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‘Taking the Concern Forward’: Raising Concerns Guidance

Introduction and Aim

This guidance outlines how managers and senior managers should deal with a concern raised under the Procedure for NHS Staff to Raise Concerns (AW09).

Linked Policies, Procedures and Written Control Documents

[All Wales Procedure for NHS Staff to Raise Concerns](#)
[All Wales Grievance Policy and Procedure](#)

Scope

All managers and senior managers in Public Health Wales who have a concern raised with them.

Equality and Health Impact Assessment

Completed.

Approved by

Executive Team

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Board Secretary

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Disclaimer

If the review date of this document has passed please ensure that the version you are using is the most up to date either by contacting the document author or the [Corporate Governance](#).

Summary of reviews/amendments

Version number	Date of Review	Date of Approval	Date published	Summary of Amendments
1	N/A	18 June 2018	18 June 2018	New document. Guidance notes support Procedure for NHS Staff to Raise Concerns (AW09).

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1. Introduction

This document provides guidance which outlines how staff can raise a concern in Public Health Wales and provides specific information for Managers, Senior Managers, Executive Directors and the Trust Chair to help them deal with a concern raised under the [Procedure for NHS Staff to Raise Concerns](#) (AW09).

The Flowchart in **Figure 1** (page 4) provides an overview of the route(s) through which a concern can progress in the organisation.

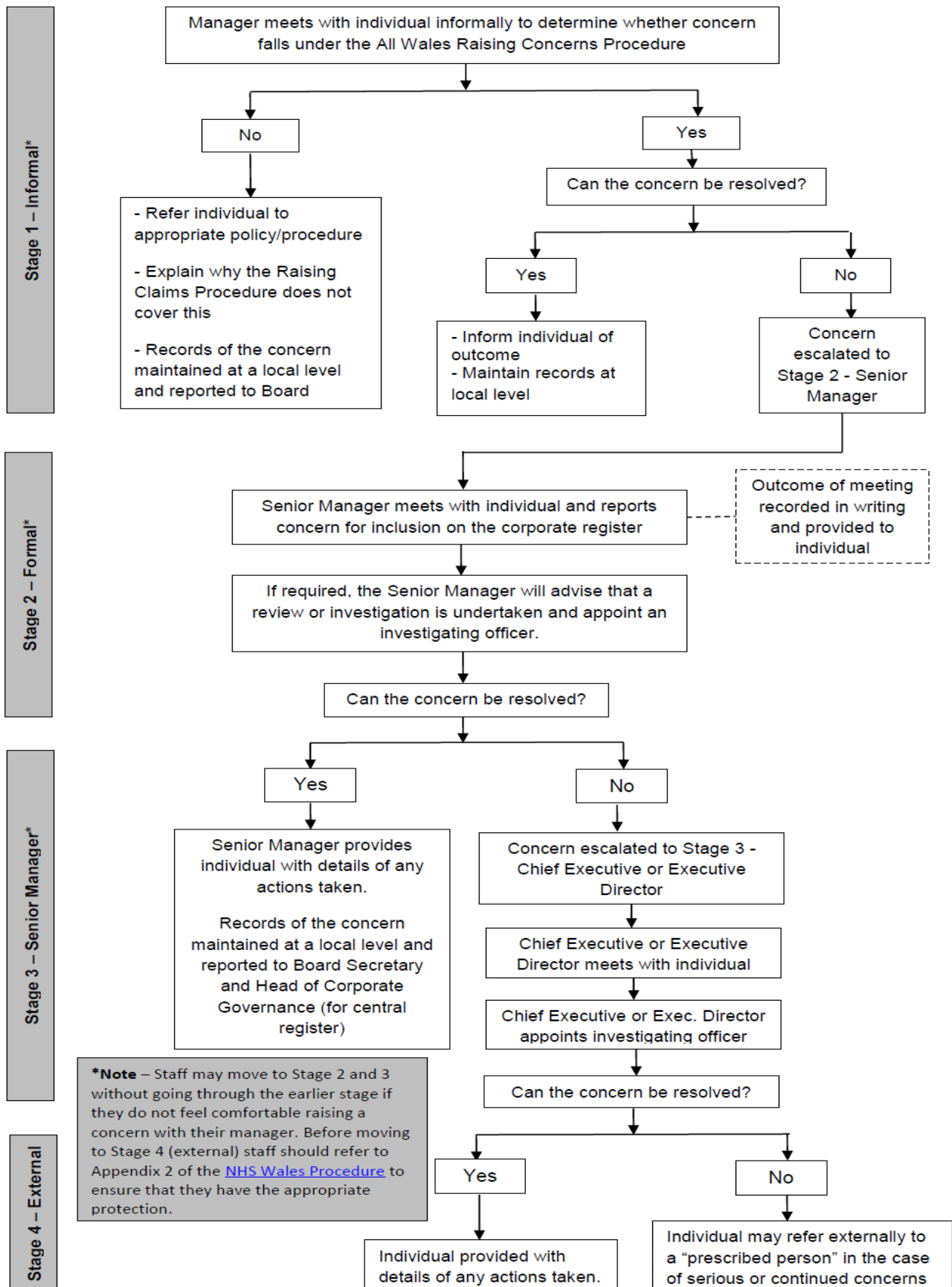
Pages 5-12 provides clarification regarding the steps to be taken when a concern is raised, together with further information for some of the areas captured within the All Wales procedure, for example training.

Appendix 1 (pages 13-20) contains a series of easy to follow action cards for key individuals responsible for taking a concern forward in Public Health Wales.

The aim of the Procedure and this supporting Guidance is to provide an effective process for serious concerns to be raised. If it is concluded that an individual has deliberately made false allegations maliciously or for personal gain, an investigation will be undertaken into the matter in accordance with the [Disciplinary Policy and Procedure](#) (see also page 11 of the Procedure for NHS Staff to Raise Concerns).

Further information regarding whether or not a “concern” should be raised under the procedure can be found here [provide link to intranet page]. Further advice can also be provided by the Board Secretary and Head of Corporate Governance or a member of the People Team.

Figure 1 – Taking the Concern Forward



2. Taking the Concern Forward – Stage 1 (Informal)

2.1 Initial response to a concern being raised

A member of staff may raise a concern informally with a manager (Stage 1). In response, the manager should arrange a meeting as soon as possible with the individual who has raised the concern.

The aim of this meeting is to gather more information about the issue to enable the manager to decide whether the concern falls under the [Procedure for NHS Staff to Raise Concerns](#) or another organisational policy, e.g. the Safeguarding Policy, Grievance Policy.

Ideally, the meeting should be arranged **within two working days** of the concern being raised. However, different operational circumstances such as shift-working and part-time working, will need to be taken into account. If there is a delay in meeting, this should be with the agreement of the person who has raised the concern.

In some cases, it may be possible to tell from the initial discussions that the concern does not fall under the Procedure for NHS Staff to Raise Concerns. If this is the case, there is no need to arrange a meeting. However, the manager should explain why the matter does not fall under the procedure and advise of the appropriate route if applicable.

If the manager is unsure at any stage they should contact their line manager, the Board Secretary and Head of Corporate Governance or the [People Team](#) for advice.

Confidentiality

If the member of staff has requested confidentiality, it is necessary to respect this as far as possible. Individuals who have disclosed a concern are protected by law and are due the highest standards of confidentiality.

However, if the situation arises where it is not possible to resolve the concern without revealing the employee's identity beyond a 'need to know basis', (for example in matters of criminal law), the manager must advise the member of staff before proceeding.

The manager should seek to ensure the same degree of confidentiality be afforded to the member(s) of staff at the centre of the concern.

For further information, see Procedure for NHS Staff to Raise Concerns, Appendix 2, pp. 17-18.

Anonymous concerns

A member of staff can raise concerns anonymously if they choose to do so. The concern must be treated as credible and investigated. However, it is recognised that anonymous concerns may be more difficult to investigate and that any investigation may be limited as a consequence. In such cases, managers should follow the steps in this guidance as far as possible.

Public Health Wales encourages staff to come forward without any threat of recrimination.

Record-keeping

At all stages, a contemporaneous written record of any concern raised should be kept and the action taken regardless of whether the concern is accepted under the Procedure for NHS Staff to Raise Concerns.

As a minimum, it is advised that the following is captured:

- date the issue was raised.
- the outcome, including how the issue was resolved and by whom.
- how long the process took.
- whether the individual has requested confidentiality or not.
- any other relevant details.

Managers may wish to use **Form WB1 – Recording a concern raised under the procedure** (see Procedure for NHS Staff to Raise Concerns, Appendix 3, pp. 19-20), although this is only a requirement for formal concerns raised (Stage 2).

All records should be maintained confidentially, in accordance with the organisation's information governance policies and procedures, and the Data Protection Act 2018 and the General Data Protection Regulations 2018.

2.2 Holding a meeting with the individual who has raised a concern

Step One: Before the meeting

The manager may wish to consider whether the individual feels uncomfortable meeting face-to-face. In such cases the manager can arrange a convenient time to speak over the telephone.

The manager may want to consider whether there are any reasonable adjustments that should be made to facilitate the meeting, with due consideration of the sensitivities of the concern. Welsh language considerations should also be considered.

The individual raising the concern may also wish to seek advice from a Trade Union and may wish a representative to accompany them. The manager should be informed in advance if a representative will be at the meeting.

Step Two: The meeting

This informal meeting is the opportunity for the manager to gain a fuller outline of the concern.

When meeting the manager should ensure they:

- thank the employee for raising the matter, even if the concern proves to be mistaken.
- recognise that this may be a troubling time for them and establish a supportive relationship.
- remind them that it is the organisation's position to support and protect those who have raised a concern.
- reassure them that they are being listened to and taken seriously.
- use open body language and an appropriate tone of voice.
- ask open questions.
- respect any concerns about their own position/career.
- avoid giving any unrealistic promises or raising expectations.

The manager should record all of the main points from the discussion.

They might want to re-phrase as necessary to ensure that they have understood and agreed the issues. It is also helpful to determine how the individual considers the matter might be best resolved.

The manager is not required to commit to anything during the meeting. They must listen carefully and ask the member of staff questions that will assist them in reaching a decision.

Step Three: After the Meeting

If the matter does not fall under the Procedure for NHS Staff to Raise Concerns, it should be explained to the individual, either by telephone or face to face, the reason why this is and whether or not there is a more appropriate process within the Trust.

If greater detail needs to be conveyed, it may be more appropriate to provide a written response, provided that the individual has not wished to remain anonymous.

There may be situations where it is difficult to determine how significant a concern is. If this is the case, it would be prudent to pass it on to a more senior manager in the organisation, with the consensus of the individual.

2.3 Local investigation

The Manager may be able to undertake an informal, local investigation to resolve the issue raised. Again, records of any meetings and correspondence with staff must be kept and stored securely at a local level.

2.4 Unresolved concerns

If, having followed the process outlined in Stage 1, the individual's concerns remain, or that they feel that the matter is so serious that it cannot be resolved at this level, then they can move on to use the more formal steps outlined in **Stage 2**.

3. Taking the Concern Forward – Stage 2 (Formal)

The manager should inform the individual who has raised the concern that they should make their concerns known to a senior manager, and that they may also wish to involve their Trade Union/Staff Representative. The manager with whom the concern was initially raised should continue to support the individual employee if appropriate.

Once the concern has been referred to Stage 2, the manager should ensure that the senior manager is provided with the information gathered throughout Stage 1. The senior manager should then report any formal concern to the Board Secretary. This will be recorded in the corporate concerns register.

The manager who received the original concern may be contacted by the senior manager to provide further information and/or evidence.

The senior manager will meet with the individual raising the concern **within seven working days**. The outcome of the meeting will be recorded in writing and a copy given to the individual within seven working days of the meeting, accompanied by a formal letter.

Form WB1 – Recording a concern raised under the procedure should be completed once the concern has been formally received (see Procedure for NHS Staff to Raise Concerns, Appendix 3, pp. 19-20). A copy of this form should then be transferred to the Board Secretary where it will be held securely.

The senior manager, in conjunction with appropriate colleagues, will consider the information to identify what action should be taken. This may involve an informal review or a more formal investigation.

The senior manager will inform the staff member who raised the concern, who is handling the matter, how they can be contacted and what further assistance may be needed.

If there is to be a formal investigation the senior manager will appoint an Investigating Officer. If an internal investigation takes place this will be undertaken thoroughly and completed as quickly as possible (usually **within 28 days**) in light of the matters to be investigated. At their request, the individual will be written to summarising their concern, and setting out how it will be handled along with a timeframe, agreed with the staff member (who raised the concern).

The Investigating Officer will conduct the investigation as appropriate. This may include witness interviews and an examination of documents/records and correspondence.

The senior manager will aim to keep the individual informed of the progress of the investigation.

However, sometimes the need for confidentiality may prevent specific details of the investigation, such as disciplinary action, from being disclosed. All information about the investigation should be treated as confidential.

Form WB2 Concerns Raised Under the Procedure: Summary of findings and outcome of investigation should be completed by the Investigating Officer (see Procedure for NHS Staff to Raise Concerns, Appendix 4, pp. 21-22) and submitted to the senior

manager in addition to any other feedback. A copy of this form should then be transferred to the Board Secretary where it will be held securely.

Subject to any legal constraints, the senior manager will inform the individual who raised the concern, of the outcome of the investigation via a formal letter with an outline of any actions taken.

4. Taking the Concern Forward – Stage 3 (Senior Manager)

If an individual is either dissatisfied with a decision to only undertake an informal review, or is dissatisfied with the outcome of Stage 2 through the mechanisms outlined previously, they may raise their concerns in writing with the Chief Executive, and/or an appropriate Executive Director.

If the concern relates to the Chief Executive or Executive Director, concerns should be raised with the Chair. Exceptionally, an individual should proceed directly to this stage in the unlikely event that having made every attempt to raise a concern through the mechanisms outlined previously there has been little or no attempt to address the matter.

If a concern has been raised with them, the Chief Executive, Executive Director, the Chair (or a nominated representative not previously involved) will meet the individual **within 28 working days**. Again, the outcome of this meeting will be recorded in writing and a copy given to the individual **within seven working days** of the meeting, accompanied by a formal letter.

If required, a further investigation should be undertaken.

5. The Board Champion

If the individual does not feel comfortable in raising a concern with a line manager, they may also report any concerns to a designated member of the Board – the 'Board Champion' – at any time.

The Board Champion should support the individual, maintain records and seek advice as appropriate.

The current Board Champion is:

Terry Rose, Non-Executive Director

who can be contacted by email:

Terence.Rose@wales.nhs.uk

or by phone 029 2010 4324 (not direct line)

The Board Champion should also report that a concern has been raised to the Board Secretary so that it can be recorded and to access support as required.

6. Taking the Concern Forward – Stage 4 (External)

In most cases individuals should not find it necessary to alert external parties.

However, the law recognises that in some circumstances it may be appropriate to report concerns to an external body, e.g. a regulator or the independent charity, Public Concern at Work.

If the individual pursues this course of action, the Chief Executive and Board Secretary, will lead the organisational response, seeking legal advice as appropriate.

7. Audit and Review

As this guidance is a new organisational control document in support of the All Wales procedure, it will be subject to review one year from the point of approval. The Board Secretary will consider the effectiveness of the procedure and its guidance as part of a wider audit of the effectiveness of the revised raising concerns arrangements which have been put in place. This will include an annual collation of the number of concerns raised across the organisation.


Review of the effectiveness will also include analysing the number of concerns raised together with the Quality, Nursing and Allied Health Professionals and the People and Organisational Development Directorates to identify any trends in reporting across the potential sources, for example, incident reporting.

8. Training

This guidance will be made available on the staff intranet on specifically developed pages. Awareness of this guidance will be raised with key individuals across the organisation and will form part of a wider communications initiative for raising concerns. Awareness will also be included at staff induction.

The investigation of concerns in line with the Raising Concerns Procedure will be incorporated into Investigations training for designated managers, delivered by People and Organisational Development from September 2018.

Appendix 1 – Action cards

 <p>lechyd Cyhoeddus Cymru Public Health Wales</p>	<p>Raising Concerns Action Card – Manager (Stage 1)</p>
<p>Role Description</p> <p>Any member of Public Health Wales’ staff may raise a concern with any line manager in the organisation. Managers are responsible for progressing the concern in accordance with the internal processes outlined in Raising Concerns Guidance for Managers and Senior Managers (Stage 1). Managers are also responsible for maintaining accurate records throughout the progress of a concern and ensuring that the individual who has raised the concern is supported and provided with the appropriate advice throughout.</p> <p>Managers have a responsibility to maintain and up-to-date awareness of the Procedure for NHS Staff to Raise Concerns and providing support and advice to individuals as appropriate.</p>	

<p>Action Checklist</p>		
<p>If a concern is raised with you:</p>		
1.	Respond to the individual appropriately and request further details about the concern.*	
2.	Make a brief record of any concern raised.	
3.	If appropriate, arrange a meeting with the individual who has raised the concern as soon as possible, or within two working days of the concern being raised. Record all the main points from discussions.	
4.	Determine whether the concern raised falls under the Procedure for NHS Staff to Raise Concerns and provide advice accordingly.	
5.	If a formal concern is raised, complete the Form WB1 – Recording a Concern raised under the procedure.	
6.	Follow the internal raising concerns process (Stage 1) outlined in Raising Concerns Guidance for Managers and Senior Managers.	
7.	Undertake a local investigation if appropriate.	
8.	Maintain records of all details of the concern as it progresses including any correspondence, meeting notes etc.	

9.	If the individual feels that the concern has not been resolved, advise that the concern is progressed to Stage 2 of the Procedure for NHS Staff to Raise Concerns . In such a case, provide the senior manager with all the information gathered at Stage 1.	
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* Concerns may be raised on an informal or formal basis. If a formal concern has been raised, follow the **Raising Concerns Guidance for Managers and Senior Managers** in support of the [Procedure for NHS Staff to Raise Concerns](#). If confidentiality has been requested, this should be protected as far as possible. Staff may also wish to raise a concern on an anonymous basis.



Role Description

Any member of Public Health Wales’ staff may raise a concern with any line manager in the organisation. Concerns should be ordinarily raised with Senior Managers if an individual feels that a concern remains unresolved. Senior Managers are responsible for progressing the concern in accordance with the internal processes outlined in the **Raising Concerns Guidance for Managers and Senior Managers** (Stage 2). Senior Managers are also responsible for maintaining accurate records throughout the progress of a concern and ensuring that the individual who has raised the concern is supported and provided with the appropriate advice throughout.

Senior Managers have a responsibility to maintain an up-to-date awareness of the [Procedure for NHS Staff to Raise Concerns](#) and providing support and advice to individuals as appropriate.

Action Checklist

If a concern is raised with you:

1.	If the concern has been considered at Stage 1, meet with the Manager who has been progressing the concern to discuss the concern and any details of meetings, investigations etc.	
2.	If a formal concern has been raised, notify the Board Secretary that a concern has been raised with you.	
3.	If the concern has been considered at Stage 1, contact the individual to notify them that the concern has progressed to Stage 2 of the Procedure for NHS Staff to Raise Concerns , and that you are now leading on progressing the concern.	
4.	If appropriate, arrange a meeting with the individual who has raised the concern as soon as possible, or within seven working days of the concern being raised. Record all the main points from discussions.	
5.	If this has not already been completed by the manager in Stage 1, complete the Form WB1 – Recording a Concern raised under the procedure .	

6.	Write to the individual summarising their concern, and setting out how it will be handled along with a timeframe.	
7.	If required, appoint an Investigating Officer to undertake an investigation. This should be undertaken and completed within 28 days .	
8.	Keep the individual informed of the progress of the investigation.	
9.	Inform the individual about the outcome of the investigation, via a formal letter.	
10.	Maintain records of all details of the concern as it progresses including any correspondence, meeting notes etc.	
11.	If the individual feels that the concern has not been resolved, advise that the concern is progressed to Stage 3 of the Procedure for NHS Staff to Raise Concerns . In such a case, provide the Chief Executive/Executive Director with all the information gathered at Stages 1-2.	

* Concerns may be raised on an informal or formal basis. If a formal concern has been raised, follow the **Raising Concerns Guidance for Managers and Senior Managers** in support of the [Procedure for NHS Staff to Raise Concerns](#). If confidentiality has been requested, this should be protected as far as possible. Staff may also wish to raise a concern on an anonymous basis.



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Action Card – Chief Executive/ Executive Director / Chair (Stage 3)

Role Description

Any member of Public Health Wales' staff may raise a concern with any line manager in the organisation. Concerns should be ordinarily raised with the Chief Executive/Executive Director/Chair if an individual feels that a concern remains unresolved from Stages 1 or 2 of the internal processes outlined in the **Raising Concerns Guidance for Managers and Senior Managers**.

The Chief Executive/Executive Director and Chair has a responsibility to maintain an up-to-date awareness of the [Procedure for NHS Staff to Raise Concerns](#).

Action Checklist

If a concern is raised with you:

1.	If the concern has been considered at Stage 1 or 2, meet with the Senior Manager who has been responding to the initial concern raised to discuss the concern and any details of meetings, investigations etc.	
2.	Seek advice from the Board Secretary with regard to the concern.	
3.	Contact the individual to notify them that the concern has progressed to Stage 3 of the Procedure for NHS Staff to Raise Concerns , and that you are now leading on progressing the concern.	
4.	If appropriate, arrange a meeting with the individual who has raised the concern as soon as possible and within 28 working days of the concern being raised. Record all the main points from discussions and provide a copy to the individual within seven working days of the meeting.	
5.	If required, further investigation should be undertaken. This should be undertaken and completed within 28 days .	
6.	Keep the individual informed of the progress of the investigation.	
7.	Inform the individual about the outcome of the investigation via a formal letter.	
8.	Maintain records of all details of the concern as it progresses including any correspondence, meeting notes etc.	



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Action Card – Investigating Officer

Role Description

Investigating Officers are designated managers in Public Health Wales who have received appropriate investigations training. Investigating Officers are appointed by Senior Managers in the event of formal concern being progressed at Stage 2 or 3 of the [Procedure for NHS Staff to Raise Concerns](#).

The Investigating Officer will conduct the investigation as appropriate. This may include witness interviews and an examination of documents/records and correspondence.

Action Checklist

If appointed as an Investigating Officer:

1.	Meet with the Senior Manager/Chief Executive/Executive Director of Chair to discuss the details of the concern and agree the parameters of the investigation.	
2.	Conduct the investigation as appropriate. This may include: - witness interviews - examination of documents/records and correspondence. This should be undertaken thoroughly and completed as quickly as possible (usually within 28 days).	
3.	Complete Form WB2 Concerns Raised Under the Procedure: Summary of findings and outcome of investigation and submit to the Senior Manager/Chair/Executive Director or Chair in addition to any other feedback.	



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Action Card – Board Secretary

Role Description

The Board Secretary is the Executive Lead for the raising concerns process in the organisation and maintains the corporate register of formal concerns, maintains all records pertaining to a raised concern and provides advice to other senior managers in the organisation.

The Board Secretary has a responsibility to maintain an up-to-date awareness of the [Procedure for NHS Staff to Raise Concerns](#).

Action Checklist

If a formal concern has been reported:

1.	Meet with the Manager/Senior Manager/Chief Executive/Executive Director or Chair to discuss the details of the concern and provide advice as appropriate.	
2.	Record the concern on the corporate concerns register.	
3.	Receive updates from Manager/Senior Manager/Chief Executive or Chair at an agreed frequency and Board Champion is kept informed of progress as appropriate or .	
4.	On conclusion of the investigation or sooner, ensure that all relevant documentation and evidence regarding the concern is received from the responsible Manager/Senior Manager and held securely. This should include the records of all meetings, correspondence and reports of any investigations.	



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Action Card – Board Champion

Role Description

Any member of Public Health Wales’ staff may contact the Board Champion to raise a concern. The Champion functions as a ‘safety valve’ for the organisation’s approach to raising concerns, and would typically only receive a concern if the individual feels he/she is unable to progress the concern via line management routes. The Board Champion has a responsibility to maintain an up-to-date awareness of the [Procedure for NHS Staff to Raise Concerns](#) and providing support and advice to individuals as appropriate.

Action Checklist

If a concern is raised with you:

1.	Respond to the individual appropriately and request further details about the concern.*	
2.	Make a record of any concern raised and contact the Board Secretary for support and for the concern to be recorded.	
3.	If appropriate, arrange a meeting/telephone call with the individual who has raised the concern as soon as possible.	
4.	Determine whether the concern raised falls under the Procedure for NHS Staff to Raise Concerns and provide advice accordingly.	
5.	Follow the internal raising concerns process outlined in Raising Concerns Guidance for Managers and Senior Managers and the Guidance.	
7.	Maintain records of all details of the concern as it progresses including any correspondence, meeting notes etc.	

* Concerns may be raised on an informal or formal basis. If a formal concern has been raised, follow the **Raising Concerns Guidance for Managers and Senior Managers** in support of the [Procedure for NHS Staff to Raise Concerns](#). If confidentiality has been requested, this should be protected as far as possible. Staff may also wish to raise a concern on an anonymous basis.