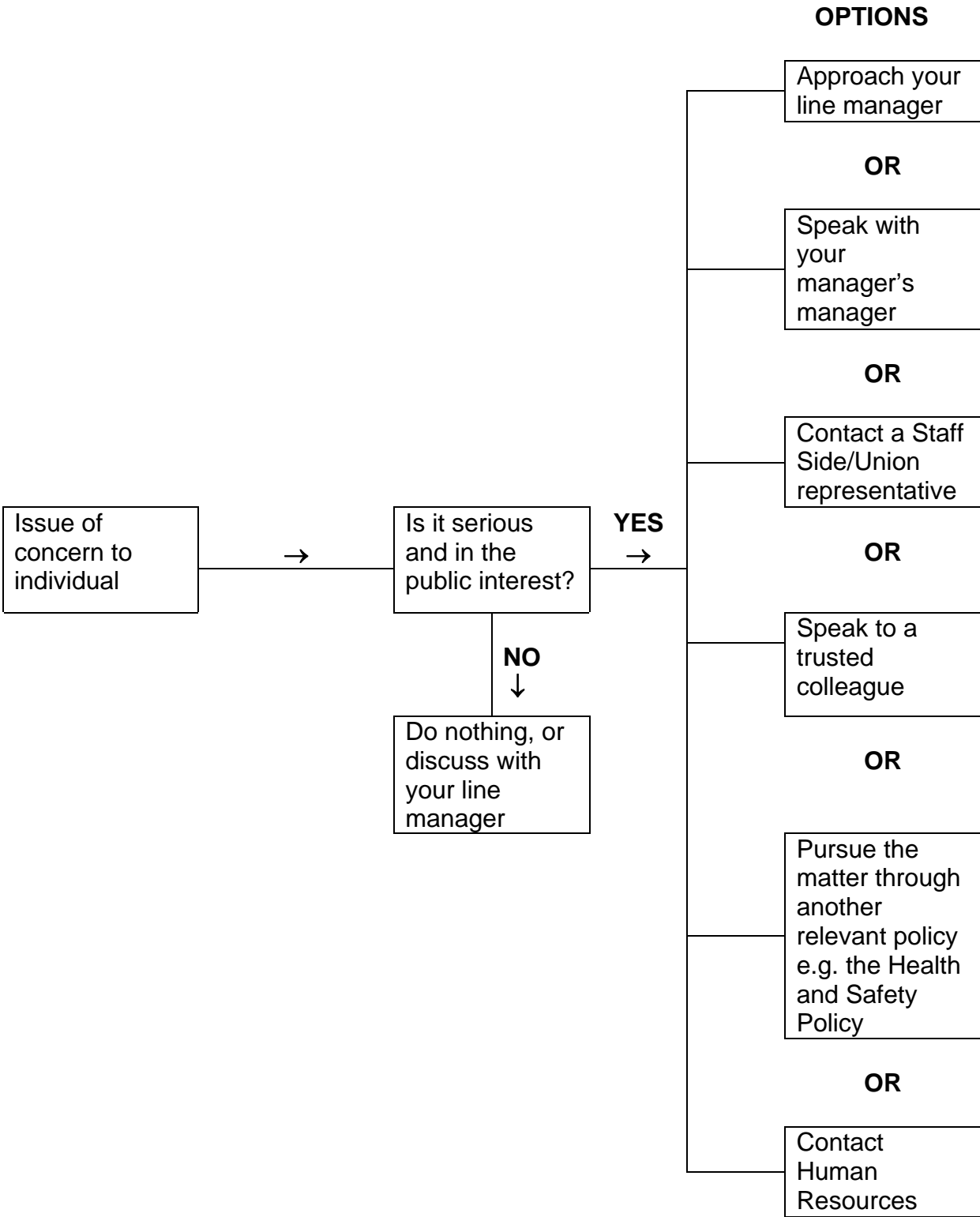
NOTE: It is the intention to consider establishing a local Helpline for those who wish independent and confidential advice. Details will be communicated when these are available.

9 REVIEW AND EVALUATION

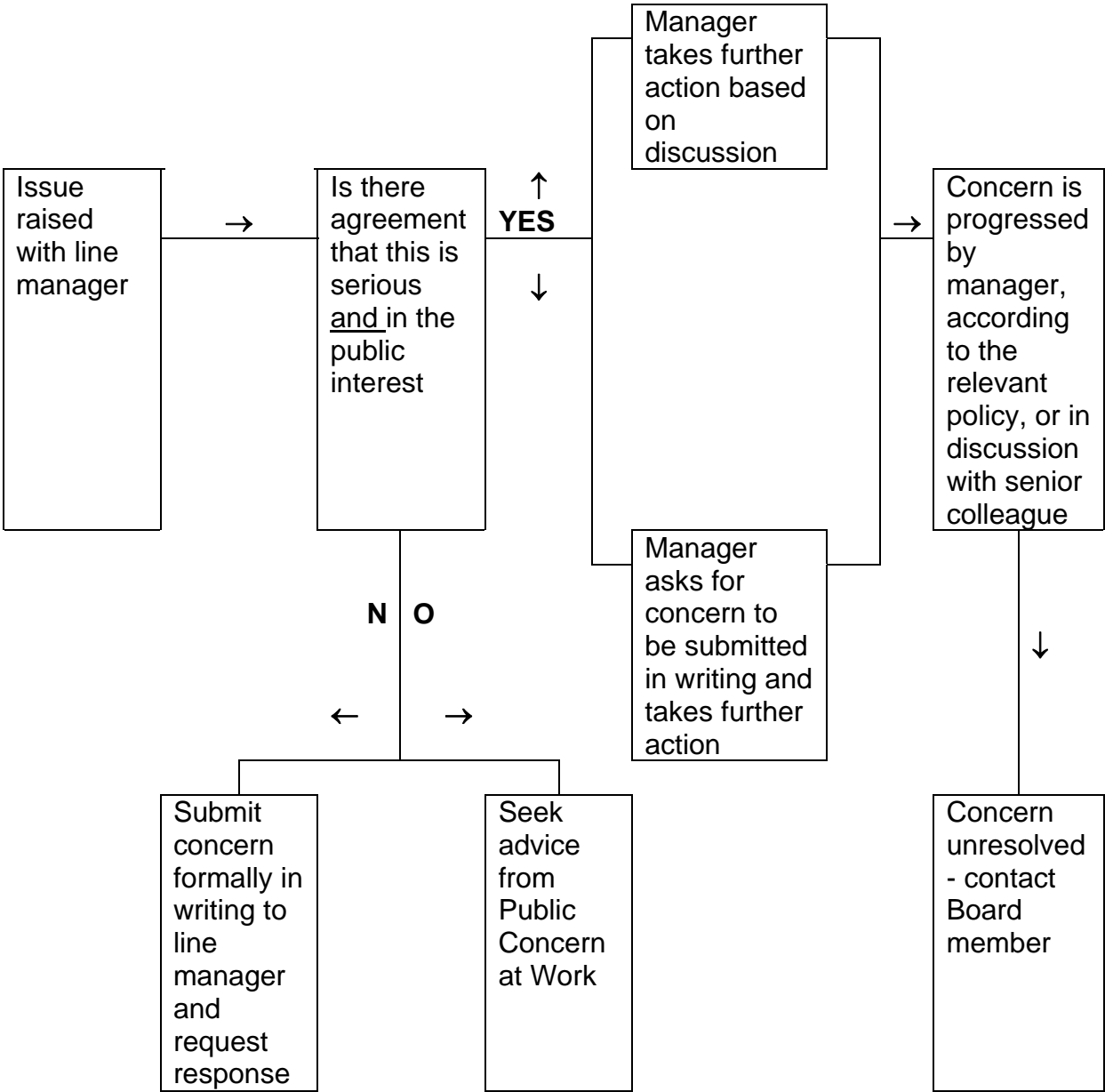
Anonymised information from submitted Appendix 3 Forms will be collated, enabling the overall picture to be monitored and managed appropriately.

The policy and procedure will be subject to review and amendment through the Grampian Area Partnership Forum in the light of experience of its operation.

VOICING CONCERN – STAGE 1



VOICING CONCERN – STAGE 2



EXTERNAL AGENCIES

Public Concern at Work – free HELPLINE 0141-550 7572 - www.pcaw.co.uk

Advisory, Conciliation and Arbitration Service – www.acas.org.uk

Professional and Regulatory Bodies

Nursing and Midwifery Council (NMC)

Royal College of Nursing (RCN)

General Medical Council

Scottish Executive Health Department

All Royal Colleges

NHS Quality Improvement Scotland (NGS QIS)

Trades Unions

Elected Representatives

MPs

MSPs

MEPs

Local Councillors

Ministers of State

Statutory Bodies

Health & Safety Executive (HSE)

Food Standards Agency (FSA)

Scottish Environmental Protection Authority (SEPA)

Social Services

Legal

Police

Lawyers

Justices of the Peace

Citizens Advice Bureau

Media

Press

Radio

TV

**STRICTLY CONFIDENTIAL
RECORD OF CONCERN (VOICING CONCERN POLICY)**

**Name of Recorder
(Report Writer):** _____

Date of Meeting: _____

**Concerned Individual
(Reporter):** _____
(staff member/ex-staff member/other e.g. an independent contractor, relative, advocacy worker)

**Reporter's Staff
Group/Discipline &
Service Area:** _____

**Date(s)/Timescale
Of Incident(s):** _____

1. **Description of Concern** (Examples: malpractice, or ill treatment of a patient, a criminal offence is being committed, suspected fraud, disregard for health and safety at work legislation, danger to public safety – where, when, etc)

2. **Action Taken to Date To Date** (Examples: reported to anyone, photographs taken, doctor called, etc)

3. Agreed Way Forward

(Example: time to think over options, report to appropriate line manager, etc)

Signed: _____
Recorder

Signed: _____
Reporter (optional)

Date: _____

Date: _____

This summary form should be agreed by both parties. Thereafter it will be held centrally in a secure file for monitoring purposes – please send completed form to the Director of Human Resources. In addition to this form, a separate statement, providing specific details, will normally be requested.