

Document title:	Speaking Up Policy and Procedure (formerly known as Whistleblowing)		
Document type	Policy <input checked="" type="checkbox"/>	Procedure <input checked="" type="checkbox"/>	Guideline <input type="checkbox"/>
Date produced: November 2018			
Authors:	M Thornicroft M Taylor		
Committee approval:	CFI <input type="checkbox"/>	CGO <input checked="" type="checkbox"/>	CCA <input type="checkbox"/> CCO <input type="checkbox"/>
Lead Trustee:	Chair of Governance Committee		
Frequency of review:	Annual <input type="checkbox"/>	Every 2 years <input type="checkbox"/>	Every 3 years <input checked="" type="checkbox"/>
Implementation date:			
Updated and reviewed			
Date: Aug 2022 M Taylor	Date:		Date:
Date:	Date:		Date:

Approval		
Lead Trustee signature	Kathleen Fadden	Date: 08/09/2022
Chief Executive Officer signature	Mike Thornicroft	Date: 08/09/2022
Next review date	July 2025	

Section	Content	Page
1.0	Introduction	3
2.0	Our commitment to speaking up	3
3.0	Who can raise concerns?	3
4.0	What concerns can be raised?	4
5.0	Feel safe to speak up	4
	5.1 Advice and Support	4
	5.2 Confidentiality	5
	5.3 Making a “protected disclosure”	5
6.0	Who to speak to about your concern	5
7.0	How to raise your concern	6
8.0	What we will do	6
	8.1 Acknowledgement	6
	8.2 Investigation	6
	8.3 Communicating with you	6
9.0	How we will learn from your concern	7
10.0	Board oversight	7
11.0	External reporting	7
12	Raising your concern with an outside body	7

1. Introduction

Tyndale Hospice at Home (THH) is committed to conducting our business with honesty and integrity, and we expect all staff to maintain high standards. However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring and to address them when they do occur.

Speaking up about any concern you have at work is really important. In fact, it's vital because it will help us to keep improving our services for all patients and the working environment for our staff.

This policy outlines our commitment to speaking up, as well as detailing how you can raise concerns, how we will deal with concerns, and where you can gain access to advice and support in relation to speaking up and concerns about work.

2. Our commitment to speaking up

THH has a legal duty to safeguard its assets and ensure safe working practices are in place. We embrace a culture of transparency and openness and strive to ensure high standards in all that we do. Confidence in the arrangements to enable individuals to raise serious concerns is a key element of this framework. To achieve this, we are committed to:

- Fighting fraud, corruption and malpractice whether the perpetrators are internal or external to THH;
- Encouraging genuine concerns to be raised by staff, volunteers or agency workers, in a professional manner within the line management structure without fear of victimisation;
- Treating as a disciplinary matter any action taken by an employee or volunteer which seeks to prevent, deter or victimise an individual from either raising or pursuing a genuine concern relating to fraud, corruption or malpractice;
- Respecting the confidentiality of the informer, to ensure that their name is not disclosed to the alleged perpetrator of fraud, corruption, or malpractice without their prior approval;
- Facilitating mechanisms outside the line management structure to receive information relating to fraud, corruption, and malpractice;
- Actioning a thorough investigation of all the concerns raised;
- Reporting the outcomes and actions of the investigation, as is appropriate, to those concerned.

3. Who can raise concerns?

Anyone who works for THH can raise concerns. This includes employees, volunteers, contractors and agency workers.

4. What concerns can be raised?

You can raise a concern about risk, malpractice or wrongdoing you think is harming the service we deliver. Just a few examples of this might include (but are by no means restricted to):

- unsafe patient care
- unsafe working conditions
- inadequate induction or training for staff

- lack of, or poor, response to a reported patient safety incident
- suspicions of fraud or other criminal activity;
- conduct likely to damage our reputation or financial wellbeing;
- a bullying culture (across a team or the organisation rather than individual instances of bullying);
- the deliberate concealment of any of the above matters
- Safeguarding failures.

Remember that if you are a healthcare professional you may have a professional duty to report a concern. If in doubt, please raise it.

Don't wait for proof. We would like you to raise the matter while it is still a concern. It doesn't matter if you turn out to be mistaken as long as you are genuinely troubled.

This policy is not for people with concerns about their employment that affect only them –that type of concern is better suited to our Grievance Policy.

5. Feel safe to speak up

If you raise a genuine concern under this policy, you will not be at risk of losing your job or suffering any form of reprisal as a result. We will not tolerate the harassment or victimisation of anyone raising a concern. Nor will we tolerate any attempt to bully you into not raising 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.

Provided you are acting honestly, it does not matter if you are mistaken or if there is an innocent explanation for your concerns.

5.1. Advice and support

You can gain advice and information about the speaking up process from the following organisations:

Speak Up Direct

Speak Up Direct is a free, independent, confidential advice on the speaking up process.

Telephone: 08000 724 725 | Web: speakup.direct

Protect

Protect is a charity that provides free, legal, and confidential whistleblowing advice to people who are concerned about wrongdoing at work and not sure whether, or how, to raise their concern.

Telephone: 020 3117 2520 | Web: www.protect-advice.org.uk | Email: info@protect-advice.org.uk

Trade Unions and Professional Bodies

If you are a member of a Trade Union or a professional body, you may also be able to access advice and support from these organisations.

5.2. Confidentiality

We hope you will feel comfortable raising your concern openly, but we also appreciate that you may want to raise it confidentially. This means that while you are willing for your identity to be known to the person you report your concern to, you do not want anyone else to know your identity. Therefore,

we will keep your identity confidential, if that is what you want, unless required to disclose it by law (for example, by the police). You can choose to raise your concern anonymously, without giving anyone your name, but that may make it more difficult for us to investigate thoroughly and give you feedback on the outcome.

5.3. Making a 'protected disclosure'

The Public Interest Disclosure Act (PIDA) 1998 provides legal protection for an individual when they raise a concern (referred to in the legislation as making a protected disclosure). More details can be found at [Whistleblowing for employees: What is a whistleblower - GOV.UK \(www.gov.uk\)](https://www.gov.uk/whistleblowing-for-employees)

6. Who to speak to about your concern

In many circumstances the easiest way to get your concern resolved will be to raise it formally or informally with your line manager. But where you don't think it is appropriate to do this, you can use any of the options set out below in the first instance.

If raising it with your line manager does not resolve matters, or you do not feel able to raise it with them, you can contact one of the following people:

- another manager;
- a member of the Senior Management team;
- our Chair of Trustees (only in exceptional circumstances e.g. to raise a concern involving the CEO)

If you still remain concerned after this, or if for any reason you do not feel comfortable raising your concern internally, you can raise concerns with external bodies, as detailed in section 12.

7. How to raise your concern

You can raise your concerns in person, by phone or in writing (including email).

Whichever route you choose, please be ready to explain as fully as you can the information and circumstances that gave rise to your concern. If you have initially raised your concerns verbally, you may be asked to confirm these in writing.

8. What we will do

We are committed to listening to our staff, learning lessons and improving patient care.

8.1. Acknowledgement

On receipt the concern will be recorded and you will receive an acknowledgement, usually within two working days.

8.2. Investigation

Where you have been unable to resolve the matter quickly (usually within a few days) with your line manager, we will carry out an initial assessment to determine the scope of any investigation.

We may decide that your concern would be better looked at under another process; for example, our process for dealing with bullying and harassment. If so, we will discuss that with you.

Where an investigation is required, we may appoint an internal or external investigator. The investigator may make recommendations for change to enable us to minimise the risk of future wrongdoing, and/or to deal with issues through another process, for example the Disciplinary Policy. Any employment issues (that affect only you and not others) identified during the investigation will be considered separately.

If an investigation finds that you made false allegations maliciously or with a view to personal gain, this matter will be dealt with through our Disciplinary Policy.

8.3. Communicating with you

We will treat you with respect at all times and will thank you for raising your concerns.

If you wish, you can be accompanied to any meetings regarding your concerns by a colleague or recognised Trade Union representative.

We will discuss your concerns with you to ensure we understand exactly what you are worried about. We will keep you informed of the progress of the investigation and its likely timescale and to give prompt feedback when the investigation is concluded. However, sometimes the need for confidentiality may prevent us giving you specific details of the investigation or any disciplinary action taken as a result. You should treat any information about the investigation as confidential.

9. How will we learn from your concern?

The focus of the investigation will be on learning from what has happened to improve how we operate in the future. This could relate to the nature of frontline services that we provide or how we deliver them, our interactions with 3rd parties (e.g. patients, service users, customers, donors and supporters, suppliers), the policies, procedures and practices that we use, or our relationships with staff and volunteers.

Where improvements are identified, we will track these to ensure necessary changes are made and are working effectively. Lessons will be shared with teams across the organisation, or more widely, as appropriate.

10. Board oversight

The Board of Trustees will be given high level information about all concerns raised by our staff through this policy and what we are doing to address any problems. The board supports staff raising concerns and wants you to feel free to speak up.

11. External Reporting

We may be required to report incidences to appropriate regulatory bodies, for example the Police, CQC, Fundraising Regulator, Health and Safety Executive. Internally we shall report any recommendations from Speaking Up investigations to the Board of Trustees to determine appropriate HR and management action, training, and risk mitigation measures to remedy proven failure.

12. Raising your concern with an outside body

Whilst the aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace, it is recognised that in some circumstances you may feel it is more appropriate for you to report your concerns to an external body such as a regulator. It will very rarely, if ever, be appropriate to alert the media. We strongly encourage you to seek advice before reporting a concern to anyone external, as detailed in section 6.

The following organisations offer advice on how to raise concerns with them:

Care Quality Commission: [Give feedback on care - Care Quality Commission \(cqc.org.uk\)](https://www.cqc.org.uk/give-feedback)

Charity Commission: [Complain about a charity - GOV.UK \(www.gov.uk\)](https://www.gov.uk/complain-about-a-charity)

Institute of Fundraising: [Chartered Institute of Fundraising - How to make a complaint \(ciof.org.uk\)](https://www.ciof.org.uk/how-to-make-a-complaint)

Fundraising Regulator: [Make a complaint | Fundraising Regulator](https://www.fundraisingregulator.org.uk/make-a-complaint)

Health and Safety Executive: [Contact HSE - Reporting a health and safety issue](https://www.hse.gov.uk/reporting-a-health-and-safety-issue)

Nursing and Midwifery Council (NMC): [Whistleblowing to the NMC - The Nursing and Midwifery Council](https://www.nmc.uk/whistleblowing-to-the-nmc)