

Trust Board meeting (Part 1)		Date:	25 May2016
Agenda item	Title	Non Executive Director lead and presenter	Report author
BD/16/051	Whistleblowing Annual Report 2015-16	Mark Outhwaite, Non-Executive Director	Emma Roberts, Company Secretary and Director of Corporate Affairs
This report is for:			
Decision			
Discussion			
To Note			X
History			
None			
The following impacts have been identified and assessed within this report			
Equality	None identified.		
Quality	None identified.		
Privacy	PIA is addressed in the report.		
Executive summary of key issues			
<p>This report provides assurance to the Board that there are sufficient and robust arrangements in place to ensure that Trust staff can raise any genuine concern they have about a risk, malpractice or wrongdoing at work (such as a risk to patient safety, fraud or breaches of patient confidentiality), which may affect patients, the public, other staff or the organisation itself, at the earliest reasonable opportunity, as required by the NHS Constitution. It includes a summary of whistleblowing concerns raised during the year to the Whistleblowing Lead.</p> <p>The Board should note the report.</p>			
This report addresses these strategic priorities:			
We will deliver the best care			X
We will support and develop our staff			X
We will continually improve what we do			
We will use our resources wisely			X
We will be future focussed			

1 Process

1.1 Policy and procedure

The Trust has a Whistleblowing Policy and associated procedure for investigation of whistleblowing concerns. During 2015/16 this has been reviewed with contributions from staff-side and to reflect national guidance. The procedural documents underpinning the policy have been adapted to include a useful flowchart.

1.2 Visibility

The Trust has a very visible and robust approach to managing its compliance with the Public Concern at Work regulations (Whistleblowing provisions). Via the Trust's intranet site, staff are advised about how to use the whistleblowing provisions, and encouraged to access support and advice.

Staff are advised that should they have concerns about what is happening at work, they have a range of routes to pursue, including talking to their manager in the first instance. Usually these concerns are easily resolved. However, when they have concerns about possible unlawful conduct, financial or professional malpractice or dangers to the public or the environment, the Trust recognises that it can be difficult to know what to do.

1.3 Whistleblowing Lead

During 2015/16 the Trust appointed Lee O'Bryan as Senior Independent Director and Whistleblowing lead. He stepped down in October 2015 and was replaced by Susan Thompson.

As Non-Executive lead for Whistleblowing, they had responsibility for commissioning investigations into whistleblowing concerns raised in accordance with the Trust's Whistleblowing Policy during the year.

In reviewing the role of the Senior Independent Director this financial year, the Chairman decided to separate out the role of Whistleblowing lead from Senior Independent Director and identify these two separate roles for two separate NEDs. This would allow the two, quite full sets of duties to be better spread between the NEDs, whilst also allowing different skill sets to be identified for each specific, and focused role.

The Whistleblowing NED will work closely with the Speak Up Guardian when it is appointed, and this will be more easily facilitated by the separation of duties.

Mark Outhwaite was asked to take on the Whistleblowing lead by the Chairman with effect from 1st April 2016, and the Board is asked to formally approve this appointment here. The Terms of Reference of the role are appended to this report.

2 Annual report

2.1 Concerns raised and investigations

During 2015/16 there were 4 whistleblowing concerns raised.

- 6th October 2015
- 19th November 2015
- 24th November 2015
- 20th January 2015

Each of these was investigated thoroughly and reports made. Where appropriate the reports were shared with the individual who raised the complaint. Where the concern was made anonymously, the actions were taken and noted by the whistleblowing lead only.

As routine practice, the Whistleblowing NED always alerts the Board at the relevant Board meeting if a Whistleblowing concern has been raised. In this way, a regular log in the minutes of the Board meeting is kept, and this ensures transparency.

3 Conclusion

3.1 Communication

In April 2016, there was further communication to all Trust staff to heighten awareness of the processes in place for staff to raise concerns. At the same time, the appointment of Mark Outhwaite as the new Whistleblowing lead was shared. A dedicated whistleblowing email address has been introduced to further add visibility and accessibility.

3.2 Future plans

Mark plans to introduce a webcast or blog to impress upon staff the importance of whistleblowing. The Trust will introduce its Speak up Guardian within the next few months.

4 Recommendation

- The Board is invited to **note** the report.
- The Board is invited to approve the appointment of Mark Outhwaite as Whistleblowing NED with effect from 1st April 2016 for a one year term.

5 Appendix

5.1 Terms of Reference for the Whistleblowing Lead

Terms of Reference – Whistleblowing Non-Executive Director

May 2016

The Trust has appointed a Non-Executive Director to take a lead role in the whistle blowing process. The role of the Non-Executive Lead is to:

- Provide a consistent, high profile presence in all whistle blowing cases.
- Act as an external advisor / critical friend to the Investigating Officer throughout the investigation process.
- Advise on and assist with the preparation of the investigation report.

In addition, the Whistleblowing Policy states that the Whistleblowing Lead is responsible for maintaining appropriate records of the concerns raised to him, which include;

- The date on which the concern was made, and when it was acknowledged;
- A summary of the issue and any supporting evidence provided;
- Any patient safety issues raised by the concern;
- The gravity and urgency of the issue in the view of both the person raising the concern and the person recording it;
- Any actions the person raising the concern(s) considers should be taken to address the issue and by whom;
- The wishes of the person raising the concern regarding disclosure of their identity to others, and confirmation that it has been explained to them that it will not always be possible to protect their identity;
- Who will be responsible for taking action on the report.

Where the Whistleblowing Lead considers it appropriate, they should ensure that the the regulator relevant to the case (either system or professional) is informed.