

## **Our reference: FOI4008**

Dear Dr Alexander,

Thank you for your request for information under the Freedom of Information Act 2000.

The response to your query is detailed below:

The Trust reviews its whistle-blowing on an annual basis. Below is a summary of the analysis of some of those reviews and action taken to improve.

In November 2013, following a review of the failings at Mid-Staffs, as outlined in the Francis Report, Heart of England NHS Foundation Trust undertook a review of their own policies and approach to Whistle-blowing.

Early on in this review, the Trust received specific feedback about its own culture via the Kennedy Report, which firmed its determination to broaden the focus beyond the specifics of Whistle-blowing, and tackle the broader culture around raising concerns of any kind. This led to an intensive plan of action over a 12 month period, with the aim of:

1. Strengthening the Trust whistle-blowing policy
2. Readyng the environment with key groups of managers (ahead of the policy launch) to ensure those who 'receive' concerns are engaged in their roles and responsibilities in creating a safe environment
3. Ensuring staff are aware of the process of how to raise a concern and what to expect

## **Actions during period November 13 – April 15**

### **Strengthening the Policy**

- Over 100 staff attended 'Francis report' workshops, talking about the findings and making suggestions on improvements
- Broad consultation on the draft policy with Nursing, Medical, Facilities, Staff-side (JNCC), HR, Governance, Governors, and Trust Confidential Contacts.
- The Final Policy was broadened to cover any workplace concern and titled "Raising Concerns, incorporating Whistle-blowing"
- Increase in number of channels through which concerns can be raised, including an independent contact (Non-Executive Director) and multiple Senior Managers across the Trust.

### **Readyng Environment**

- Ensured policy was user-friendly – including simple flow-charts, and clear sign-posting to other existing and related policies
- Consulted with patient-groups on implementation of policy
- Introduced manager guidance on how to respond to concerns
- Designed and delivered 8 behaviourally based workshops with senior Nursing,

- medical managers, HR team and Staff side ahead of policy launch.
- Developed and cascaded a “Manager Briefing” ahead of launch, encouraging local conversations
- Created database to capture concerns

### **Ensuring Staff are aware**

- Designed simple leaflet explaining approach, distributed to all members of staff via payslips
- CEO sponsorship of policy, leaflet and internal communications
- Communicated new policy

One of the key measures of success for this plan of action was a change in Q19 of the National Staff Survey, related to whether staff know how to raise concerns, and whether they feel safe in doing so. Unfortunately the emphasis of this set of questions changed from 2013 (all malpractice) to 2014 (unsafe clinical practice), and we were unable to provide a like for like comparison. Results from the 2015 survey will give this opportunity.

### **Current Position**

Number of cases over last 5 years:

Period	Number
2014/2015	12
2013/2014	5
2012/2013	1
2011/2012	4
2010/2011	7

The cases listed relate to concerns raised formally via a Human Resources policy (and for 2014/15 cases reported to the CQC).

It was expected, that by seeking to improve the culture around raising concerns and encouraging staff to do so, the number of concerns raised would increase. What was less clear was the immediate effect this would have on the number of ‘whistle-blowing’ incidences. We have seen an increase in formal cases during 2014/15, due to the inclusion of cases going direct to the CQC.

I hope that this answers your query.

Heart of England is one of the largest Hospital Trusts in England. It includes Birmingham Heartlands Hospital, Solihull Hospital and Community Services, Good Hope Hospital and Birmingham Chest Clinic.

The Trust see and treat more than 150,000 people every year with over 1.2 million attendances and has nearly 11,000 staff. There are around 250,000 attendances at their Hospitals’ emergency departments each year too.

Specialty areas of care include: bone marrow transplants, thoracic surgery, heart and kidney disease, infectious diseases, HIV and AIDS, clinical trials and cystic fibrosis.

In line with the Trust's commitment to openness and accountability, responses to requests for information under the Freedom of Information Act 2000 are now routinely published on the Trust's website [www.heartofengland.nhs.uk](http://www.heartofengland.nhs.uk)

Should you feel we have not addressed each aspect of your request please contact the Trust, via the Publication Scheme address, quoting the above reference, to enable us to review our response.

If you remain dissatisfied with the handling of your request, you have a right to appeal to the Information Commissioner at:

The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF  
Telephone: 08456 30 60 60 or 01625 54 57 45  
Website: [www.ico.org.uk](http://www.ico.org.uk).

There is no charge for making an appeal.

Yours sincerely,

Patricia

**Patricia McLaughlin**  
**Executive Assistant to Company Secretary / Information Governance Officer**  
**Heart of England Foundation Trust**  
**Heartlands Hospital**  
**Bordesley Green East**  
**Birmingham**  
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**From:** Minh Alexander [<mailto:minhalexander@aol.com>]  
**Sent:** 19 August 2015 23:31  
**To:** Publication Scheme e-mail  
**Cc:** Foster Andrew; Gunter Hazel; Lawrence Les  
**Subject:** FOI4008 Monitoring of whistleblowing governance by Heart of England NHS Foundation Trust

To FOI team, Heart of England NHS Foundation Trust 19 August 2015

Dear Sir,

### **Monitoring of whistleblowing governance**

I write to ask if Heart of England NHS Foundation Trust has applied NHS good guidance practice on monitoring whistleblowing governance, as laid out in the 2010 document "Speak Up for A Healthy NHS. How to implement and review whistleblowing arrangements in your organisation" [1].

This guidance suggests that NHS organisations should refresh their whistleblowing arrangements annually. To this end, it specifically advises that organisations should monitor and audit their whistleblowing arrangements based on the parameters below:

- 1) "collect data on the nature and number of concerns raised"
- 2) "Is there evidence of constructive and timely feedback?"
- 3) "Have there been any difficulties with confidentiality?"
- 4) "Have any events come to the board's attention that might indicate that a staff member has not been fairly treated as a result of raising a concern?"
- 5) "could the issues have been picked up or resolved earlier? If so, why weren't they?"
- 6) "information from exit interviews"
- 7) "information from...PIDA or other legal claims"
- 8) Survey staff experience, using these questions:

"Suggested survey questions for staff

- Have you been troubled about some malpractice in the past three years? If so, did you raise the concern, and with what result?
- How aware are you of the whistleblowing arrangements?
- How likely are you to raise a whistleblowing concern with your manager and with senior managers?
- How confident are you that there will be no negative repercussions for raising the matter with your manager and those above?
- How confident are you that the matter will be addressed properly by your manager and those above?
- How likely is it that your colleagues would raise a whistleblowing concern with their manager or with senior managers?"

I would be grateful to know if your organisation has locally collected this data, either fully or in part. If it has collected part of this data, please could you indicate which of the above parameters have been monitored.

If your organisation has monitored whether staff have "not been fairly treated as a result of raising a concern?", please could you advise what data parameters are used, and specifically whether disciplinary action, suspensions and dismissals of staff, subsequent to their raising of concerns, are monitored.

If your organisation has collected the above recommended data, whether in full or partially, and or if it has collected other

monitoring data on whistleblowing governance, please could you share all your data for years 2013 and 2014.

Finally, please note that the legal definition of whistleblowing is the raising of qualifying disclosures under PIDA, whether internally within an organisation or via external reporting routes. This applies whether or not staff explicitly raise a concern under an organisation's whistleblowing policy. If your organisation applies a different definition of whistleblowing when collecting the above data, please could you advise what definition is used.

Please consider this a request under the Freedom of Information Act 2000.

Many thanks.  
Yours sincerely,  
Dr Minh Alexander

[1] Speak Up for a Healthy NHS. How to implement and review whistleblowing arrangements in your organisation. Social Partnership Forum & Public Concern at Work 2010

cc Les Lawrence Chair  
Andrew Foster Chief Executive  
Hazel Gunter Director of Workforce and Organisational Development