Primrose Hospice

Raising concerns about poor practice policy and procedure (whistle-blowing)

Approved by:

Date of approval: 27 January 2014

Originator: Libby Mytton, Nurse Manager

Policy Statement

Primrose Hospice is committed to ensuring the highest standards of care and the highest possible ethical standards in delivering the services it provides. To this end this policy demonstrates the Trust Board’s commitment to recognise and take action in respect of malpractice, illegal acts or omissions by its employees or ex-employees. It is the responsibility of all staff to ensure that if they become aware that the actions of other staff might compromise this objective, they will be expected to report the matter in the safe knowledge that the matter will be treated seriously and confidentially.

The Trust Board will, in line with the Public Interest Disclosure Act 1998, establish procedures to protect staff who, acting in good faith, disclose information about their employing organisation and its activities, and those of any of its staff.

Related Hospice policies/procedures:

- Health and Safety Policy
- Policy and Procedure on Harassment & Bullying
- Smoke-free Policy
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- Information Management Policy
- Grievance Policy
- Disciplinary Policy

Responsibility/Accountability

Ultimate responsibility

Title: Chairman/Responsible Person

First line responsibility

Title: Chief Executive Officer

- To treat concerns in a confidential manner
- To take staff concerns seriously
- To consider them carefully and undertake an investigation
- To understand the difficult position a member of staff may be in
- To seek appropriate advice
- To take prompt action to resolve the concern or pass it on to an appropriate person
- To keep the member or staff informed of the process
- To monitor and review the situation
- To inform the Trust Board
- To ensure that individuals who genuinely report concerns are not penalised in any way

The Clinical Governance Committee:

Responsible for monitoring concerns/issues that are raised in relation to patient care and report any incidents of whistle-blowing to the Trust Board at the bi-monthly meeting.

Issues relating to fraud and other financial matters will be reported to the Income Generation Committee.
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Additional responsibility

All employees, paid and voluntary:

- To report to a member of staff as outlined in this procedure any concerns that they might have that something is happening that might compromise these standards
- To raise concerns in good faith with a true belief that a malpractice has occurred
- Not to raise concerns with any malicious intents or vexatious nature

Policy Monitoring and Review

- Records will be kept of all concerns raised under this policy, the response and subsequent action taken. Records will be confidential and retained in accordance with the Data Protection Act 1998
- The Clinical Governance Committee will monitor any patterns across the organisation
- Policy review will be every three years or when legislation requires

Compliance with Statutory Requirements

Primrose Hospice will ensure compliance with all relevant legislation.

Scope

- The policy refer to all staff employed by Primrose Hospice, including permanent, temporary, bank staff and volunteers
- Situations may arise when it is not appropriate or staff feel unable to report incidents through the usual management channels. These may include:
- Malpractice or ill treatment of a patient by a member of staff
- Repeated ill treatment of a patient despite a previous complaint having been made
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- Suspected fraud
- A criminal offence has, or is likely to be committed
- Disregard for legislation e.g. health and safety legislation
- Damage to the environment e.g. incorrect disposal of clinical waste
- Showing undue favour over a contractual matter or to a job applicant
- A breach of a code of conduct
- Where evidence may be concealed or destroyed
- Where there has been a previous breach of the same information

This list is not exhaustive

Procedure

Internal Procedure

- Line managers include:
  - Chief Executive Officer, as overall manager and direct line manager for Nurse Manager, Shops Co-ordinator, Finance Manager and Fundraising Manager
  - Team Leader Day Hospice
  - Shops Co-ordinator (for all shops staff, paid and voluntary)
  - Volunteer Co-ordinator (for all Hospice volunteers)
  - Nurse Manager (for all care staff not directly managed by the Team Leader, i.e. Day Hospice Team Leader, Volunteer Co-ordinator, Office Administrator and cooks)
  - Wherever possible staff are encouraged to resolve their concerns about service issues informally i.e. between the member of staff and their line manager. To this end, managers will:
    - Take the concern seriously
    - Consider the issues fully and sympathetically
    - Recognise that raising a concern can be a difficult experience for some staff
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- Seek advice from senior managerial colleagues where necessary
- Treat the matter confidentially
- Reassure the member of staff about protection in the event of possible reprisals or victimisation

- The line manager must investigate the allegations thoroughly. The member of staff will receive an initial written response within 5 working days, including details of any action to be taken, and a full written response within 7 working days of the completion of the investigation, where appropriate. These timescales may be extended by mutual agreement.

- In the event that the matter is not resolved by this process the matter should be referred to the Chief Executive Officer, or Chairman of the Board of Trustees.

- No member of staff shall be victimised or suffer loss as a result of raising concerns under this policy. This will be the case even where the allegation subsequently proves to be unfounded, provided it was made in good faith, without malice, and without thought of personal gain.

Following the Investigation

- The Chief Executive Officer will brief the line manager as to the outcome of the investigation. The line manager will then arrange a meeting with the whistleblower to give feedback on any action taken. This will not include details of any disciplinary action, which will remain confidential to the individual concerned. The feedback will be provided within 10 working days of the outcome of the investigation. These timescales may be extended by mutual agreement.

- If the member of staff remains dissatisfied with the outcome the Hospice recognises the rights of individuals to pursue the matter via external routes at any time.
Concerns about the Chief Executive Officer or Chairman

- If the concern is about the Chief Executive Officer the issue should be raised with the Chairman. The Internal procedure (outlined on pages 4/5) should be followed.

- If the concern is about the Chairman, the issue should be taken to the Vice Chairman. The Internal Procedure (outlined on pages 4/5) should be followed.

Notifying the Care Quality Commission and other national professional bodies

- Where a member of staff has been suspended on clinical or professional grounds both the Care Quality Commission and the appropriate national professional body e.g. GMC, NMC, must be formally notified.

Trade Union Representatives

- Staff have the right to be represented throughout the process by either a trade union representative, full time officer or colleague.

Disclosure outside the Hospice

- An employee who remains dissatisfied with the outcome of an investigation has the right to pursue the matter via external routes. The Hospice would encourage staff to obtain information on the Public Interest Disclosure Act 1998 before pursuing this route, a copy of which will be made available on request.

- Staff have the right to make public disclosure without going through the internal procedure first. However, Primrose Hospice would encourage the employee to raise the matter initially as per this procedure.
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Safeguards against false/malicious allegations

- Where the investigation concludes that false or malicious allegations have been made it may be necessary to take action under the Disciplinary Procedure against the complainant.

Protection of staff who raise control in good faith

- If legal proceedings are brought against a member of staff and it is established that they have acted with reasonable care, Primrose Hospice will meet the cost of their defence and any costs or damages to be paid.

Records

- Records will be kept in a separate secured file for 6 years

Staff training requirements

- All staff will be introduced to the Whistle Blowing policy at induction and will confirm in writing that they have read it.

Audit plan

Adherence to the stated policy will be audited through:

An exercise designed to check that staff are aware of the policy and its application and test staff perceptions of whether the organisation culture would support the use of the policy.