

**Information Governance Department**

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Ref: FOI2015/2749  
Date Received: 21<sup>st</sup> July 2015  
Response Due: 18<sup>th</sup> Aug 2015

11<sup>th</sup> September 2015

Dear

## **INFORMATION REQUEST UNDER THE FREEDOM OF INFORMATION ACT 2000**

We are now pleased to respond to your request for information under the Freedom of Information Act.

You asked:

I write to ask if Wrightington, Wigan and Leigh 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"

Please note that the Trust refers to Raising Concerns rather than Whistleblowing as this terminology is felt to be more appropriate to encourage staff to raise issues of concern. This data is collated from the HR activity tracker. It is reported in the workforce dashboard, which is considered by the Trust's HR Committee (a sub-committee of the Trust Board)

- 2) "Is there evidence of constructive and timely feedback?"

All whistleblowing concerns are recorded and investigated. The information is recorded on the HR tracker and on a Raising Concerns form (if submitted by the employee). On completion of the investigation, a Manager provides feedback to the employee who raised the concern but this information is not always formally recorded.

- 3) "Have there been any difficulties with confidentiality?"

Staff have the opportunity to raise a concern confidentially and anonymously. In the case that staff wish to remain anonymous, the ability to fully investigate and feedback is hindered. There have been no confidentiality breaches occurred that aligned to any whistleblowing allegations.

Chairman: Robert Armstrong  
Chief Executive: Andrew Foster CBE

- 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?"

No member of staff has been subject to disciplinary action as a result of raising a concern. We do not formally record this data. We recently told the story of two members of staff who raised a concern about clinical practice to the HR Committee. This identified that whilst the investigation and action taken in response to the concerns was appropriate, we had failed to engage in open communication with the staff who raised the concern throughout the process. A number of learning points were identified, which are now being incorporated into a refresh of the Raising Concerns Policy.

- 5) "could the issues have been picked up or resolved earlier? If so, why weren't they?"

The example cited above demonstrates our continued commitment to learn from the experience of whistle blowers to ensure that we encourage a culture of openness. Although again this information is not currently formally recorded.

- 6) "information from exit interviews"

We recently reviewed our exit interview procedure. All leavers are asked to complete an on-line survey and are also offered an exit interview. The themes and trends from the exit interviews are discussed at the HR Senior Management Meeting, with any identified themes / trends escalated to the HR Committee.

- 7) "information from...PIDA or other legal claims"

An annual report is provided to the Trust Board, through the Quality & Safety Committee which details legal claims and any associated themes or learning points.

- 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?"

We have a staff engagement pulse check, which uses some of the questions found in the national staff survey alongside additional questions relevant to engagement. This survey is issued to a quarter of the workforce four times per year, meaning effectively every member of staff has the opportunity to feed back confidentially throughout the course of the year with free text areas for comments not linked to the specific questions. The questions detailed above are not however included in the Pulse Check questionnaire or the national staff opinion survey which we participate in.

I would be grateful to know if your organisation has collected this data, either fully or in part.

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As you can see Wrightington, Wigan and Leigh NHS Foundation Trust collects this data in part only at this time. It is important to note that whilst WWL does not specifically monitor and collect data in all of the aforementioned parameters at this time evaluation takes place where staff have raised concerns, in order to identify improvements within the organisations 'raising concerns' procedures. The Trusts 'Raising Concerns' policy is currently under review.

If it has collected part of this data, please could you indicate which of the above parameters have been monitored.

WWL currently collects data on 1) "collect data on the nature and number of concerns raised". It is important to note reflection and evaluation takes place in regards to the parameters 2, 3, 5 and 6 also but not specific collection or monitoring at this time, see above.

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.

Wrightington, Wigan and Leigh NHS Foundation Trust monitors this information within the HR employee relations tracker via the parameter 'Claimed victimisation or bullying as a result of whistleblowing?'. The outcome of each allegation of Whistleblowing/Raising Concerns is recorded inclusive of any further action such as disciplinary processes, or other internal procedures, being invoked. Additionally all employee relations matters are recorded and available inclusive of those matters which are identified as being raised via the 'raising concerns' (whistleblowing) policy.

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.

Please see attached. Names of individuals have been withheld.

### **Refusal Notice:** S40. Personal Information.

Personal data of a third party is exempt under section 40(2) if its disclosure to a member of the public would contravene one or more of the data protection principles. The Trust believes that to release this data would be in contravention of the first data protection principle. The first principle requires personal information to be:

- processed 'fairly'
- processed 'lawfully'

and not processed at all unless one of the 'conditions' for fair processing is met.

To release this data would not be 'fair' processing as there is a legitimate expectation by a third party (our employees) that this information would remain confidential. Also, the Trust must consider the effect which disclosure could have on the data subject - would the disclosure cause unnecessary or unjustified distress or damage to the person who the information is about? Releasing the data you have requested could bring the person unwanted attention and thus cause unjustified distress.

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.

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A whistleblowing definition is not quoted within the Trust's current 'Raising Concerns' Policy as the document refers to the NHS Constitution links to patient care and quality, identifying WWL employees right to raise concerns about safety, malpractice and wrongdoing, being legally protected to do so without suffering adverse repercussions, detriment or victimisation. The data collected within the organisation is a reflection of the key principles as stated within this policy.

I hope you find this information useful, however if you are not entirely satisfied with this response please do not hesitate to contact the Information Governance Department on 01257 256335. If we do not hear from you within 28 days we will assume that we have been able to accommodate your request under the Freedom of Information Act 2000.

Yours sincerely,



**Rob Forster**  
Acting Chief Executive

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If you are unhappy with the service you have received in relation to your request and wish to make a complaint or request a review of our decision, you should write to: Information Governance Department, Wrightington, Wigan and Leigh NHS Foundation Trust, WrightingtonHospital, Hall Lane, AppleyBridge, Wigan, WN6 9EP

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner for a decision. Generally the ICO cannot make a decision unless you have exhausted the complaints procedure at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF