

	Whistleblowing policy		Reviewed	
	Adopted	October 2020	Revised Next review	October 2022

## Whistleblowing

### **1 INTRODUCTION**

Kingston GP Chambers (KGPC) is committed to developing a culture where staff are encouraged and supported fairly to raise issues and concerns, and are involved in helping to resolve them.

The promotion of open honest management and team support cannot be overemphasised.

Wherever possible, staff are encouraged to discuss issues in the first instance with their line manager or with a colleague. The manager will aim to resolve issues quickly with staff, encouraging openness and honesty.

This policy should be invoked where serious issues or concerns arise, where matters remain unresolved, or where a member of staff feels unable to address issues with their line manager.

### **2 BACKGROUND**

The Public Interest Disclosure Act 1998 promotes accountability in the public, private and voluntary sectors by encouraging people to raise concerns which they believe to be threatening public interest, without fear of detrimental treatment (dismissal and victimisation). This Act ensures that organisations address the message rather than the messenger and resist temptation to cover up serious malpractice. By protecting people who raise concerns from dismissal and victimisation the Act promotes the public interest. There is no minimum period of service required.

Following the implementation of guidance from NHS England ‘Freedom to Speak Up in Primary Care – the policy has been adapted, for more information please go to [Freedom to Speak Up in Primary Care \(NHS England guidance\)](#)

### **3 SCOPE**

This policy applies to all staff working for KGPC. It covers all employees, students, trainees, agency and contract staff

### **4 PURPOSE**

The purpose of this policy is to:

- Encourage staff to feel confident in raising serious concerns, and to question and act upon their concerns;

- provide ways for staff to raise those concerns and get feedback on any action taken as a result;
- ensure that as far as is practically possible, the complainant's identity will be kept confidential, and will be revealed to only the absolute minimum number of people necessary in order for the matter to be properly investigated;
- ensure that staff get a response to their concerns and that they are aware of how to pursue them;
- reassure staff that if they raise any concerns in good faith and reasonably believe them to be true, they will be protected from possible reprisals or victimisation.

At some point in time anyone might be concerned about issues that they may see or hear about during the course of their employment within KGPC. In addition, all staff share responsibility for being alert to the behaviour of their employer, other employees, co-workers or colleagues. Individually, staff members must be aware that anything they notice at work that appears to be unusual Organisation or behaviour, or causes them to feel uncomfortable or to question may have a wider consequence.

Usually these concerns are easily resolved. However, if you have a reasonable belief that:

- a person has failed, is failing or is likely to fail to comply with any legal obligation(s) to which s/he is subject - i.e. breaking the law;
- poor clinical practice is putting patients at risk;
- possible financial malpractice/fraud has, is, or is likely to take place;
- there is a risk or danger to patients, staff or the public;
- a criminal offence has or is likely to be committed;
- there is a serious risk or danger to the environment;
- the health and safety of any individual whilst at work (including mental and/or physical issues) has been, is being, or is likely to be endangered in any way;
- the public perception of the integrity of the Organisation has been, is or is likely to be, undermined in any way.

This policy enables you to raise your concerns about such possible serious issues at an early stage and in the right way. We would rather you raised the matter when it is just a concern rather than wait for proof.

We also encourage you to raise concerns about issues that may appear on the surface to be small or minor matters; the same concern may have been troubling a number of other people. If these individual concerns are taken together, they may indicate the existence of a wider issue of concern that can then be addressed appropriately.

**Please remember** – an isolated incident or concern may appear on the surface to be inconsequential or unimportant. BUT, taken with other information it may be a critical part of a wider problem that needs to be tackled.

KGPC has clear procedures for staff to follow when raising concerns about such issues.

If something is troubling you, which you think the KGPC should know about or look into, please use this procedure. If however, you are aggrieved about your personal position, please use the Grievance Procedure. The Whistleblowing Policy is primarily for concerns where the interest of others or of the Organisation itself are at risk.

## 5 KEY PRINCIPLES

The individual interest of people who use KGPC's services must be paramount and KGPC recognises that its members of staff are the most valuable protectors of their interests. All employees have a duty to draw to the attention of the Service Manager or their Line Manager any matter they consider to be damaging to the interests of a patient, and to put forward suggestions that may improve their care.

Staff are encouraged to freely contribute their views on all aspects of our service, and such communication should be part of normal every day working. This can be through discussions with their line manager, director, meetings, etc.

KGPC promotes organisational learning. The systematic identification of mistakes, systems failures and possible future risk will help us to ensure that corrective action can be taken.

KGPC also recognises that staff may be reluctant to express a concern. Staff expressing their views in this way, and in accordance with this procedure, will not be penalised for doing so.

## 6 RESPONSIBILITIES

### **The Service Manager will:**

- Acknowledge and take concerns seriously.
- Consider them fully and sympathetically.
- Recognise that raising a concern can be a difficult experience for some staff.
- Seek appropriate advice.
- Feed back findings/response to the individual.

- Communicate relevant findings to others where appropriate.

## **Staff's Responsibility**

KGPC actively encourages concerns to be expressed about issues which pose a risk to patients, the public and staff.

KGPC is also committed to ensuring that all staff are provided with an opportunity to learn from any mistakes and to improve KGPC where this is shown to be necessary. Every professional has a duty of care to his or her patient. They are also responsible for ensuring that they keep up to date and that both they and their colleagues work safely.

## **7 CONFIDENTIALITY**

All staff have a duty of confidentiality to patients and other staff. Disclosure of personal information without appropriate authority about any patient will be regarded as a serious matter that will always warrant investigation and which may lead to disciplinary action. This applies even where a member of staff believes that he or she is acting in the best interests of a patient by disclosing personal information.

An employee's duty of confidentiality to KGPC is not absolute and there may be circumstances where an employee considers making a disclosure of confidential information because they consider it to be in the public interest, or in the interest of a patient or patients. In this event, the employee should first seek advice, for example, from appropriate professionals or the Service Manager.

## **8 PROCEDURE**

In cases where there is evidence of poor behaviour or work standards both professional and/or general (as detailed in the Disciplinary Procedure) being applied by a member of staff, the person who is concerned is encouraged, where appropriate, to raise the matter with the individual themselves, in a confidential informal capacity.

Where this is not successful, it may be appropriate to discuss the issue with a professional colleague and for both to approach the individual again, pointing out the need for a change in behaviour.

In cases where both these approaches have failed or are inappropriate, and in the case of serious concerns, staff should approach the Service Manager who will investigate the issue(s) raised and normally respond to the staff member within 2 weeks.

In cases of extreme professional misconduct or actions that expose patients, staff or other people to immediate danger or risk, staff should take immediate appropriate action and report individual member(s) of staff direct to Service Manager, in writing. In exceptional circumstances, it may also be appropriate for an individual to report someone direct to the individual's professional registration body e.g. Nursing and Midwifery Council, General Medical Council, although it is advisable to first discuss concerns with the Service Manager or a Director.

For his or her part, the member of staff must be clear that he/she is acting in good faith and is not motivated by personal gain.

Where a serious concern does not relate specifically to an individual but to the way things are done and whether they work, again this should be reported to the Service Manager or a Director.

## **9 REPRESENTATION**

An employee raising a concern under this procedure may choose to be represented or supported either by a staff organisation representative (the representative must be an employee or belong to a trade union recognised by the Organisation) or a colleague.

Staff are encouraged to consult, seek guidance and support from their professional organisation or trade union, and from statutory bodies such as the Nursing and Midwifery Council, and the General Medical Council.

Employees may not be legally represented under this procedure.

## **10 INDEPENDENT ADVICE**

If you are unsure whether to use this procedure or if you want independent advice at any stage you may contact:

- Your union, or
- HR, if applicable, or
- The independent charity, Public Concern at Work on 020 7404 6670 where free confidential advice is given by their solicitors on how to raise a concern about serious malpractice at work.
- Penny Williams is the Organisations appointed Freedom to Speak Up Guardian. The Freedom to Speak Up Guardian will ensure that policies are in place and that staff know who to contact if they have a concern. Contact details are:

[Penny.williams1@nhs.net](mailto:Penny.williams1@nhs.net)

## **11 EXTERNAL CONTACTS**

While we hope that this policy gives you the reassurance you need to raise serious concerns internally, we would rather you raised a matter externally than not at all.

Provided you are acting in good faith and you have evidence to back up your concern, you can also contact:

NHS England  
Environment Agency

Care Quality Commission  
Health and Safety Executive

National Patient Safety Agency  
Nursing and Midwifery Council  
Royal Colleges  
Trade Unions ie Unison, RCN

General Medical Council  
Institute of Healthcare Management  
Public Concern at Work  
NHS Counter Fraud line (for financial malpractice)

## **12 SAFEGUARDS AGAINST MALICIOUS ALLEGATIONS**

Where an allegation was made in good faith and where it is reasonably believed that the information and any consequential allegation were substantially true but are not subsequently confirmed by the investigation, your actions will be supported by the Organisation.

Where the investigation concludes that malicious allegations have been made it will be necessary to take action under the Organisation's Disciplinary Procedure.