

**Speak Out Safely (Raising Concerns About Patient Care) and Whistle Blowing Policy**

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**THE TRUST'S POLICY STATEMENT**

The Countess of Chester Hospital NHS Foundation Trust is committed to achieving the highest possible standards of patient care and the highest possible ethical standards in public life in all of its practices. To achieve these ends, the Trust encourages freedom of speech. It also encourages staff to use internal mechanisms for reporting any malpractices or illegal acts or omissions by its staff or former staff. Above all, the Trust encourages a culture whereby staff and all levels of management fully understand that it is safe and accepted to raise such matters internally. Staff will be supported in these circumstances at a high level within the Trust and a named point of contact who can provide support and advice will be given to the individual concerned.

This Policy has a dual aim in supporting staff in fostering an open culture to raise concerns in the workplace and also to provide clarity around the existing legal right for staff to raise concerns about safety, malpractice or other wrong doing without suffering any detriment.

The Policy is written to comply with the Public Interest Disclosure Act 1998 and the changes to this introduced following the Enterprise and Regulatory Reform Act 2013 (ERRA). These set out the protection for workers against detriment or dismissal who report malpractice by their employers or other third parties more commonly known as 'Whistleblowing'.

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**PURPOSE**

There is an expectation that anybody should be able to raise concerns at the earliest opportunity by the Trust creating an atmosphere where all staff can be open, honest and truthful in all their dealings with patients and with the public.

This Policy also supports staff by ensuring their concerns are fully investigated and that there is someone independent, outside of their team, to speak to. For the purposes of this Policy, the term 'whistleblowing' refers to the disclosure by workers of malpractice as well as illegal acts, miscarriages of justice, dangers to health and safety or deliberate concealing of information on any of the above.

The Countess of Chester NHS Foundation Trust is committed to openness, transparency and candour so that staff feel able to raise concerns and / or debate issues of concern about health care matters in a responsible way without fear of victimisation.

Statutory protection against detriment or dismissal for workers who 'blow the whistle' on wrong doing at work is provided by the **Public Interest Disclosure Act of 1998, reformed by the ERRA 2013**.

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### SPEAK OUT SAFELY CAMPAIGN

In addition the Trust supports the Speak Out Safely campaign from the Nursing Times whose aim is to make it safe for staff to raise concerns about patient care and safety. This will assist in creating a culture in which staff will be supported if they speak up when they see poor practice or poor standards of care. This is a way of ensuring the Trust is providing safe, consistently high quality care.

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### SCOPE OF POLICY

This Policy (including the Public Interest Disclosure Act) applies to all workers of the Trust including employees on temporary or fixed-term contracts, 'bank' staff and those working on an "as and when required basis" as well as third party contractors, directors, agency staff, volunteers, freelance workers, apprentices, students, dentists and doctors under statutory schemes and engaged under training contracts.

[Please refer to the Flowchart at the end of this Policy.](#)

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### RAISING CONCERNS

It is the responsibility of all members of staff, either medical, clinical or non clinical, to ensure that high standards of care, treatment and services are provided at all times for patients. From time to time, staff may have concerns about the care or treatment given to any patient(s) and may wish to discuss these with their managers. This section of the policy gives advice to staff who have concerns about patient care, or concerns about processes/service delivery that affect patient care, on how to raise those concerns in cases where whistleblowing may not be appropriate.

By implication this Policy is concerned with the possibility that a member or members of staff are not delivering the standard of patient care expected of them. Making a complaint about the way in which a patient or patient group has been treated may therefore place an individual member of staff in the difficult position of choosing between loyalty to a colleague and the patient's best interests. However, the primary duty of every member of staff is to patients.

All concerns raised by staff about patient care will be dealt with seriously, promptly, and be subject to a thorough and impartial investigation where necessary. Managers have a particular responsibility to protect patients, and to handle concerns about their care in a way that will encourage the voicing of genuine misgivings, while at the same time protecting staff against unfounded allegations. No recriminations will follow reports which are made in good faith about low standards of care or possible abuses. All staff must comply with the Trust Values and put patients at the heart of everything they do.

If staff are uncertain about whether or not to express a concern, it is normally better for them to voice this rather than to remain silent. Often discussing an issue, normally with their immediate manager, will provide an opportunity to view the matter from a different perspective. From there, it can go forward and be dealt with if necessary. **Delay in**

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## **FOLLOWING THE INVESTIGATION**

The Chief Executive will brief the designated officer as to the outcome of the disclosure. The designated officer will then arrange a meeting with the person who made the disclosure to give them feedback on any action taken. (This will not include details of any disciplinary action, which will remain confidential to the individual concerned).

If it is decided that there is no case to answer, and it is clear that the person who made the allegation had reasonable grounds for believing that it was true, he/she will be assured that under the Public Interest Disclosure Act they have the right to protection from any detrimental action by the Trust. This should be confirmed in writing.

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## **CONSIDERATION OF REFERRAL TO THE LOCAL AUTHORITY DESIGNATED OFFICER (LADO) (DISCLOSURE AND BARRING SERVICE (DBS))**

If there is a concern raised or an allegation made about a person who works with children, whether a professional, staff member, foster carer or volunteer that they may have: -

- behaved in a way that has harmed a child, or may have harmed a child
- possibly committed a criminal offence against or related to a child or
- behaved towards a child or children in a way that indicates s/he is unsuitable to work with children, then the process outlined below should be followed:-

The member of staff raising the concern should first discuss this matter with the Professional Head / Lead Clinician or Head of Service for their Division (named senior officer). These managers will have responsibility for allegations management and will liaise with the LADO within the children's safeguarding unit, Local Authority. The employee can of course raise this initially with their line manager in the first instance to seek support. If, however the concern/ allegation relates to the named Head or Lead officer, then the concern/allegation should be notified to another senior manager within the organisation, who would then liaise with the LADO.

If in the opinion of the named senior officer (Professional Head / Lead Clinician or Head of Service) the concern/allegation meets the criteria set out in Cheshire West and Chester's Local Safeguarding Children Board Procedures

[http://www.cheshirewestlscb.org.uk/?page\\_id=3221](http://www.cheshirewestlscb.org.uk/?page_id=3221) , then:

- the named senior officer must make contact within one working day with the LADO. The LADO contact details are: 0151 337 4570. The LADO operate a duty system to ensure advice and guidance is available
- the named senior officer and the LADO will have an initial discussion regarding how the matter will be progressed.
- if it is agreed that it is an appropriate referral to the LADO, then a referral form, (available at [http://www.cheshirewestlscb.org.uk/?page\\_id=3221](http://www.cheshirewestlscb.org.uk/?page_id=3221) ) should be