

**Portsmouth HealthCare Trust****Personnel Policy**

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**WHISTLEBLOWING****1. Introduction**

- 1.1 The Trust is committed to openness and opportunities for all employees to contribute ideas, express concerns and question the decisions of others, including those in positions of authority. There are a wide variety of procedures, systems and opportunities to do this - this policy and procedure provides an additional route for concerns to be expressed, should the more specific procedures be exhausted or fail in some way.

**2. Purpose**

- 2.1 To provide a way for employees concerned about the care or safety of clients/patients to speak out in the event of other procedures failing or being exhausted.
- 2.2 To encourage staff to challenge if they believe others are acting in an unethical way.
- 2.3 To make clear that victimisation or retribution against those who use this policy will not be tolerated and to protect those who appropriately speak out in line with this policy.
- 2.4 The policy can also be appropriately used where concern over staff safety, corporate governance or use of NHS resources are an issue.

**3. Scope/Definition**

- 3.1 "Whistleblowing" may be described as a process of reporting matters of concern regarding patient care, service provision, poor resources or unsuitable environment that have not/are not being dealt adequately by normal process.
- 3.2 This policy applies to every member of staff at whatever level and whatever their terms of employment, hours of work, or length of service.
- 3.3 This policy, when appropriate, should be used in conjunction with the following Trust Policies:

Abuse - Disciplinary - Equal Opportunities - Grievance - Handling - Harassment - Health and Safety - Recording and Reviewing Risk Events - Financial Standing Orders - Fraud and Corruption Response Plan and Code of Business Conduct.

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#### 4. Responsibility

- 4.1 All Managers have a responsibility to ensure all staff are familiar with and have access to this Policy.
- 4.2 This Policy will be explained to new staff as part of the Trust's Induction Programme.
- 4.3 Everyone has an obligation to provide a high standard of service and to complain if concerns are not taken seriously regarding the neglect or abuse of clients by other employees or if there is a serious problem with unsafe practice or misuse of NHS resources.
- 4.4 Staff should be encouraged and given opportunities to contribute freely their views on all aspects of Health Service activities, especially about delivery of care and services to patients or clients.

This can take place at Team Meetings, Supervision sessions and IPR's or directly with Managers. An atmosphere where employees feel their legitimate views will be welcomed, appreciated and where appropriate, acted on positively should be created.

- 4.5 When a member of staff expresses a reasonable concern and acting in good faith they will not be penalised in any way.

Victimisation by other members of staff towards the employee will not be tolerated.

#### 5. General Principles

Procedures should aim to resolve staff concerns informally between the individual and the Line Manager and Managers should always:

- take concerns seriously
- consider them fully and sympathetically
- recognise that raising a concern can be a difficult experience for some staff
- seek advice from health care professionals where appropriate
- ensure that concerns are received in complete confidence
- explain to whistleblower that it may be necessary to have an investigation and their statement would be needed. It might also proceed to a formal hearing and they might be asked to stand as a witness
- advise staff that they may wish to consult their trade union representative
- act promptly and notify member of staff of action taken
- document all issues raised and action taken even at very early stages
- ensure facts are correct
- reply to whistleblower within 48 hours
- report back to the whistleblower within 21 days

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**6. Procedure**

- 6.1 A member of staff may wish to use informal contact with Occupational Health, Personnel Departments, Staff Representatives, Risk Advisors, Health and Safety Representatives etc.
- 6.2 If a member of staff has concerns that cannot be resolved by the appropriate procedure, they can utilise the "Whistleblowing" procedure.
- 6.3 The "Whistleblowing" procedure has the following steps:
- 6.3.1 Report concerns to immediate manager making clear that it is a "Whistleblowing" issue and other procedure opportunities have failed.
- 6.3.2 If the employee feels they cannot report the issue to their immediate manager, they should refer the case to a more senior manager.
- 6.3.3 If the employee feels that they cannot report the matter to their immediate or more senior manager, they can report the matter to any manager of their choice within the Trust.
- 6.3.4 In the event of steps 1, 2 and 3 failing or being inappropriate, the employee should write to, or contact any Director of the Trust.
- 6.3.5 The Manager or Director receiving the employees concerns will record these and take an appropriate action to alleviate the cause for concern, particularly where this has consequences for patients care, safety or good management of the Trusts resources.
- 6.3.6 Employees may be represented in these matters by a person or their choice and with that persons agreement.
- 6.3.7 The manager receiving the concern will discuss with appropriate senior managers with responsibility for the relevant area of work who will prepare a written response to the employee(s) within 21 days. The response will explain the reason for the concern and/or plans to deal with the matter giving rise to concern.
- 6.3.8 In the event of normal procedures, contacts or "Whistleblowing" to Director level fails to resolve the issue the employee may implement the Public Interest Disclosure Act 1998. The Chief Executive should be notified of the intention to do this at the point of exhaustion of these procedures.  
See Annex A for flow chart.

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**7. Audit Standards and Criteria**

The policy will be monitored in the following way:

- as part of the Staff Satisfaction Survey
  - appropriate questions will be added to the questionnaire which will reflect the effectiveness of the policy
  - problems will be identified and appropriate action taken
  - discussion with Trade Unions through Staff Representatives
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**REVIEW DATE:** March 2003

**POLICY PRODUCED BY:** Mr Peter King, Personnel Director

**POLICY PRODUCED ON:** June 1998

**APPROVED BY:** Operational Management Group Trust Board

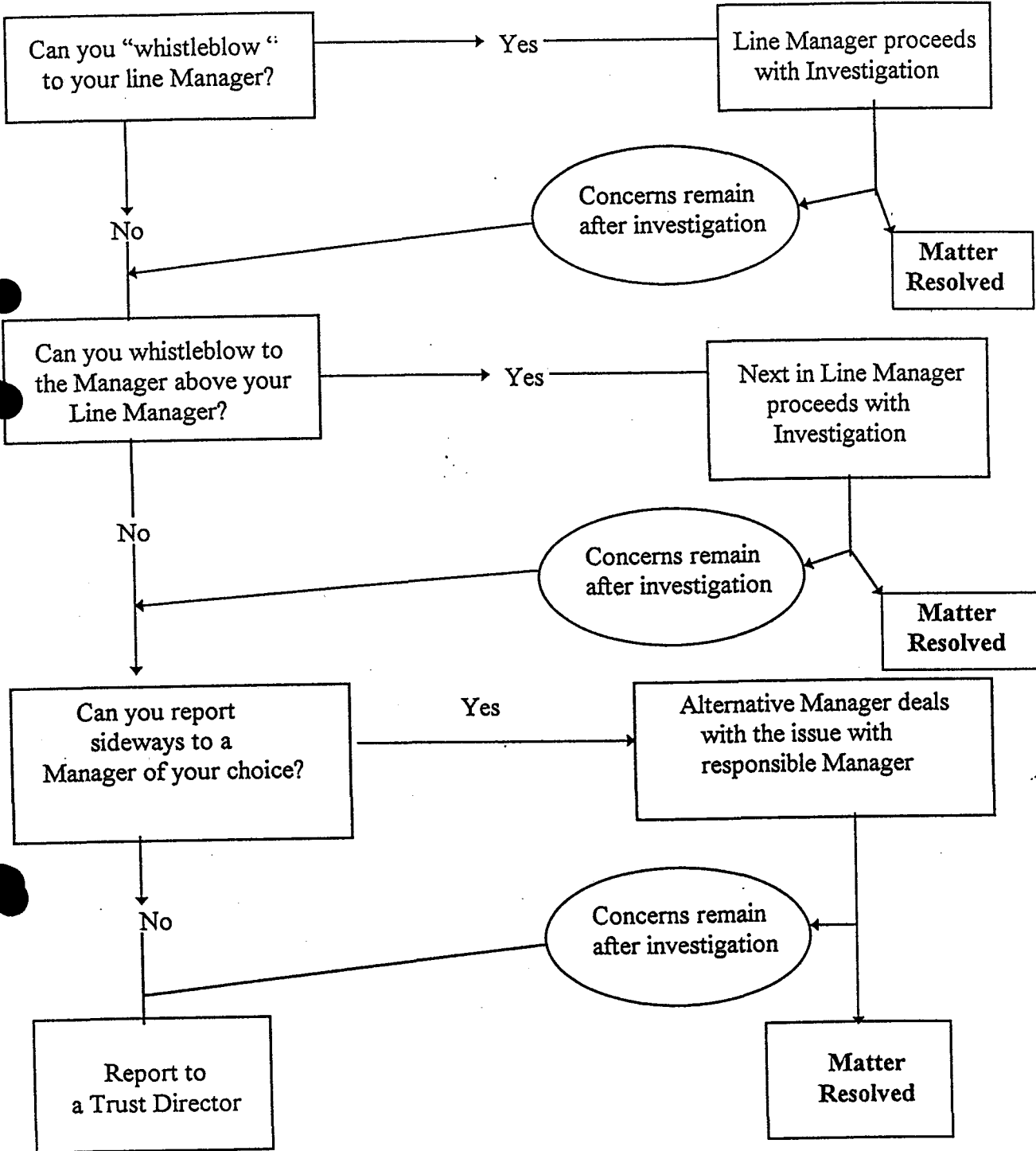
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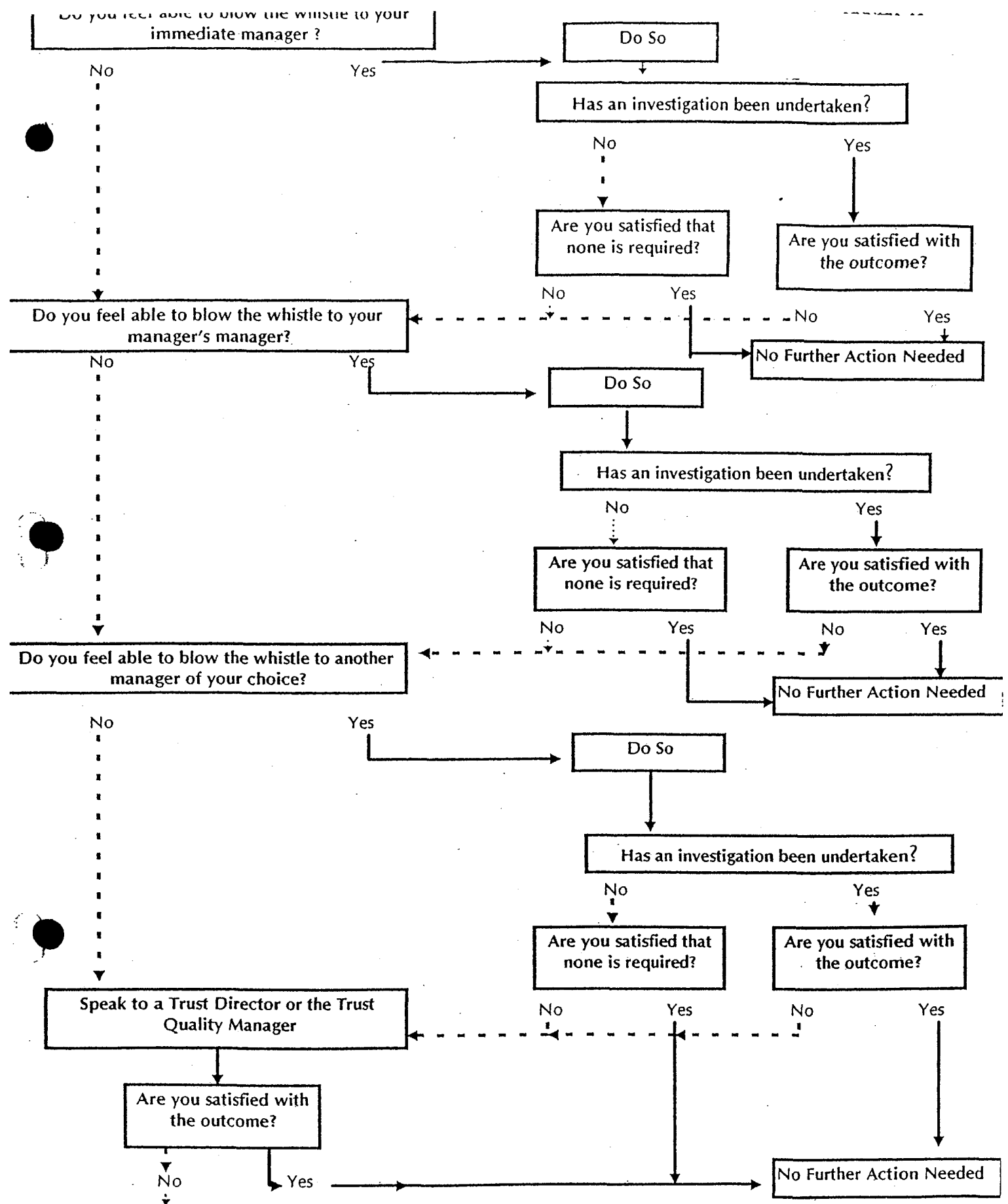
CORPORATE POLICY

Annex A

Reporting Options



**NB - IF PROBLEM STILL UNRESOLVED  
Media may be accessed without prejudice**



Under the Public Interest Disclosure Act, everyone working in the NHS may bypass their employer and report concerns directly to the Department of Health. Employees may also take exceptionally serious matters direct to the police or their M.P. If the problem remains unresolved, the media may be approached without prejudice.