

Welcome and Introductions



Whistleblowers' Support Scheme overview (launch of pilot application process) for Secondary Care

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Employment Support Scheme Manager



What is a whistleblower



You're a whistleblower if you're a worker and you report certain types of wrongdoing. This will usually be something you've seen at work - though not always.

Disclosure must be in the public interest. This means it must affect others, eg the general public.

As a whistleblower you're protected by law - you shouldn't be treated unfairly or lose your job because you 'blow the whistle'.

You can raise your concern at any time about an incident that happened in the past, is happening now, or you believe will happen in the near future.

Who is protected by law



You're protected if you're a worker, eg you're:

- an employee, such as a police officer, NHS employee, office worker, factory worker
- a trainee, such as a student nurse
- an agency worker
- a member of a Limited Liability Partnership (LLP)

Complaints that count as whistleblowing

You're protected by law if you report any of the following:

- a criminal offence, eg fraud
- someone's health and safety is in danger
- risk or actual damage to the environment
- a miscarriage of justice
- the company is breaking the law, eg doesn't have the right insurance
- you believe someone is covering up wrongdoing

Complaints that don't count as whistleblowing

Personal grievances (eg bullying, harassment, discrimination) aren't covered by whistleblowing law, unless your particular case is in the public interest.

The Whistleblowers Support Schemes

NHS England – for primary care staff

**NHS Improvement – for secondary care
staff**

Overview

- The Design Group have developed the scheme proposal and application process
- Aim of the pilot scheme
- Launch of the pilot application process
- Training sessions for panel members
- Employer workshops
- Registered interest from many NHS employers to support and to be part of the scheme

Map of employers who have expressed support and interest to date



Improvement



Pilot Scheme



- Small mixed cohort of approximately 10 self-nominating individuals from secondary care
- Expression of Interest, Application and panel process
- Evaluation
- To learn, improve and develop the final scheme

Application Process

- To ensure equality, fairness of treatment and to avoid discrimination
- Submission of application form
- Supporting statements and evidence bundle demonstrating eligibility
- Must include chronological timeline of events from whistleblowing and subsequent events as they occurred to support their application
- Evidence checklist for guidance
- Support to complete if needed

Application form



Please outline your interest in applying for a place on the Employment Support Scheme and what benefits you anticipate getting out of the scheme

Please provide evidence demonstrating that you raised a concern in the public interest and had reasonable belief of safety issues, malpractice or wrongdoing by your NHS employer

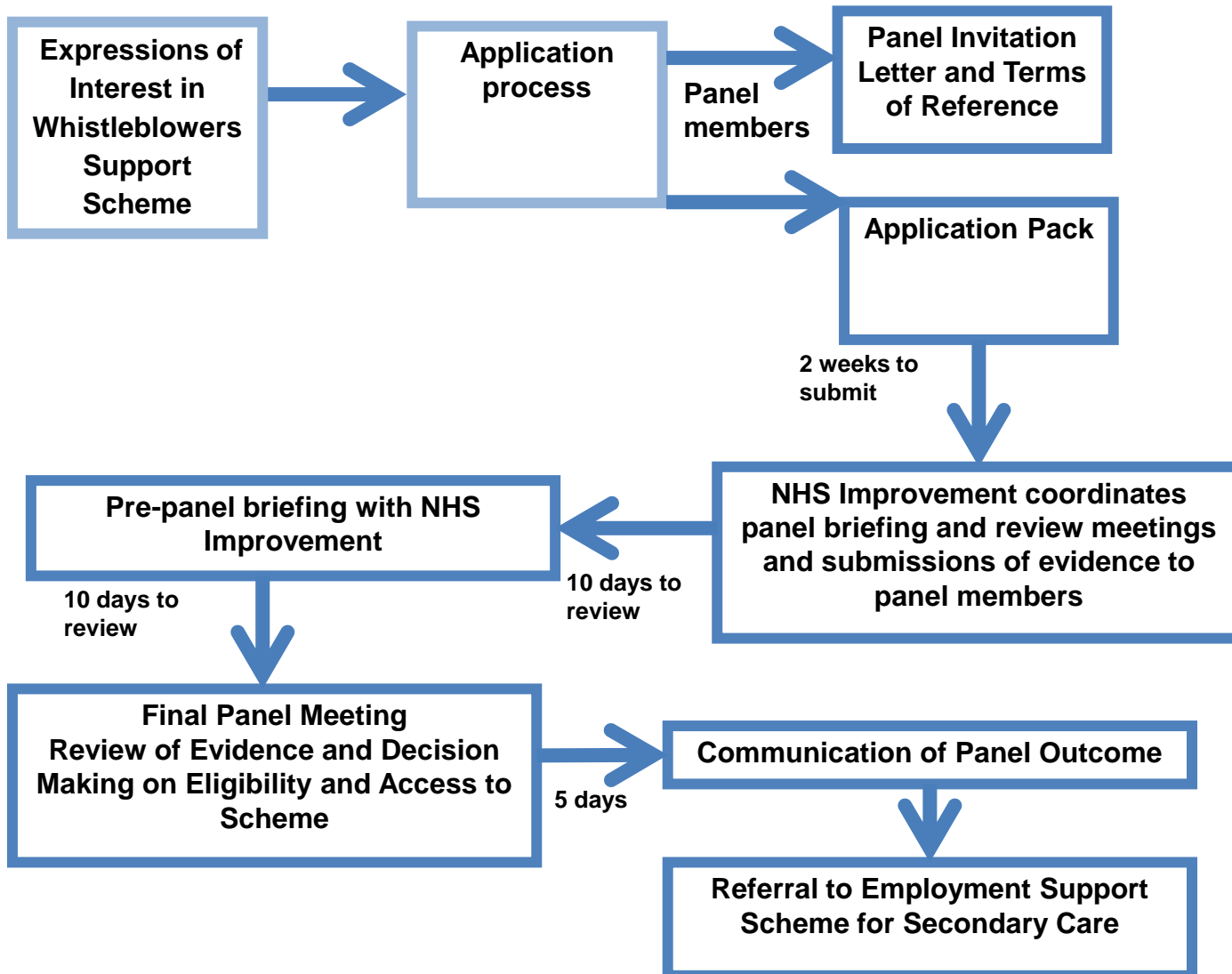
Please provide evidence demonstrating that you are fit and able to practise in the NHS and there are no issues of justifiable and significant concern about your performance

Please provide evidence demonstrating that you have difficulty in finding suitable employment in the NHS and that this is related to having made a protected disclosure / raising concerns

Eligibility Criteria

1. NHS worker (former employment in the NHS in England only) who has made a protected disclosure
2. No issues of justifiable and significant concern about performance
3. Can demonstrate that difficulty in finding employment is related to having made a protected disclosure

Overview of Application Process



Panel Membership



- A former NHS whistle-blower.
- A NHS professional who will understand the applicant's profession and have the relevant clinical/managerial expertise.
- Executive/senior clinician /manager with experience of the regulations and the framework for managing performer concerns where relevant and/or an equivalent NHS manager with the relevant knowledge and expertise.
- NHS Improvement representative from the Trust Resourcing Team (as coordinators / observers in the pilot phase)- no voting responsibility

Role of Panel

- Review evidence submitted by applicants to the scheme;
- Assess eligibility, reach a judgment and make decisions regarding access to the scheme;
- Communicate the rationale for decisions to each applicant; and
- Make recommendations for access to the scheme to be taken forward by the employment support agency.

Employment References/checks



NHS Employers guidance:-

Importance of an employment history and reference check
While there is no legal requirement for employing organisations to provide references about people who are or were in their employment, employers have a duty of care to both patients and staff to ensure that all reasonable checks are undertaken to ascertain a person's suitability for any given role.

References continued



NHS Employers guidance continued:-

Over the years, data protection law has had a significant impact on the type of information employers are likely to agree to provide in response to a reference request. **Employers have a duty of care to all workers and former employees to ensure that any information they share about them is a fair and true reflection of their performance and suitability (i.e. does not include personal opinions or views which may be regarded as subjective).** This standard therefore outlines the minimum information employers should aim request or provide as part of a factual employment history and/or other reference request. Employers will need to ensure that all workers are aware that it is company policy to only provide factual information so that they understand what type of information will be shared about them.

Next steps.....

- Additional support requested by applicants include:
 - Support for attendance at conferences and events
 - Travel costs for interviews
 - Subscription costs for journals etc
 - Relevant further education and training
- Other areas currently under development include:
 - Mediation (eg where their ESR details are not up to date or bad references given)
 - Revalidation support
 - Placement / Shadowing / Employment support/opportunities

Your Continued Engagement and Involvement

- Volunteers to join a monitoring group
- Involvement on panels
- Encourage interest in applying for scheme

Resources



- <https://www.england.nhs.uk/ourwork/whistleblowing/>
- <http://freedomtospeakup.org.uk/the-report/>
- <https://www.england.nhs.uk/news/?filter-keyword=&filter-category=whistleblowing>

Dedicated email address

Whistleblowers support scheme (NHS ENGLAND) england.wss@nhs.net

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- <http://improvement.nhs.uk/resources/freedom-to-speak-up-whistleblowers-support-scheme>

**Contact details:-
For NHSI – secondary care**

**Confidential email for all enquiries:
NHSI.wbss@nhs.net**

**Dedicated email address
Whistleblowersupportscheme (NHS ENGLAND)
england.wss@nhs.net**



Freedom to Speak Up

Kevin Holton, NHS England
Kate Milton, NHS England

Oct 2017

Freedom to Speak Up Programme

- Fundamental aims of the programme relating to culture, how we can create an open and honest culture where staff can provide feedback and that feedback is acted upon.
- However, also need to ensure we support those who have already suffered a detriment in raising concerns.

Main elements are:

- FTSU arrangements in Primary Care
- Internal FTSU arrangements with appointment of National and Local Guardians
- Supporting existing WB from primary care who have suffered a detriment

FTSU arrangements

- On 1 April 2016, NHS England became a 'prescribed person' under the Public Interest Disclosure Order 1999, meaning primary care service staff working at GP surgeries, opticians, pharmacies and dental practices, can raise concerns about inappropriate activity either to their local FTSU Guardian or to NHS England
- NHS England developed [guidance](#) for primary care organisations which was published in November 2016.
- The guidance sets out:
 - who can raise a concern
 - the process for raising a concern
 - how the concern will be investigated
 - what will be done with the findings of the investigation
- If a member of staff working in primary care has a concern about patient safety, quality of care or inappropriate activity, they can raise it with their appointed Freedom to Speak Up Guardian. Alternatively, they can [raise their concern directly with NHS England](#), which is a 'prescribed person'. [Our External Whistleblowing Policy](#) will be used to handle any concerns raised.

Freedom to Speak Up Guardians - NHS England

Have one National FTSU Guardian. In process of appointing others in DCO and CSU teams. FTSU Guardians will work alongside our leadership teams to achieve the following outcomes:

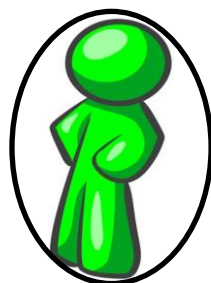
All staff have the capability to speak up effectively and are supported appropriately

The Board is engaged in all Freedom to Speak Up matters and issues that are raised

Speaking up processes are effective and continuously improved

A culture of speaking up is instilled throughout the organisation and the NHS

Safety and quality are assured





NHS England Support Scheme

FTSU review – Key Recommendations

Two key recommendations from the Francis report are the policy drivers for this programme of work

- *NHS England, NHS TDA and Monitor should jointly devise and establish a support scheme for NHS workers and former NHS workers whose performance is sound who can demonstrate that they are having difficulty finding employment in the NHS as result of having made protected disclosures.*
- *All NHS organisations should actively support a scheme to help current and former NHS workers whose performance is sound to find alternative employment in the NHS.*

Status

- Pilot programme established and criteria set for acceptance, in line with Francis' recommendations including:
 - Is the applicant a WB, suffered detriment;
 - Is their performance sound;
 - Have they been actively looking for work
- All applications that went to the Panel were approved. All from range of backgrounds and differing support needs
- Individual details then passed to Working Transitions, who are now engaging with the successful applicants

Range of support

- WT offer a range of tailored support which include areas such as:
 - Occupational Health
 - Financial advice and signposting
 - Career advice
 - Psychological support
 - Mentoring support (WB experience)
 - Engagement with an expert career coach
 - Development of a personal plan with WT coaches

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Evaluation

- Commissioned an independent evaluation that will review all aspects of the Scheme
- Evaluation to cover areas such as:
 - Effectiveness of communication
 - Expectation and Experience of those who accessed the Scheme
 - Any elements of support missing
 - Support provided, is that effective
- Undertaken by Liverpool John Moore's University

Employment/shadowing support

- Biggest criticism of the arrangements to date is that there is no opportunity for WB on the Scheme to be supported to re-enter the workplace, or be offered some form of shadowing or development opportunities that can build CV to achieve greater success at interview
- Wanted to discuss today what if any support can be offered

Resources

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Dedicated email address

Whistleblowers support scheme (NHS

ENGLAND) england_wss@nhs.net

Meet the programme team

Staff Experience/ FTSU & WBSS

- Kevin Holton - SRO
- Kate Milton – Staff Experience / FTSU / WBSS Programme Lead
- Sara Latham - Staff Experience / FTSU / WBSS Programme coordinator
- Michail Sanidas - project lead - FTSU guardian workstream (2 days a wk)
- Rachel White - project lead - WB support scheme (2 days a wk)



Whistle Blower Support Service



WB SERVICE

AIMS

To provide independent, confidential, successful career transition support to WBs

- Find a position within NHS, externally or make a career change
- Provide a range of services and tailor to each individual
- Support NHSE/NHSI in building a successful service



Background

Commenced June 2017

8 WBs

7 UK / 1 USA

Ranged across the 'transition curve'



Services



Career Coaching

Personal, tailored, results orientated

Occupational Health

Psychological support when/if needed

Training

Guidance and help with access using personal plan and budget

Placement Facilitation

Personal Recruitment Support

On-boarding

In-work support & tri-partite facilitation

WB Mentoring

Help with WB issues/liaison

Financial Advice

Independent advice/signposting



Career Coaching

Support

Emotional support and encouragement

Building Resilience

Maintenance of self-esteem and confidence

Practical Support

Best practice advice and production of CVs and other key documents

Interview and meetings technique preparation, planning and skills practice

Advice on self-employment, active retirement and other potential career options

Coaching

Identifying key values, skills, strengths, experiences and achievements

Exploration of similar and alternative career options and opportunities

Raising self-awareness of employability and transferability

On-going

Personal Career Manager

Website & Webinar

Access to coaching, advice and information

Process



Confidentiality
Information/Discussions

Reporting

Coach Chemistry

Budget
and agreed Action Plan

Ancillary support
'stop shop'

On-going support
placement or new role

Data & Personal

Anonymised reporting

Match or Change

Spend driven by needs

Managed by WT – 'one-

Until 'settled' and in



Learning to date

Engagement welcomed by most

'Bell Curve' motivation

Coach chemistry and confidentiality key

People moving at different speeds

Flexible response to demands key

Independence is helpful

Integration with NHS employment opportunities vital

Most people are progressing towards their goal





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www.workingtransitions.com