



Manchester
Clinical Commissioning Group

Policy Document

Freedom to Speak Up Policy (Including Whistleblowing)

HR 01

Version: 0.3

Date Approved: 1st October 2018

Document Control Sheet

Title of document:	Freedom to Speak Up (including Whistleblowing)		
Supersedes:	Whistleblowing and Freedom to Speak up Policy dated 8 th January 2016		
Placement in Organisation:	Updated policy for Manchester Clinical Commissioning Group employees and agency and contractor workers		
Consultation / Stakeholders	Trade Union partners, Nursing and Safeguarding and Performance and Quality		
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Department / Team:	Workforce and OD		
Approved by:	Governance Committee		
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Implementation Date:	Following policy approval		
Implementation Method:	Communication to employees via Commissioning Matters and on the Employee Intranet		
<p>This document is to be read in conjunction with the following documents: Manchester CCG's policies for Equality & Diversity Policy; Dignity at Work Policy; Grievance Policy; Code of Conduct; Safeguarding Policy</p>			

Version Control

Version	Date	Brief description of change
0.3	1.10.18.	Policy updated in line with national standard including updated information on key internal and external contacts for raising an issue / complaint

PLEASE NOTE: the formerly approved copy of this document is held on the MHCC Intranet. Printed copies or electronic saved copies must be checked to ensure they match the current online version.

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1.0	Policy Statement
1.1	The CCG is committed to listening to its employees, learning lessons, improving the way in which it commissions services and the principle of public accountability. The CCG will investigate any genuine and reasonable concerns expressed by employees relating to malpractice within the CCG. The CCG will also ensure that employees are not discriminated against or suffer a detriment as a result of making such a disclosure, as laid down by the Public Interest Disclosure Act 1998 (PIDA).
1.2	In 2014 the Francis (Freedom to Speak Up) Report into Whistleblowing identified several areas of concern regarding those who employees spoke out regarding possible malpractice. The review confirmed that although many cases were handled well, too many were not and deterred others from speaking up due to a fear of adverse consequences or the belief that nothing would be done.
1.3	The review identified a number of recommendations and these have been accepted by the Department of Health. The CCG intends to fully implement these recommendations locally based on the Francis vision for raising concerns in the NHS (see Appendix 3) through the development of an open culture, by continuously improving the handling of cases, supporting areas of good practice and challenging areas of poor practice, improving measures for vulnerable groups and extending the protection it offers for employees reporting potential malpractice.
1.4	Introducing a “standard integrated policy” was one of a number of recommendations from the Francis review and aimed at improving the experience of whistleblowing in the NHS. This organisational policy has adopted the NHS standard (Freedom to speak up: raising concerns (whistleblowing) policy for the NHS April 2016) produced by NHS Improvement and NHS England with the aim of normalising the raising of concerns across the organisation.
1.5	The CCG encourages all employees to raise any concerns that they may have

	about the conduct of others in the CCG or the way in which the CCG itself is run in order to promote the commissioning of safe and effective services for our local population and to improve the working environment for everyone.
1.6	This policy applies to all employees and any agency or contract people, temporary workers, volunteers and work experience individuals, students who work at the CCG and governors, and is in accordance with the CCGs Equality, Diversity and Human Rights Policy.
1.7	This policy incorporates the requirements of the Public Interest Disclosure Act 1998 (PIDA), the recommendations of the Francis Report (2014) and the Department of Health's 'Learning not Blaming' response.
2.0	Values and Behaviours
2.1	<p>The three fundamental public service values underpinning the NHS and all public sector work, specified by the NHS Code of Conduct for Boards published by the NHS Executive in April 1994 are Accountability, Probity and Openness.</p> <p>Accountability: Everything done by those who work in the CCG must be able to stand the tests of parliamentary scrutiny, public judgements on propriety and professional codes of conduct.</p> <p>Probity: Absolute honesty and integrity should be exercised in dealing with NHS patients, assets, staff, suppliers and customers.</p> <p>Openness: The CCGs activities should be sufficiently public and transparent to promote confidence between the CCG and its patients, staff and customers.</p>
2.2	All those who work in the public sector including the CCG's must be aware of, and act in accordance with, these values. Acting with honesty and integrity forms a cornerstone of the public sector values.
2.3	The CCG is a public sector body and its employees are required to be honest and impartial in the conduct of their business. All employees of the CCG should also be aware of the Standards of Business Conduct documentation published on the NHS Manchester intranet to ensure compliance. The Governing Body is absolutely committed to maintaining an honest, open and well-intentioned

	atmosphere within the CCG.
3.0	What concerns can be raised
3.1	Employees can raise concerns about any risk, malpractice or wrongdoing that they believe is / are harming the services that the organisation commissions.
3.2	<p>This policy takes into account the provisions of the Public Interest Disclosure Act 1998 which provides legal protection for employees who raise an issue or make what is known as a “protected disclosure” which in the reasonable belief of an employee refers to one or more of the following:</p> <p>3.2.1 That a criminal act has been committed, is being committed or is likely to be committed</p> <p>3.2.2 That a person has failed, is failing or is likely to fail to comply with any legal obligations to which they are subject</p> <p>3.2.3 That a miscarriage of justice has occurred, is occurring or is likely to occur</p> <p>3.2.4 That the health and safety of an individual has, may have been or is likely to be endangered</p> <p>3.2.5 That the environment has been, is being or is likely to be damaged</p> <p>3.2.6 Deliberately concealing information about any of the above</p>
3.3	Examples might include (but are not restricted to) unsafe patient care, unsafe working conditions, inadequate induction or training for employees, lack of, or poor response to a reported patient safety incident, suspicions of fraud or financial mismanagement, bribery, a bullying culture across a team or the organisation, unauthorised disclosure of confidential information, a breach or failure to comply with any legal professional obligation or regulatory requirement
3.4	It is not necessary for the employee to have proof that such an act is being, has been, or is likely to be committed, a reasonable belief is sufficient.
3.5	A whistleblower is an employee who raises a concern relating to any of the above. If an employee believes that any of the above have happened, are happening or are likely or be affecting any of the organisations activities, they

	should raise it, even if they think that others may have done so already. This policy sets out how to raise concerns in Section 9 and see Appendix 2. The protection for whistleblowers applies however protected disclosures are raised.
3.6	Employees who are health care professionals have a professional duty to report a concern. If in doubt, employees are required to raise it and seek clarification.
3.7	This policy is not for employees with concerns about individual employment issues that affect only themselves and should address these types of concerns through the organisational Grievance Policy.
4.0	A safe environment for raising concerns
4.1	Any employee raising a concern will be treated with respect at all times. The organisation will discuss with the person the full nature of the concern and the steps that will be taken to respond to the concern, including potential timelines and how the organisation will keep the person updated on progress.
4.2	If an employee raises a genuine concern under this policy, they will not be at risk of losing their job or suffering any form of reprisal as a result. The organisation will not tolerate the harassment or victimisation of anyone raising a concern. Nor will the organisation tolerate any attempt to bully and employee into not arising 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.
4.3	Providing the employee is acting honestly, it does not matter if they are mistaken or if there is an innocent explanation for their concerns.
4.4	This document sets out the procedure for employees to follow if they have genuine concerns about any malpractice connected with the CCG, without fear of adverse repercussions to the individual. Under the law, please note that the dismissal of any employee for making such a disclosure will be automatically unfair and unlawful.
5.0	Aims and objectives of the policy

5.1	<p>This policy aims to:</p> <ul style="list-style-type: none"> • make employees feel safe in raising concerns in that they will not be at risk of losing their job or experience any form of reprisal • encourage employees to feel confident in raising serious concerns regarding the practice of the CCG or individuals within it, • provide avenues for employees to raise those concerns and receive feedback on any action taken, • ensure that employees receive a response to their concerns, <p>reassure employees that they will be protected from possible reprisals, subsequent discrimination, victimisation or disadvantage if they have a reasonable belief that they have made any disclosure in good faith.</p>
6.0	Principles of the policy
6.1	The organisation is committed to the principles of the Freedom to Speak Up review and its vision for raising concerns
6.2	Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially and the outcome of the investigation reported back to the employee who raised the issue.
6.3	Providing an employee is acting honestly, it does not matter if they are mistaken or if there is an innocent explanation for the concerns that they have raised
6.4	All employees will be made aware of the policy on joining the organisation and will be encouraged to read and understand its process. All existing employees will be made aware of the policy and awareness training will be provided.
6.5	No employee will be victimised for raising a legitimate concern under this procedure. In the event that misconduct is discovered as a result of any investigation under this procedure the CCG's disciplinary procedure will be invoked in addition to any external measures.
6.6	Where it can be demonstrated that an employee knowingly supplied false information when raising a concern the CCG's disciplinary procedure will be

	invoked.
6.7	<p>This policy encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are much less credible and more difficult to investigate comprehensively, but they may be considered at the discretion of the CCG. In exercising this discretion, the factors to be taken into account will include:</p> <ul style="list-style-type: none"> • The seriousness of the issues raised • The credibility of the concern • The likelihood of confirming the allegation from attributable sources
7.0	Confidentiality
7.1	<p>The organisation wants to ensure that an employee will feel comfortable in raising their concerns openly, but also appreciates that they may wish to raise it confidentially. That means that while they are willing for their identity to be known to the person they are reporting their concerns to, they do not want anyone else to know their identity. As far as possible, the organisation will keep your identity confidential, if that is what the employee wants, unless required to disclose it by law (for example, by the police.) Employees can choose to raise their concern anonymously, without giving anyone their name, but that will make it more difficult to investigate the matter thoroughly and give the employee feedback on the outcome.</p>
7.2	<p>Employees raising a concern should be aware of the need to follow this policy and in particular to maintain confidentiality. Allegations of breaches in confidentiality will be dealt with using the appropriate procedures, through the use of the CCG Disciplinary Policy.</p>
7.3	<p>The CCG will treat all such disclosures in a confidential and sensitive manner. The identity of the individual making the allegation will only be disclosed on a 'need to know basis' and must not hinder or frustrate any investigation. However, the investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required.</p>

7.4	Any employee raising a concern must be aware that they may be asked to present evidence to substantiate any allegations made, and/or to provide a written statement detailing their concerns. In addition, the information and evidence they provide may be used during any disciplinary/human resource processes that result from their disclosure of concern.
7.5	Victimisation of employees who raise concerns reasonably and responsibly is prohibited under the Public Interest Disclosure Act. The CCG will not tolerate victimisation and will take all steps within its power to ensure employees are protected from victimisation in these circumstances
8.0	Key Roles and Responsibilities
8.1	<p>The Board</p> <p>The Board supports employees raising concerns and wants all employees to feel free to speak up. The Board is responsible for ensuring that the organisational culture supports the effective embedding of the key principles of this policy and monitor its effective application. They will receive high level information about all concerns raised by our employees through this policy and the actions that are being taken to address them. Similar high level information will be included in the annual report.</p>
8.2	<p>Audit Committee</p> <p>The Audit Committee will review the register of reported suspicions on an annual basis. They will also review the Anti- Fraud Specialists final reports and consider any necessary improvements to controls. The Chair of the Audit Committee may also be approached by employees where escalation to an external party is felt appropriate.</p>
8.3	<p>Chief Accountable Officer</p> <p>The Chief Accountable Officer will have an overview of the issues involved and will keep the Board informed of the progress of any investigation as necessary.</p>
8.4	<p>The Executive Clinical Director</p>

	<p>The Executive Director is responsible for ensuring that there are adequate systems in place to ensure that concerns at work or matters of business probity and / or conduct are resolved adequately and in a timely way and will report to the Board as and when the Policy has been evoked. They have been trained in receiving concerns and will give employees information about where they can go for more support</p>
8.5	<p>Chief Finance Officer</p> <p>The Chief Finance Officer will take the lead for those concerns raised in respect of financial probity. It is the responsibility of the Chief Finance Officer to monitor and ensure compliance with the counter fraud arrangements under the Secretary of State's Directions.</p>
8.6	<p>Director of Workforce & OD</p> <p>The Head of Organisational Development will be responsible for:</p> <ul style="list-style-type: none"> • Ensuring that employment law and the Organisation's policies and procedures are adhered to throughout the investigation; this may include discussing with the person raising the concern whether another policy should be used for looking into their concern e.g. the process for dealing with bullying and harassment • They will also ensure that an appropriate investigating officer is appointed, that the investigation is completed in a timely manner and that the person raising the complaint receives updates and feedback as appropriate • Ensuring that processes are in place to ensure that any lessons learned from the investigation are actioned appropriately
8.7	<p>Non-Executive Lead</p> <p>They have been trained in receiving concerns and will give employees information about where they can go for more support. They are a further point of contact for employees to raise concerns with. They can try and resolve the matter locally with senior managers or move forward for a formal investigation</p>

	<p>as appropriate. They will also formally brief the board on any issues of concerns on an on-going basis.</p> <p>They will meet regularly with the Freedom to Speak Up Guardian on a formal basis to receive information about the role and issues that are being raised by employees, and also informally when required to support employees.</p>
8.8	<p>Freedom to Speak Up Guardian</p> <p>This role was identified from the Francis review to act as an independent and impartial source of advice to employees at any stage of raising a concern, with access to anyone in the organisation, including the chief executive, or if necessary, outside the organisation. The role includes:</p> <ul style="list-style-type: none"> • Acting as the main point of contact for employees who would like to raise a concern if the concern has not been addressed through the individuals line manager • Where appropriate, work with the employee and their line manager to resolve the concern • Monitor the outcome of the process to ensure the employee does not experience any negative outcomes as a result of raising a concern • Forward the complaint for formal investigation if it cannot be resolved locally • Raise high risk concerns immediately with appropriate senior managers/ executives • Work with concerns that are raised anonymously
8.9	<p>Anti-Fraud Specialist (AFS)</p> <p>The AFS is responsible for maintaining a register of reported suspicions of fraud and corruption. They may be approached by an employee with suspicions, and are responsible for reporting the details to the Chief Finance Officer. They are required to investigate cases in accordance with the Secretary of State</p>

	Directions and the NHS Counter Fraud Manual.
8.10	<p>Investigating Officer</p> <p>Investigating Officers will be suitably independent and usually will be drawn from a different part of the organisation. They are responsible for carrying out a proportionate investigation which is objective and evidence based. They will reach a conclusion within a reasonable timeline (which will be communicated to the person raising the concern.) They will produce a report that focuses on identifying and rectifying any issues and learning lessons to prevent problems recurring.</p>
8.11	<p>Line Managers</p> <p>Line Managers are responsible for implementing fair, open and honest working practices based on the values of the organisation and for taking immediate redress to resolve any concerns raised by an employee.</p> <p>Line Managers are responsible for ensuring an open culture within their team which enables employees to feel safe and confident in raising any questions or concerns.</p> <p>Where concerns of fraud are raised, Line Managers are responsible for passing the details to the Chief Finance Officer, LCFS or Director of Workforce and Organisational Development unless it is clear that the suspicions are groundless.</p> <p>For further guidance see Appendix 5.</p>
8.12	<p>All Employees</p> <p>All employees have a duty to report instances where they witness others failing to demonstrate the expected levels of integrity in their working life. This will include bribery, fraud, corruption or bringing the CCG, the NHS or wider public service in to disrepute.</p> <p>For further guidance see Appendix 4.</p>
9.0	Reporting Process (please see Appendix 2)
9.1	If an employee believes they have a concern about risk, malpractice or

	wrongdoing at work or have reason to suspect a colleague, contractor, patient or other person of fraud, or an offence against the CCG or a serious infringement of CCG or NHS rules, they have a responsibility to inform their line manager but if this is not appropriate (possibly because of the implication of the line manager) then employees should inform either the Freedom to Speak Up Guardian, The Executive Director or None executive Lead. Please refer to Appendix 2 of this Policy for further information on how to raise a concern.
9.2	All instances of suspected fraud must be reported to the Chief Finance Officer or the Anti-Fraud Specialist (AFS).
9.3	Should an employee wish to report the matter of fraud externally this can be done by contacting the NHS National Fraud and Corruption Reporting Line on 08000 724 725 (Monday – Friday 0800 – 1800), or at www.reportnhsfraud.nhs.uk
9.4	The organisation will record all concerns that are received and the person raising the concern will receive an acknowledgment within two working days.
9.5	The organisation will record whether the person making the complaint has requested confidentiality, a summary of the concerns and dates when the person has been given updates or feedback.
10.0	Investigation Process
10.1	The CCG is committed to ensuring that all disclosures of concerns are investigated appropriately and as robustly as possible.
10.2	Due to the varied nature of these sorts of concerns however, it is not possible to lay down precise timescales for such investigations as this should be tailored to meet the concerns raised and the risks posed. For example an allegation of fraud may need police investigation which is outside of the controls of the CCG whereas a malpractice concern may be professionally investigated using set timescales and processes detailed in appropriate CCG policies.
10.3	The investigating officer (appointed by the Director of Workforce & OD) must ensure that investigations are initiated as quickly as possible whilst ensuring the

	quality and depth of the investigation is upheld at all times.
10.4	Where possible, a copy of the investigation report will be shared with the person raising the concern (whilst respecting the confidentiality of others.)
10.5	The Director of Workforce & OD will advise who will be required to be involved in any investigation undertaken including in matters of employment law and other procedural matters.
10.6	In cases involving patient safety, the advice of the Executive Director of Nursing and Safeguarding must be sought. Guidance is also available from the Safeguarding and Quality Team so that appropriate interim steps can be identified and undertaken.
10.7	In the case of concerns raised regarding fraud the CCG must ensure that the AFS is given access as soon as is reasonably practicable (not later than seven days from the date of the request) to all premises, records, data or employees as appropriate to their investigations.
10.8	Responsibility for investigating fraud has been delegated to the Chief Finance Officer. The Chief Finance Officer will be supported in this role by the AFS and NHS Counter Fraud Authority.
10.9	If there is suspicion of a person's involvement in an offence, then they may be invited by the AFS or NHS Counter Fraud Authority to attend an interview under caution, with legal representation if they so wish.
10.10	Any potential disciplinary matters will be dealt with by the CCG whilst criminal cases will be progressed by the AFS or NHS Counter Fraud Authority. In the event that civil action is necessary to recover lost funds this will be taken by the CCG with the assistance of the AFS or NHS Counter Fraud Authority.
10.11	If the employee raising the concerns is not satisfied that their concern is being properly dealt with, they have the right to raise it in confidence with the Chief Accountable Officer / Chairman, or one of the designated persons described above.

10.12	If the investigation finds the allegations unsubstantiated and all internal procedures have been exhausted, but the complainant is not satisfied with the outcome of the investigation, the CCG recognises the lawful rights of employees and ex-employees to make disclosures to prescribed persons (such as the Chair of the Audit Committee, Health and Safety Executive, professional regulators, the Audit Commission, or the utility regulators), or, where justified, elsewhere.		
11.0	Help & Advice		
11.1	At any point either before raising the concern or following the concern being raised an employee is entitled to involve a Trade Union Representative who will be able to provide them with support and advice as needed.		
11.2	Employees are also encouraged to utilise the free, independent and confidential advice can available from the Whistleblowing Helpline for NHS and Social Care on 08000 724 725		
11.3	<p>Support and advice is also available from Public Concern at Work and the NAO Comptroller and Auditor General at the following addresses:</p> <table border="1" data-bbox="316 1288 1441 1731"> <tr> <td data-bbox="316 1288 826 1731"> Protect – Speak up, Stop harm (formerly Public Concern at Work) 7 – 14 Great Dover Street, London SE1 4YR Tel: 0203 117 2520 Website: www.protect-advice.org.uk </td> <td data-bbox="826 1288 1441 1731"> The Comptroller and Auditor General National Audit Office 157-197 Buckingham Palace Road London SW1W 9SP Telephone: 020 7798 7999 </td> </tr> </table>	Protect – Speak up, Stop harm (formerly Public Concern at Work) 7 – 14 Great Dover Street, London SE1 4YR Tel: 0203 117 2520 Website: www.protect-advice.org.uk	The Comptroller and Auditor General National Audit Office 157-197 Buckingham Palace Road London SW1W 9SP Telephone: 020 7798 7999
Protect – Speak up, Stop harm (formerly Public Concern at Work) 7 – 14 Great Dover Street, London SE1 4YR Tel: 0203 117 2520 Website: www.protect-advice.org.uk	The Comptroller and Auditor General National Audit Office 157-197 Buckingham Palace Road London SW1W 9SP Telephone: 020 7798 7999		
12.0	Equality Statement		
12.1	In applying this policy, the CCG will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and provide for good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability,		

	gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation, in addition to offending background, trade union membership, or any other personal characteristic.
13.0	Monitoring and Review
13.1	The policy and its associated processes will be reviewed periodically by Manchester Clinical Commissioning Group in conjunction with operational managers and Trade Union representatives. Where review is necessary due to legislative change, this will happen immediately.
13.2	The implementation of this policy will be audited on an annual basis by the Audit Committee and reported to the Governance Committee.

Key Contact Details

Chief Accountable Officer

Ian Williamson

Tel:

Email: ian.williamson3@nhs.net

Director of Workforce & Organisational Development

Sharmila Kar

Tel: 0161 765 4013

Email: Sharmilakar@nhs.net

Freedom to Speak Up Guardian

Nick Gomm

Director of Corporate Affairs

Tel: 0161 765 4755

Email: n.gomm@nhs.net

Executive Director

Manisha Kumar

Tel: 0161 765 4551

Email: Manisha.kumar1@nhs.net

Non-Executive Lead

Grenville Page

Tel: 07805673393

Email: Grenville.page@nhs.net

FRAUD INVESTIGATIONS – KEY PERSONNEL

All instances of fraud must be reported to the Chief Finance Officer. Suspicions will

normally be reported by an employee to their line manager. The manager will be responsible for passing the details to the Director of Workforce and Organisational Development, AFS or Chief Finance Officer unless it is clear that the suspicions are groundless.

Chief Finance Officer

Claire Yarwood

Tel: 0161 765 4008

Email: Claire.yarwood2@nhs.net

Anti-Fraud Specialist (AFS)

Anti-Fraud Specialist

Lynne Doherty

07551 137267

MIAA

Raising your concern with an outside body

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

- NHS Improvement** 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

<https://improvement.nhs.uk/resources/report-patient-safety-incident/>

- Care Quality Commission** for quality and safety concerns

<https://www.cqc.org.uk/contact-us>

NHS England for concerns about:

primary medical services (general practice)

primary dental services

primary ophthalmic services

local pharmaceutical services

england.contactus@nhs.net

Health Education England for education and training in the NHS

<https://www.hee.nhs.uk/about/contact-us>

NHS Counter Fraud Authority for concerns about fraud and corruption.

<https://cfa.nhs.uk/reportfraud>

Telephone: 0800 028 4060

Process for raising and escalating a concern

Step One

In many circumstances the easiest way to get your concern resolved will be to raise it formally or informally with your line manager. This may be done orally or in writing. Please be ready to explain as fully as possible the information and circumstances that gave rise to your concern.

You will receive an acknowledgment from the organisation regarding your concern within two working days.

Step two

If raising it with your line manager does not resolve matters or for whatever reason you feel unable to raise the matter with your line manager, please raise the matter with our organisational Freedom to Speak Up Guardian (see Appendix 1 for contact details)

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:

- our executive director with responsibility for whistleblowing
- our non-executive lead with responsibility for whistleblowing

The names and contact details for both of these can be found in Appendix 1

Step four

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

A Vision for raising concerns in the NHS



1
I feel confident to speak up

2
I feel safe to speak up in future

3
Concerns are investigated

4
Speaking up makes a difference

5
Concerns are well received

GUIDANCE TO EMPLOYEES

Q - What should you do if you suspect malpractice (improper, illegal, or negligent professional behaviour)?

Do make an immediate note of your concerns

Make a note of all relevant details, such as what was said in telephone or other conversations, the date, time and names of the parties involved

Do convey your suspicions to someone with the appropriate authority and experience

Tell your Line Manager or any other of the nominated contact people whose details can be found in Appendix 1 of this policy or, in cases of fraud and corruption tell the Anti-Fraud Specialist or contact the NHS National Fraud and Corruption reporting line on 08000 724 725

Do deal with the matter promptly

Any delay could pose a risk to our local communities, service users and our employees as well as having cost implications for the CCG. If in doubt raise your suspicions anyway

Don't do nothing, make sure people are safe.

Don't be afraid of raising your concerns

The CCG will treat any matter you raise sensitively and confidentially. We will ensure you receive appropriate support. You will not be ridiculed and will not suffer any recriminations as a result of voicing a reasonably held suspicion.

Don't accuse any individuals directly

Don't try to investigate the matter yourself

There are special rules surrounding the gathering of evidence for use in criminal

cases. Any attempt to gather evidence by people who are unfamiliar with these rules may compromise the case.

Don't tell anyone about your suspicions other than those with the proper authority
All reported concerns will be investigated as a matter of urgency and using robust processes. This may involve using criminal investigation processes as led by the police.

Do tell the AFS, or the Chief Finance Officer or contact the NHS National Fraud & Corruption reporting line on 08000 724 725 or report online at www.reportnhsfraud.nhs.uk if your suspicions are related to fraud.

GUIDANCE TO MANAGERS

Do be responsive to the concerns of an employee

The CCG needs to encourage employees to voice any reasonably held suspicions as part of developing a culture of openness, probity and accountability and an anti-fraud culture. As a manager you should treat all employee concerns seriously and sensitively

Do note details

Note all relevant detail (what, where, when?). Get as much information as possible from the reporting employee and remember to use the employee's words and not summarise their concerns using jargon. If the employee has made notes, collect these. In addition, note any documentary evidence that may exist to support the allegations, ensuring this is preserved but NOT interfered with in any way.

Do evaluate the allegation objectively

Do deal with the matter promptly

Do seek advice and support. For example from the Anti-Fraud Specialist (*in cases of fraud and corruption*) or the Safeguarding Team (*for concerns of malpractice*)

Do escalate the concerns to an appropriate person:

- Chief Finance Officer
- Director of Workforce & OD
- Anti- Fraud Specialist (*in cases of fraud and corruption*)

Don't dismiss or ridicule suspicions raised by an employee

Don't approach or accuse any individuals directly

Don't convey your suspicions to anyone other than those with the proper authority

Don't try to investigate the matter yourself, unless appointed as the investigating officer.

Remember that poorly managed investigations by employees who are unfamiliar with evidential requirements are highly likely to jeopardise a successful criminal prosecution

Manchester CCG Equality Analysis Form

The following questions will document the effect of your activity on equality, and demonstrate that you have paid due regard to the Public Sector Equality Duty. The Equality Analysis (EA) guidance should be used read before completing this form.

To be completed at the earliest stages of the activity and before any decision making and returned via email to Hilda Bertie Equality and Diversity Manager for Quality Assurance:

Whistleblowing and Freedom to Speak Up Policy

Section 1: Responsibility		EDHR Reference :	Your ref:
1	Name & role of person completing the EA:	Edna Gibson	
2	Service/ Corporate Area	HR, OD and EDHR	
3	Head of Service or Director (as appropriate):	Sharmila Kar	
4	Who is the EA for? Select from the drop down box.	Manchester Central CCG	
4.1	Name of Other organisation if appropriate		
Section 2: Aims & Outcomes			

5 What is being proposed? Please give a brief description of the activity.

Manchester CCG previously had a Whistleblowing policy. This is a revised policy which has been integrated to include Freedom to Speak protections and safeguards in the light of the Francis Report and the subsequent Freedom to Speak Up protections. The revisions strengthens the former whilstblowing policy. This revised policy will mean that staff raising possible breaches of discrimination law or policy will have added protection. All staff, irrespective of protected characteristics will have these protections.

6 Why is it needed? Please give a brief description of the activity.

Following the Francis report and the government's response, new Freedom to Speak Up protections and Guardians have been recommended and this policy implements the recommendation in Manchester CCG context. There is also an external avenue to raise issues as well using these protections.

7 What are the intended outcomes of the activity?

The aim is to produce a revised policy that provides staff with the full Whistleblowing and Freedom to Speak up protections. Staff should therefore have more confidence in raising issues of malpractice or discriminatory behaviour. There are no statements, conditions or requirements that disadvantage any particular group of people with a protected characteristic.

8 Date of completion of analysis (and date of implementation if different). Please explain any difference

June 2018

9 Who does it affect? Select from the drop down box. If more than one group

CCG Staff

is affected, use the drop down box more than once.

Establishing Relevance to Equality & Human Rights

10 What is the relevance of the activity to the Public Sector Equality Duty? Select from the drop down box and provide a reason.

General Public Sector Equality Duties	Relevance (Yes/No)	Reason for Relevance
To eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by Equality Act 2010	Yes	The additional protections under this policy (right to raise concerns in a protected environment) will help to eliminate discriminatory practice and will protect staff from harassment and victimisation.
To advance equality of opportunity between people who share a protected characteristic and those who do not.	No	
To foster good relations between people who share a protected characteristic and those who do not	No	

10.1 Use the drop down box and advise whether the activity has a positive or negative effect on any of the groups of people with protected equality characteristics and on Human Right

Protected Equality Characteristic	Positive (Yes/No)	Negative (Yes/No)	Explanation
Age	Yes		The revised policy will allow people of different age groups to raise concerns about discriminatory practices in the knowledge that they will have full protection under the policy.
Disability	Yes		The revised policy will allow disabled people to raise concerns about discriminatory practices in the knowledge that they will have full protection under the policy. We also have developed a separate Disability Policy which enhances the working lives of our Disabled staff.
Gender	Yes		The revised policy will allow men and women to raise concerns about discriminatory practices in the knowledge that they will have full protection under the policy.
Pregnancy or maternity	Yes		The revised policy will allow pregnant women to raise concerns about discriminatory practices in the knowledge that they will have full protection under the policy.

Race	Yes		The revised policy will allow people to raise concerns about discriminatory practices in the knowledge that they will have full protection under the policy.
Religion and belief	Yes		The revised policy will allow people with beliefs and and without beliefs to raise concerns about discriminatory practices in the knowledge that they will have full protection under the policy.
Sexual Orientation	Yes		The revised policy will allow people regardless of their sexual orientation to raise concerns about discriminatory practices in the knowledge that they will have full protection under the policy.
Other vulnerable group	Yes		The revised policy will allow all staff to raise concerns about discriminatory practices in the knowledge that they will have full protection under the policy.
Marriage or Civil Partnership	Yes		The revised policy will allow married or single people to raise concerns about discriminatory practices in the knowledge that they will have full protection under the policy.

Gender Reassignment	Yes	The revised policy will allow anyone going through gender re-assignment to raise concerns about discriminatory practices in the knowledge that they will have full protection under the policy.
Human Rights	Yes	It is considered that the revised Freedom to Speak Up policy (including Whistleblowing) will encourage people to assert their human rights. FREDA Fairness yes, Respect yes, Equality yes, Dignity Yes, Autonomy - yes, in that the employee will have the right to raise concerns independently.

If you have answered No to all the questions above and in question 10, explain below why you feel your activity has no relevance to Equality and Human Rights.

Section 4: Equality Information and Engagement

11 What equality information or engagement with protected groups has been used or undertaken to inform the activity. Please provide details.

Details of Equality Information or Engagement with protected groups	Internet link if published & date last published
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Unfortunately, we do not have equality reports for numbers of concerns raised under whistleblowing by protected characteristics, but we are working to gain this data and reports in coming months. We have however drawn this policy from best practice from other NHS Employers. Consultation to be undertaken with trade unions and staff, with regular reviews.

The policy will be loaded to MHCC Intranet when agreed and training will be given for all managers and staff.

11.1 Are there any information gaps, and if so how do you plan to address them

Data collection, monitoring of numbers, the equality groups and the types of complaints will be undertaken when ESR is upgraded.

Section 5: Outcomes of Equality Analysis

12 Complete the questions below to conclude the EA.

What will the likely overall effect of your activity be on equality?

A greater transparency.

What recommendations are in place to mitigate any negative effects identified in 10.1?

None. But the new monitoring arrangements will check to see that there are no discriminatory effects and this will be evidence based. Data will be collected to ensure that there are no adverse impacts on protected groups.

What opportunities have been identified for the activity to add value

The revised policy will add value by increasing protection for staff who raise concerns about discriminatory behaviour.

by advancing equality and/or foster good relations?

What steps are to be taken now in relation to the implementation of the activity?

Further consultation with a view to implementation in January. Additional support mechanisms for staff raising concerns are set out in paragraph 7.

Section 6: Monitoring and Review

- 13** If it is intended to proceed with the activity, please detail what monitoring arrangements (if appropriate) will be in place to monitor ongoing effects? Also state when the activity will be reviewed.

The HR, OD and EDHR team will monitor implementation and will report to the CCG Governance Committee and annually to Audit Committee. Implementation will also be monitored by HR. Data collection, monitoring of numbers, the equality groups and the types of complaints will be undertaken when ESR is upgraded.