



# Raising Concerns at Work (Whistle blowing) Policy (CG055)

## Approval

Approval Group	Job Title, Chair of Committee	Date
Policy Approval Group	Chair, Policy Approval Group	August 2017

## Change History

Version	Date	Author, Job Title	Reason
Version 4.0	May 2016	Suzanne Emerson-Dam, Deputy Director of Workforce and OD	Policy Review
Version 5.0	January 2017	Joan Potterton, Freedom to Speak Up Guardian	Updated to incorporate new Freedom to Speak Up Guardian Role
Version 5.1	August 2017	Suzanne Emerson-Dam, Deputy Director of Workforce and OD and Joan Potterton, Freedom to Speak Up Guardian	Minor Amendments

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## 1.0 Purpose

All of us at one time or another have concerns about what is happening at work. Usually these are easily resolved. However, when the concern feels serious because it's about a possible danger, professional misconduct or financial malpractice that might affect patients, colleagues, or the Trust itself, it can be difficult to know what to do.

You may be worried about raising such an issue and may think it best to keep it to yourself, perhaps feeling it's none of your business or that it's only a suspicion. You may feel that raising the matter would be disloyal to colleagues, to managers or to the organisation. You may have said something but found that you have spoken to the wrong person or raised the issue in the wrong way and are not sure what to do next.

The Board at the Royal Berkshire NHS Foundation Trust are committed to ensuring that the people who use our services receive care, treatment and support from staff who are confident about reporting any safeguarding concerns, without worrying about the consequences.

This policy reflects the principles outlined in the Freedom to Speak Up review (February 2015), which aimed to create the right conditions for NHS staff to speak up, share what works right across the NHS and get all organisations up to the standard of the best and provide redress when things go wrong in future.

We have introduced this policy to reassure you that it is safe and acceptable to speak up and to enable you to raise any concern you may have at an early stage and in the right way. Rather than wait for proof, we would prefer you to raise the matter when it is still a concern. If in doubt - raise it! In accordance with our duty of candour, our senior leaders and entire board are committed to an open and honest culture. We will look into what you say and you will always have access to the support you need.

Through behaving in line with the core values of the Trust, each member of staff will contribute to the fostering of an open culture whereby individuals feel supported to raise concerns, both inside and outside of the service, without fear of recrimination.

## 2.0 Scope

This policy applies to all Trust employees, zero hours workers, agency workers, self-employed workers, students, volunteers, contractors, secondees and those holding honorary contracts.

This Raising Concerns at Work (Whistle blowing) Policy is primarily for individuals who have concerns where the interests of others or of the organisation itself are at

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risk. If something is troubling you which you think we should know about or look into, please use this policy.

If, however, you wish to make a complaint about your employment (a private contractual matter) or how you have been treated, please use the Conflict Resolution Policy or the Bullying and Harassment Policy which you can get from your manager or Employee Relations team or via the Intranet. If you have a concern about financial misconduct or fraud, please see our HR and Local Counter Fraud Policy.

### 3.0 Roles & Responsibilities

#### 3.1 Director Responsibilities

- (a) To ensure that any concern raised under this policy is taken seriously and investigated through the appropriate channels.
- (b) The Trust Board will receive feedback regarding all investigations undertaken, any findings from the investigations undertaken, any actions taken as a result of the investigations and recommendations made.

#### 3.2 Line Managers

- (a) To ensure the policy is available to staff.
- (b) To understand when a disclosure has been made by an employee.
- (c) To provide confidential support to an employee who wishes to raise a concern and ensure that they are aware of other support mechanisms.
- (d) To act upon complaints and identify serious issues for escalation.
- (e) To maintain confidentiality at all times.
- (f) To attend appropriate training as required.
- (g) To notify the Deputy Director of Workforce and Organisational Development or The Freedom to Speak Up Guardian of the concern raised be it formal or informal.

#### 3.3 Workforce & OD

- (a) To provide confidential support to an employee who wishes to raise a concern and ensure that they are aware of other support mechanisms.
- (b) To maintain confidentiality at all times.
- (c) All concerns which are raised via the Raising Concerns at Work Policy and logged with the Deputy Director of Workforce (other than those raised directly with the Freedom to Speak Up Guardian) are recorded within a confidential tracker. Action plans will be monitored and assurance on progress provided to the Audit and Risk Committee (Board Sub Committee).

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### 3.4 The Freedom to Speak Up Guardian

- (a) To ensure a culture to Speak Up is instilled throughout the organisation
- (b) To ensure that speaking up processes are effective and continuously improved
- (c) To support staff appropriately when they speak up.
- (d) To keep a confidential log of all concerns raised
- (e) To submit data as required to the National Guardian Office
- (f) To ensure that concerns raised are investigated if appropriate.
- (g) To keep the Trust Board sighted on, and engaged in, all Freedom to Speak Up matters and issues that are raised by people who are speaking up.

### 3.5 The person raising the Concern

- (a) To raise the concern as soon as possible in an objective and factual way.
- (b) To keep records where possible of any incidents and potential witnesses.
- (c) To cooperate with any investigation i.e. providing a statement and being available for an interview.
- (d) To maintain confidentiality of patients and staff.

### 3.6 All staff

- (a) Have a duty of candour, openness and transparency under the NHS Constitution and/or their contracts. This means we all have a duty to raise concerns about potential risks, malpractices or wrongdoing, breaches of the law, regulations or dangerous practice so as not to compromise patient safety, care or dignity. We all have a duty to listen to patients, their carers and relatives, to be open with them and to contribute to a climate in which the truth can be heard and errors can be addressed and learned from. This duty includes an obligation to raise genuine concerns as soon as reasonably practicable. Guidance for raising concerns is set out below;
- (b) Have a duty to maintain records and evidence relating to incidents and concerns forming the basis of whistle-blowing. This may include noting information such as the identities of other witnesses;
- (c) Have a duty to co-operate with any internal or external investigation.
- (d) Have a duty not to bully, harass or victimise colleagues who raise concerns under this policy and procedure.

If an employee is in doubt whether or not to raise a concern under this policy, he or she should raise it so the Trust can consider the issue. It is important to note that, so that we can fulfil our duty, any confidentiality clauses in employment contracts or other documents do not prevent staff from raising a concern.

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## 4.0 Definitions

Raising a concern is not the same as making a complaint as it refers only to situations where a worker raises concerns about where they work, or used to work. People who use services, their relatives or representatives, or others can make complaints about a service using the service's complaints procedure.

'Whistleblowing' is the colloquial term used to describe when:

- Someone directly employed by an organisation, or someone providing a service for the organisation, reports concerns where there is:
  - harm, or the risk of harm, to people, or
  - possible criminal activity

**and**

- The management have not dealt with those concerns by using other Trust policies, or
- Where the worker does not feel confident that the management will deal with those concerns properly and contacts a 'prescribed body', such as a regulator instead.

The Public Interest Disclosure Act 1998 (PIDA) gives protection to a worker who reports concerns or 'whistleblows' about where they work if that worker genuinely believes their concerns are true.

Issues of concern that may be raised include:

- Healthcare matters, e.g. suspected negligence, mistreatment or abuse of patients; issues relating to the quality of care provided
- Concerns about the professional or clinical practice or competence of colleagues, other members of staff or other workers
- The health and safety of an individual has been, is being, or is likely to be endangered and environment issues
- A criminal offence has been committed, is being committed or is likely to be committed or miscarriages of justice
- Failure to comply with any other legal obligation
- Deliberate concealment of any of the above

Freedom to Speak up Guardian - A member of staff appointed by the Trust Board to act as an independent and impartial source of advice to staff at any stage of raising a concern, with access to anyone in the organisation, including the Chief Executive.

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## 5.0 Protecting Staff who raise concerns

The Board, Trust Executive and the staff unions are committed to this policy. If you raise a genuine concern under this policy, you will not be at risk of losing your job or suffering any detriment (such as a reprisal or victimisation). It does not matter if you are mistaken or if there is an innocent explanation for your concerns. So please do not think we will ask you to prove it.

The harassment or victimisation of anyone raising a genuine concern will be viewed as a disciplinary matter.

With these assurances, we hope you will raise your concern openly. However, we recognise that there may be circumstances when you would prefer to speak to someone in confidence first. If this is the case, please say so at the outset. If you ask us not to disclose your identity, we will not do so without your consent unless required by law or where it is considered necessary in order to fairly carry out a disciplinary process that has the potential to result in dismissal of another employee. You should understand that there may be times when we are unable to resolve a concern without revealing your identity, for example where your personal evidence is essential. In such cases, we will discuss with you whether and how the matter can best proceed.

Please remember that if you do not tell us who you are it will be much more difficult for us to look into the matter. We will not be able to protect your position or to give you feedback. Accordingly you should not assume we can provide the assurances we offer in the same way if you report a concern anonymously. The Deputy Director of Workforce and OD will keep a log of all anonymous concerns raised within the Trust.

## 6.0 How to Raise a Concern

If you are unsure about raising a concern at any stage you can get free and independent advice from your trade union representative or Public Concern at Work (see contact details under Independent Advice).

Please remember that you do not need to have firm evidence before raising a concern. However we do ask that you explain as fully as you can the information or circumstances that gave rise to your concern.

### 6.1 Step One

If you have a concern about a risk, malpractice or wrongdoing at work, we hope you will feel able to raise it first with your line manager or lead clinician. This should normally be done in writing but can be raised verbally where the matter is urgent.

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## 6.2 Step Two

If you feel unable to raise the matter with your line manager or lead clinician, for whatever reason, please raise the matter with the Trust Freedom to Speak Up Guardian- Joan Potterton, Assistant Director of Nursing. Joan can be contacted on 0118 3227246 or via e-mail- [joan.potterton@royalberkshire.nhs.uk](mailto:joan.potterton@royalberkshire.nhs.uk)  
Joan will :

- treat your concern confidentially unless otherwise agreed.
- ensure you receive timely support to progress your concern.
- escalate to the Board any indications that you are being subjected to detriments for raising your concern.
- remind the organisation of the need to give you timely feedback on how your concern is being dealt with.
- ensure you have access to personal support since raising your concern may be stressful.

If you want to raise the matter in confidence, please say so at the outset so that appropriate arrangements can be made.

## 6.3 Step Three

If these channels have been followed and you still have concerns, or if you feel that the matter is so serious that you cannot discuss it with any of the above, please contact any of the individuals identified in Appendix 1 – Designated Contacts or via a wider disclosure agency.

Where the issue relates to the actions of the Chief Executive, you may raise the issue with the Chairman of the Trust whose contact details are [graham.sims@royalberkshire.nhs.uk](mailto:graham.sims@royalberkshire.nhs.uk) or telephone extension 7230.

The Deputy Director of Workforce and/or the Freedom to Speak Up guardian should be informed of **all** issues raised via the Raising Concerns at Work (Whistle-blowing) Policy, whether they are raised formally or informally, so that a log of issues can be kept and any themes identified. The Director of Workforce and OD will inform the Chair of the Audit Committee (the nominated Non Executive Director) of the concern raised. The nominated Non Executive Director will receive updates on a fortnightly basis.

Contact may be in person, over the telephone, by email or letter and may be anonymous. Please bear in mind section 5 in relation to the limitations posed by anonymous reporting.

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## 7.0 How We Will Handle the Matter

Once you have told us of your concern, we will assess it and consider what action may be appropriate. This may involve an informal review, an internal inquiry or a more formal investigation. All concerns will be considered appropriately and in a proportionate manner. We will be clear with you the steps that we will take to look into your concerns within a reasonable time of understanding the nature of the issues you have raised. We will tell you who will be handling the matter, how you can contact them, and what further assistance we may need from you. If you ask, we will write to you summarising your concern and setting out how we propose to handle it and provide a timeframe for feedback. If we have misunderstood the concern or there is any information missing please let us know.

When you raise the concern it will be helpful to know how you think the matter might best be resolved. If you have any personal interest in the matter, we do ask that you tell us at the outset. If we think your concern falls more properly within our grievance, bullying and harassment or other relevant procedure, we will let you know.

Whenever possible, we will give you feedback on the outcome of any investigation. Please note, however, that we may not be able to tell you about the precise actions we take where this would infringe a duty of confidence we owe to another person. While we cannot guarantee that we will respond to all matters in the way that you might wish, we will strive to handle the matter fairly and properly. By using this policy you will help us to achieve this.

The Trust is committed to protecting individuals who raise their genuine concerns using this policy. Victimisation of any individual who raises a concern is unacceptable and will not be tolerated. It is considered a serious matter, which will be dealt with under the Trust's Bullying and Harassment Policy or the appropriate Disciplinary Policy.

If at any stage you experience reprisal, harassment or victimisation for raising a genuine concern (or have grounds for believing this may occur) please contact the Employee Relations Team.

## 8.0 Independent Advice and External Contacts

If you are unsure whether to use this policy or you want confidential advice at any stage, you may contact your union or the independent whistle blowing charity Public Concern at Work on 020 7404 6609 or by email at [helpline@pcaw.co.uk](mailto:helpline@pcaw.co.uk). Or the National Whistle Blowing Helpline for Staff which offers free, confidential advice to all staff within the NHS and Social Care on 08000 724 725 or by email [enquiries@wbhelpline.org.uk](mailto:enquiries@wbhelpline.org.uk)

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Their lawyers can talk you through your options and help you raise a concern about malpractice or wrongdoing at work.

While we hope this policy gives you the reassurance you need to raise your concern internally with us, we recognise that there may be circumstances where you can properly report a concern to an outside body.

In fact, we would rather you raised a matter with the appropriate regulator – such as the Care Quality Commission, the Independent Regulator of NHS Foundation Trusts (Monitor), your professional regulator, the Audit Commission or the National Patient Safety Agency - than not at all. Your union or Public Concern at Work will be able to advise you on such an option if you wish.

## 9.0 Confidentiality

Employees raising a concern should be aware of the need to follow this procedure and in particular to maintain confidentiality. Allegations of Breaches in Confidentiality will be dealt with using the appropriate procedures, through the use of the appropriate Trust Disciplinary Policy.

The identity of the individual who has raised a concern will be protected on request and will not be disclosed without consent. Whether and how to proceed will be discussed with the individual if the situation arises where the concern cannot be resolved without revealing their identity (for example, where evidence is needed in court).

Any employee raising a concern must be aware that they may be asked to present evidence to substantiate any allegations made, and/or to provide a written statement. In addition, they may be asked to explain allegations during any disciplinary proceedings that may result from them, and in cases where to do so in person is deemed detrimental to the health and well-being of the individual(s) concerned, this will be facilitated anonymously.

Victimisation of staff who raise concerns reasonably and responsibly is prohibited under the Public Interest Disclosure Act (1998). The Trust will ensure that staff are protected from victimisation in these circumstances.

## 10.0 Consultation Undertaken

This policy has been drawn up in consultation with staff side via the Joint Negotiating Committee and Public Concern at work. The Royal Berkshire NHS Foundation will review the policy and welcomes your comments.

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## 11.0 Dissemination/Circulation/Archiving

Once authorised, the Policy Lead will ensure that the policy is made available on the Trust Intranet. The Trust will ensure that this policy is communicated consistently through induction, raising concerns awareness session and via staff communications.

The Trust Secretary will be responsible for archiving old versions of this document.

## 12.0 Implementation

The effective date for implementation of this policy is (date of ratification).

## 13.0 Training

There is no mandatory training associated with this policy. The Trust will provide training for all new staff on raising concerns as part of Corporate Induction

Appropriate training and guidance relevant to this policy will be available for managers and the key contacts listed in Appendix 1 of the policy.

If staff have queries about its operations, they should contact their line manager or Human Resources in the first instance.

## 14.0 Monitoring of Compliance

Aspect of compliance or effectiveness being monitored	Monitoring method	Individual or dept. responsible for the monitoring	Frequency of the monitoring	Group/ committee which will receive the findings/ monitoring report	Committee/ individual responsible for ensuring that the actions are completed
N/A					

Concerns that are raised will be recorded and any resulting actions monitored via the Audit Committee. The following key performance indicator will be monitored: Percentage of staff responding positively to the following indicator in the national staff survey:

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KF15 (key finding) % agreeing that they would feel secure raising concerns about unsafe clinical practice

The Director of Workforce and Organisational Development is responsible for this policy and will receive an annual update. The Deputy Director of Workforce and OD will monitor the day to day operation of the policy. The Trust reserves the right to amend its monitoring requirements in order to meet the changing needs of the organisation.

## 15.0 Supporting Documentation and References

### Legislation:

- Public Interest Disclosure Act 1998
- Enterprise and Regulatory Reform Act 2013

### Reference Documentation:

- Speak Up for a Healthy NHS
- Whistleblowing Arrangements: Code of Practice
- Public Concern at Work Model Policy
- Francis Reports

### Related Policies:

- Managing Safeguarding Concerns and Allegations Policy
- Serious Incident Requiring Investigation Policy
- Being Open Policy
- HR Local Counter Fraud Policy
- Health and Safety Policy
- Bullying and Harassment Policy
- Individual Grievance and Collective Dispute Policy
- Supporting Staff Policy

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## 16.0 Equality Impact Assessment

### Stage 1: Screening

#### Part 1: Initial Scoping

For each of the nine protected groups identified in the table below, respond to the identified questions with a Yes (Y); No (N); or Unclear (U)

	Age	Sex	Disability	Race	Gender Reassignment	Religion or Belief	Sexual Orientation	Marriage and Civil Partnership	Pregnancy and Maternity
Do different groups have different needs, experiences, issues and priorities in relation to the proposed policy/change proposal?	N	N	N	N	N	N	N	N	N
Is there potential for or evidence that the proposed policy/change will not promote equality of opportunity for all and promote good relations between different groups?	N	N	N	N	N	N	N	N	N
Is there potential for or evidence that the proposed policy will affect different population groups differently (including unintended discrimination against certain groups)?	N	N	N	N	N	N	N	N	N
Is there public concern (including media, academic, voluntary or sector specific interest) in potential discrimination against a particular population group or groups?	N	N	N	N	N	N	N	N	N

#### Part 2: Evidence and Feedback that has informed your analysis

Please identify below the data, information or feedback that you have drawn on to reach the conclusions above. This will be information that has enabled you to assess the actual or potential impacts in the context of the key needs to **eliminate unlawful discrimination**, **advance equality of opportunity** and **foster good relations** with respect to the characteristics protected by equality law. These sources could include:

- Equalities monitoring information of staff/service users affected by the identified provision/policy etc.

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- Engagement (internal/external or both) with or feedback from relevant stakeholders e.g. staff; patient groups, commissioners, external agencies.
- Staff Survey Data; Patient Survey Data etc.
- Research or information available relative to the identified protected group.
- Project leads professional knowledge of the issues the policy/change is seeking to enact.

- No concerns have been raised to date by staff who have raised a concern at work

If the analysis under Part 1 has concluded that there are equality impacts or that the impacts are unclear (i.e. you responded 'Yes' or 'Unclear' in Part 1), **please move on to Part 4 of the assessment.** If no equality impacts are identified, **please move on to Part 3 below** to conclude the assessment

**Part 3: Narrative**

If you have concluded there are no equality impacts related to the policy/provision, please provide a brief narrative to explain why you have come to this conclusion:

- No concerns have been raised to date by staff who have raised a concern at work.

If no equality impacts have been identified, this concludes the equality impact assessment. Please complete the declaration below:

**Based on the information set out above I have decided that a full equality impact assessment is (please delete as appropriate): Not necessary.**

This concludes the Equality Impact Assessment.

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## Appendix 1

## Designated Contacts

Designated Officers		Contact Number
Care Group Director of Operations - Urgent Care		0118 322 8227
Care Group Director of Operations - Planned Care		0118 322 8352
Care Group Director of Operations - Networked Care		0118 322 7262
Care Group Director – Urgent Care		0118 322 8832
Care Group Director – Planned Care		0118 322 8869
Care Group Director – Networked Care		0118 322 7591
Director of Finance		0118 322 7298
Medical Director		0118 322 8224
Director of Nursing		0118 322 7445
Director of Workforce and Organisational Development		0118 322 7788
Director of Estates and Facilities		0118 322 7298
Chief Executive		0118 322 7230
Chair of Audit Committee		0118 322 7230
Risk Management Team (Health & Safety)		0118 322 7156
External Agencies		
NHS Local Counter Fraud	01993 810089 or 07792 653501	
Public Concern at Work	0800 652 9506 (Advice50@pcaw.co.uk)	
NHS Whistle blowing Helpline	0800 072 4725 (enquiries@wbhelpline.org.uk)	
Wider Disclosure Agencies		
Audit Commission	0207 828 1212	
Care Quality Commission (helpline)	0845 601 3012	
Health & Safety Executive	0207 717 6000	
NHS Fraud and Corruption (Reporting line)	0800 028 40 60	

Your local **Trade Union** can be contacted via hospital switchboard

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