

Whistleblowing/Raising Concerns Procedure

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1.0 INTRODUCTION

This investigation procedure for raising concerns supports the Whistleblowing Policy and provides the method of investigating concerns raised by staff.

2.0 OBJECTIVES/AIMS

Raising concerns investigations aim to bring to light all relevant facts of a concern and will be full and thorough to ensure that every opportunity is given for all relevant information to be gathered. These facts will be presented in a manner which facilitates fair and reasonable decisions to be taken regarding any subsequent actions.

3.0 DUTIES, ROLES & RESPONSIBILITIES

3.1 Executive Lead

The Trust Executive lead for Whistleblowing/ Freedom to Speak Up/ Raising Concerns will :

- Be advised by the Freedom to Speak Up Guardian when a member of staff (or ex-member of staff) has raised a concern.
- Maintain the confidentiality of the person raising the concern if they have requested this.

- Appoint an Investigating Officer.
- Determine the initial terms of reference of the investigation and keep these under review on the advice of the Investigating Officer.
- Review the Investigating Officer's report and make a decision on any actions to be taken.

3.2 Freedom to Speak Up Guardian

The Freedom to Speak Up Guardian will :

- **Advise the** Trust Executive lead for Whistleblowing/ Freedom to Speak Up/ Raising Concerns when a concern is raised.
- Following the conclusion of an investigation, ensure that **ALL** witnesses who took part in the investigation are contacted to thank them for their co-operation with the investigation.

3.3 Investigating Officer

The Investigating Officer will:

- Liaise with the Executive Lead for Whistleblowing/Freedom to Speak Up to clarify the terms of reference.
- Investigate the matter by obtaining all relevant facts including interviewing people and produce a report for Executive Lead.
- Explain the investigation procedure and what will happen to any statements made to people they interview so that they are aware of what may happen next.
- Present the findings of the investigation if required to at any subsequent formal meeting/hearing.
- Respect the right of the person raising the concerns to remain anonymous if they have requested this, and ensure that during the investigation they do not feel any speculation about who the whistleblower may be.

3.4 All Staff

All staff will be required to co-operate with the Investigating Officer in establishing the facts of any concerns raised.

4.0 CONCERNS AND TERMS FOR INVESTIGATION

- 4.1 The Executive Lead will appoint an Investigating Officer and provide them with the initial terms of reference for the investigation.
- 4.2 The Investigation Officer will produce clear terms of reference based on the concerns raised for investigation before they begin the investigation.
- 4.3 The investigation will be undertaken by the appointed Investigating Officer. Advice can be sought from the Executive leads as required.

- 4.4** The terms of reference should be as specific as possible, however where specific dates of concerns raised are not available or where it may not be clear who may be appropriate interviewees, this will NOT stop there being an investigation on the broad concerns raised. The terms of reference will normally be taken directly from the whistleblowing concern as raised by the individual.
- 4.5** The Investigating Officer must consider carefully all reasonable sources of evidence and relevant documents. Documentary evidence should be shown to interviewees when this would help to clarify the matter and where this would not breach any confidentiality or unduly influence the interviewees or hamper the investigation. Examples of relevant documents includes relevant policies, clinical guidance, codes of professional conduct, emails, letters, file notes, duty rotas, clinical notes, etc.
- 4.6** The Investigating Officer should have a clear plan of who to interview, although they may decide to interview more witnesses as the investigation progresses and should avoid interviewing anyone who is not directly related to or witness to the incident.

5.0 POTENTIAL FRAUD

- 5.1** If the concerns relate to a potential fraud, the Director of Finance and the Local Counter Fraud Specialist must be notified before any individual alleged as being involved is made aware of the concerns about them and before any whistleblowing investigation commences. In these cases it is usual for the counter fraud team to undertake their investigation first.
- 5.2** It is acknowledged that some situations arise where multiple investigations are required to take place, i.e. a whistleblowing investigation may lead to a fraud and then a disciplinary investigation. The Trust will endeavour to keep any affected staff updated on progress in such situations.

6.0 INVESTIGATION QUESTIONNAIRES AND INTERVIEWS

- 6.1** The Investigating Officer should set out a list of key questions in advance. They can either:
- Send these to all those they intend to interview in advance of the interview, requesting that the interviewee writes their response to each question and returns this to the Investigating Officer by a set date. During the subsequent investigation interview the Investigating Officer will confirm the interviewee has recorded their responses to each question fully and may probe further.
- Or
- Ask these questions at the investigation meeting.

NB. The Investigating Officer will agree which of these approaches to take in each case and based on the availability of witnesses, and it may involve a mix of both. It is advised in highly complex cases that written responses are requested.

- 6.2** It is advisable to interview the person to whom the concerns are directed first, and in most cases to re-interview them again after seeing all other “witnesses”.
- 6.3** For each interviewee each of the following needs to be explained in the question template pre-interview and at the start of the interview.
- The investigation process that will be undertaken;
 - The purpose of the investigation is to gather relevant facts.
 - The importance of confidentiality
 - That their statement may be shared with others, including the person the concerns relate to and that they will be advised when it is to be shared.
- 6.4** Questions must be restricted to areas specifically related to the concerns that have been raised.
- 6.5** Notes will be taken during the investigation interviews; therefore it is advisable where possible to have asked for written responses to questions prior to the investigation interview, to minimize the amount of notes required. The investigating office will arrange for a note taker if they feel unable to take notes themselves.
- 6.6** After the interviews, any notes, including any additional points to be added to the written responses already given will be typed up and sent to the interviewee within 10 working days (unless otherwise agreed), asking that they check, sign and return these. Where there is a material difference of opinion as to what was said at the interview, the interviewee comments will be noted so that the line managers and any potential future hearing panel are able to see the interviewees’ comments separately.
- 6.7** After the interviews an investigation report will be written by the Investigating Officer outlining their factual findings.
- 6.8** The report and supporting evidence will then be forwarded to the Executive Lead who will decide what action to take. The Investigating Officer will not be involved in the decision-making.
- 6.9** The Freedom to Speak Up Guardian will ensure that the employee either under investigation or who has raised the concern is written to on completion of the investigation, making clear what the next steps are and which process is to be followed.
- 6.10** The Freedom to Speak Up Guardian will then contact all witnesses interviewed in the investigation to advise them either that the investigation is concluded and to thank them for their co-operation and/or, where applicable, to offer any ongoing support. If their statement is being shared as part of next stage actions or if the individual is required as a witness at any subsequent process, they will be advised of this.

APPENDIX A

INVITE WITNESS TO A WHISTLEBLOWING INVESTIGATION INTERVIEW LETTER

Date

PERSONAL – ADDRESSEE ONLY

Employee Full Name
Address

Dear Employee Name

Raising Concerns Investigation Interview

As per our telephone conversation I am writing to confirm your attendance, as a witness, at an investigation interview to be held on date at time. The interview will take place in [location]. Please ask for me on arrival.

The purpose of the interview is to investigate the facts relating to concerns raised under the Trust Whistleblowing Policy

I will be conducting the investigation

I would like to take this opportunity to thank you for attending the interview. I recognise that such circumstances can sometimes be difficult and I would like to offer you the opportunity to seek support from the following:

- Insight Wellbeing at Work, tel 0800 027 7844; for Bedfordshire, Cambridgeshire, Suffolk, Norfolk and Peterborough staff
- The Counselling Foundation 01727 856693 or email stalbandsadmin@hbcf.co.uk; for Luton staff.

Would you please contact me upon receipt of the letter to confirm you will be attending, or to re-arrange the interview date if necessary.

May I take this opportunity to advise you that confidentiality is of the utmost importance during this time and request that you do not share information about the investigation with other colleagues.

If you have any queries then please do not hesitate to contact me.

Yours sincerely

[Investigating Officer name]

APPENDIX B

LETTER TO ACCOMPANY INVESTIGATION STATEMENTS

Date

PERSONAL - ADDRESSEE ONLY

Employee Full Name
Address

Dear Employee Name

Raising Concerns – Investigation Statement

Following your investigation interview with myself on [date] at [location] as part of the investigation into the concerns raised, I enclose two copies of the notes taken at the meeting.

The purpose of the interview was to allow me to talk to you about the concerns in more detail and to hear about events from your point of view in order to help me to establish all the facts surrounding the allegation.

Once the investigation process is complete, I will, after full consideration, pass my findings to the Executive Lead for Raising matters of concern, who will decide whether or not there are grounds to consider any further action.

Please read through the notes that were taken to ensure accuracy. Once you are in agreement that the notes are an accurate reflection please sign and return one copy to me by [date]. The other copy is for your records.

If I have not received a signed copy by the date given then I will assume that you accept the statement as a true and accurate record.

May I take this opportunity to remind you that confidentiality remains of the upmost importance during this process. I recognise that such circumstances can sometimes be difficult and I would like to offer you the opportunity to seek support from the following:

- Insight Wellbeing at Work, tel 0800 027 7844; for Bedfordshire, Cambridgeshire, Suffolk, Norfolk and Peterborough staff
- The Counselling Foundation 01727 856693 or email stalbandsadmin@hbcf.co.uk; for Luton staff.

Please do not hesitate to contact me if you have any queries and thank you for participating in this investigation.

Yours sincerely

[Investigating Officer}

APPENDIX C

RAISING CONCERNS INVESTIGATION REPORT TEMPLATE

1.0 Concerns raised

[Outline concerns]

BACKGROUND INFORMATION

[Name]

[Initials] is employed as a [job title] for the [team/service]. [Initials] joined the Trust on [date] and has been in her/his current post since [date].

Team Structure

2.0 THE INVESTIGATION PROCESS

[Name of manager] requested a formal investigation be undertaken following ...

Investigating Officers

The investigation was conducted in accordance with the Trust's Whistleblowing Policy.

3.0 STAFF INTERVIEWED

	Date Interviewed
Name, Job Title	Date

4.0 APPENDICES

Appendix 1	Whistleblowing Policy
Appendix 2	Notes from Investigation Interview with [name] and [date]
Appendix 3	

5.0 TIMELINE OF EVENTS

DATE	ACTION

6.0 SUMMARY OF INTERVIEWS CONDUCTED BY THE INVESTIGATING

OFFICERS

Summary of Interview with NAME and DATE. NAME

7.0 SUMMARY/FINDINGS

8.0 CONCLUSIONS

[NOTE – Investigating Officer should report facts and not make recommendations]

- 1.
- 2.
- 3.