

Freedom to speak up – NHS Improvement’s raising concerns (whistleblowing) policy for NHS staff

Speak up – we will listen

Speaking up about any concern you have at work is really important. We hope that raising your concern with your employer will give you confidence that the matter will be, or has been, looked into properly. But we appreciate there may be times when you will want to raise a concern outside of your organisation.

If you raise your concern with us, we will listen and use the information to inform our work.

NHS Improvement’s role

We are responsible for overseeing NHS foundation trusts, NHS trusts and independent providers that provide NHS-funded care. We offer the support these providers need to give patients consistently safe, high-quality, compassionate care within local health systems that are financially sustainable. By holding providers to account and, where necessary, intervening, we help the NHS to meet its short-term challenges and secure its future. We also have a role in ensuring that procurement, choice and competition operate in the best interests of patients, and work with commissioners (or purchasers) of NHS services to deliver this.

NHS Improvement is the operational name for the organisation that brings together Monitor, NHS Trust Development Authority (NHS TDA), Patient Safety, the National Reporting and Learning System, the Advancing Change team and the Intensive Support Teams. NHS Improvement is a combination of the continuing statutory functions and legal powers vested in these bodies. You find out more about our role [here](#).

What concerns can I raise?

You can raise a concern about **anything** you think is harming the service your organisation delivers or commissions, that relates to NHS Improvement’s role. 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
- a bullying culture (across a team or organisation rather than individual instances of bullying)
- financial irregularities (suspicions of fraud can also be reported to your organisation’s counter-fraud team)
- conduct of board members

If in doubt, please raise it. It does not matter if you are mistaken or if there is an innocent explanation for your concerns.

This policy is not for people with concerns about their employment that only affect them. If your concern is a personal complaint about your employment that only affects you, rather than a concern about something that may harm the service your organisation delivers or commissions, then you may wish to raise a grievance using your organisation's grievance policy.

We cannot get involved in resolving employment issues – these are private matters between an employee and employer. However, we will consider whether employment matters could indicate wider problems with how a trust or foundation trust is being run.

Feel safe to raise your concern

If we see any evidence that indicates that you may be being harassed or victimised as a result of raising a concern with us, we will carefully consider whether this indicates a wider issue about how the trust or foundation trust is being run and consider what action we need to take to address that. For more information on your legal protection as a whistleblower, please see below about making a 'protected disclosure' on page 5.

Advice and support

Details on the local support available to you can be found on your *organisation's intranet*. You can also contact the [National Whistleblowing Helpline](#) for the NHS and social care, your professional body or your trade union representative.

Confidentiality

We hope you will feel comfortable raising your concern openly, but we also appreciate that you may want to raise it confidentially. 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 us your name), but that may make it more difficult for us to act on the information you give us and give you feedback on the outcome.

Who can raise concerns under this policy?

Anyone who works (or has worked) in the NHS, including agency workers, temporary workers, students, volunteers and governors, can raise concerns.

Who should I raise my concern with?

Please contact NHS Improvement's Enquiries, Complaints and Whistleblowing team to provide details of your concern. We will listen to you and consider what we should do with the information you give us, and whether it is more relevant to another body (eg, the Care Quality Commission). We will also tell you about the support and advice available to you.

How should I raise my concern?

You can raise your concerns:

- by phone: 020 3747 0900
- or in writing (including email): enquiries@improvement.nhs.uk

Wellington House

133-155 Waterloo Road

London

SE1 8UG

Whichever route you choose, please be ready to explain as fully as you can the information and circumstances that gave rise to your concern.

What will we do?

We are committed to the principles of the Freedom to Speak Up review and its vision for raising concerns (see Appendix A).

On receipt we will record your concern and send you a written acknowledgement within two working days.

If we think your concerns appear relevant to our role, we will try and arrange a meeting or telephone call with you – to make sure we fully understand them and explain our role to you. If we do not think your concern is relevant to our role, we will explain why, and provide information about any other relevant bodies that you may wish to contact.

Communicating with you

We will thank you for raising your concerns. We will discuss your concerns with you – to ensure we understand exactly what you are worried about. We will discuss with you your preferred method of communication and how we will provide feedback. We aim to tell you within 18 working days how we plan to use the information you give us. If we decide to make enquiries (for example, to the trust or the local commissioner), where relevant we will first discuss with you how we can do so in a way that maintains your confidentiality. We will tell you how long we expect this to take and keep you up to date with our progress (although, in the case of a serious

patient safety issue, we may decide that we need to take immediate steps without discussing that with you). We will tell you as fully as possible what enquiries we have made and the response we have received. Where we decide to take formal action, we will let you know, and where we decide not to pursue the matter further, we will explain why.

What will we do with the information you give us?

If you raise a concern with NHS Improvement about an NHS trust or foundation trust, we will consider whether it could signal underlying problems with how the trust is run. Where we identify wider concerns, we will obtain further information from the trust and consider whether the trust may not be complying with the conditions of the provider licence¹ and whether further, possibly more formal, action is needed.

In most instances, we will not investigate individual cases with a view to resolving them but will examine the information to determine whether it raises wider concerns about how the trust is being governed.

In the past we have contacted a trust to look into: concerns raised with us relating to allegations of abuse (of staff or patients); possible misconduct of board members and governors; and failure to follow correct procedures for national reporting of performance. We also gather intelligence and may discuss issues arising from complaints with Local Healthwatch and other parties at local Quality Surveillance Groups.

We may decide that your concern would be better looked at by another organisation, such as the Care Quality Commission if it relates to patient safety or quality concerns. If so, we will give you the relevant contact details or, with your consent, pass your concern onto the relevant organisation.

In exceptional circumstances, we may decide to investigate an individual case, rather than focusing solely on what wider issues it may raise about how the trust is being governed. It is not possible to define in advance what those exceptional circumstances might be, but we will take the following factors into account:

- the extent to which the case has been looked at, or investigated, by another appropriate organisation (for example, the trust)
- the potential impact of the issues raised on patient safety

¹ The NHS provider licence forms the legal basis for Monitor's oversight of foundation trusts. While NHS trusts are exempt from the requirement to apply for and hold the Monitor provider licence itself, Directions from the Secretary of State require NHS TDA to ensure that NHS trusts comply with conditions equivalent to the licence as it deems appropriate.

- the potential learning available to the wider system as a result of an investigation
- how long ago the events in question occurred

If we do investigate an individual case, once it is concluded we would then consider whether the case raises wider concerns about how the trust or foundation trust is being run.

Board oversight

We will give our board high level summary information about the whistleblowing concerns we receive under this policy. Our board supports the raising of concerns and wants you to feel free to speak up.

Making a ‘protected disclosure’

There are very specific criteria that need to be met for an individual to be covered by whistleblowing law when they raise a concern (to be able to claim the protection that accompanies it). Monitor and NHS TDA (together, now part of NHS Improvement) are both prescribed bodies to whom you can make a ‘protected disclosure’ where those disclosures are relevant to their roles.

There is a defined list of [‘prescribed persons’](#) who you can make a protected disclosure to. To help you consider whether you might meet these criteria, please seek independent advice from the Whistleblowing Helpline for the NHS and social care, Public Concern at Work or a legal representative.

Appendix A – Vision for raising concerns

Figure 4a - A vision for raising concerns in the NHS

