

The CQC Guardian and the Freedom to Speak Up

- CQC's policy on raising and dealing with concerns at work

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Care Quality Commission values

CQC has a strong set of values that are important in our day to day work and our interactions with others. They guide us all in the way we should act and the way we want others to treat us. We are all expected to live up to our values in practice and to support each other in trying to build a positive and inclusive working environment.

Excellence: we are inspired by the impact that CQC can have across all areas of our work and we are ambitious for ourselves and for people who use services. We do the right things in the right way to have the greatest impact.

- *It is therefore important to us that genuinely held concerns about how we do our work, and particularly concerns about possible wrongdoing or malpractice, are raised and dealt with through the operation of this Speak Up policy.*

Caring: we are passionate about making a difference because we care about people. We are driven by the needs of people who use services, people who work across the Health and Social care landscape and our people. We care about each and every person, and we are thoughtful about the impact we make as individuals and as an organisation.

It is important to us that we are approachable and so we are thoughtful and kind as we interact with each other, and with others. We respect the views of everyone, and value difference in all our interactions.

- *If we do care about each other in CQC - we need to support our colleagues who speak up about genuinely held concerns and protect them from any detriment or retribution when they do so. We are committed to ensuring that our caring approach encompasses anyone who seeks to raise a genuinely held concern, with individuals being confident that they will not suffer for speaking up.*

Integrity: we demonstrate the highest ethical and moral standards which instils trust in what we do. We are courageous, even when it is hard, so we don't compromise on ensuring we do the right thing for people who use services, and for each other. We are clear about what we will do and how we will do it, and take responsibility for our actions.

- *We are committed to demonstrating that our ethical and moral standards are applied in responding to concerns that are raised in line with this Speak Up policy. All such concerns will be investigated thoroughly and objectively.*

Teamwork: we accomplish so much by working together and with others. We are driven to achieve for our teams, for CQC, and for our stakeholders. We encourage and support each other to reach common goals, and we share our achievements

with others. We work collaboratively with each other and our partners for the benefit of people who use services.

- *Teamwork involves collaborating with each other to ensure that genuinely held concerns are listened to and acted on. We are committed to ensuring that our work together is not undermined by wrongdoing or malpractice – and that any such behaviour is dealt with appropriately.*

Introduction:

Speak up – we will listen:

Speaking up about any concern you have at work is really important. We want everyone who works for CQC to feel that they can safely raise concerns about how we go about our work because it will help us to improve what we do, the way we treat each other, the way we regulate, and the service that we provide.

You may feel worried about raising a concern, and we understand this. But please don't be put off. In accordance with our duty of candour, our senior leaders and entire board are committed to an open and honest culture. We will look into what you say and you will always have access to the support you need.

This policy:

This policy is adapted from a standard policy developed in response to a review of whistleblowing in the NHS conducted by Sir Robert Francis. In line with NHS organisations that we regulate, we have adopted this policy to encourage our staff to raise concerns for the benefit of all, including people who use services.

The CQC Guardian:

CQC is fully committed to an open culture where our staff can raise any concerns they have. In line with this, we have appointed our own CQC Guardian for the Freedom to Speak Up, who is supported by a team of Freedom to Speak Up ambassadors drawn from all parts of CQC. They are here to help you deal with any concerns you may have. If at any time, you want advice or support to raise your concern, you can contact Freedomtospeakup@cqc.org.uk. If all you need is the support to raise an issue yourself, they will be happy to advise you too.

Further information is available at

<http://intranetplus.cqc.local/Working%20for%20CQC/Supportgroups/Freedomtospeakup/Pages/Homepage.aspx>

What concerns can I raise?

We want you to raise a concern about any **risk, malpractice or wrongdoing** that you think is harming our work or the way we regulate. Some examples of this, although not restricted to this list, include:

- unsafe working conditions or working practice
- criminal behaviour
- inadequate training or induction for staff
- lack of response to a reported incident
- suspicions of fraud
- unwarranted breaches of people's confidentiality or privacy
- a bullying or harassment culture across a team or part of the organisation
- discrimination – whether direct or indirect
- decisions made by CQC that can have an impact on people
- failings or issues about how CQC carries out its role

If in doubt, please raise it.

Don't wait for proof. We would like you to raise the matter while it is still a concern. It doesn't matter if you turn out to be mistaken as long as you are genuinely concerned.

This policy is not for people with concerns about their employment that affect only them - that type of concern is better suited to our [grievance policy](#). If we can't help – we would always try to point you to the appropriate place to enable you to deal with your concern.

Feel safe to raise your concern.

We want to encourage a culture of openness and honesty where the raising of genuinely held concerns is welcomed, with people who raise them feeling free of any fear that they will suffer in consequence, and confident that effective action will be taken. Your concerns will be taken seriously, investigated thoroughly, and may be used as evidence to make changes, if that is appropriate.

If you raise a genuine concern under this policy, you will not be at risk of losing your job or suffering any form of reprisal as a result. We will not tolerate the harassment or victimisation of anyone raising a concern, or any attempt to put pressure on you to keep silent. Any such behaviour is a breach of our values as an organisation and, if upheld following investigation, could result in disciplinary action. Provided you are acting honestly, it does not matter if you are mistaken or if there is an innocent explanation for your concerns.

Confidentiality

We hope you will feel comfortable raising your concern openly, but we also appreciate that you may want to raise it confidentially. This means that while you are willing for your identity to be known to the person you report your concern to, you do not want anyone else to know your identity. Therefore, we will keep your identity

confidential, if that is what you want, unless we are required to disclose it by law (for example, by the police).

While we will make every reasonable effort to protect your confidentiality, you should note that we cannot guarantee that your colleagues or the people involved in your concern will not be able to deduce your identity. If it is likely that colleagues will be able to work out that you have raised a concern, dealing with the matter openly may be the best option.

Although anyone raising a concern under this policy is encouraged to provide their name whenever possible (as this will enable more effective investigation of the matter) we also acknowledge that you may wish to raise a concern anonymously.

Who can raise concerns?

Anyone who works for CQC in any capacity, either directly or through an external organisation, is entitled to raise their concerns. This includes permanent or fixed term employees, specialist advisors, Experts by Experience, temporary workers, contractors, or people on secondment or undertaking work experience.

Who should I raise my concern with?

In many circumstances the easiest way to get your concern resolved will be to raise it formally or informally with your line manager. But where you don't think it is appropriate to do this, or where this hasn't resulted in the action you think is needed, you can raise your concern with one of our Freedom to Speak Up ambassadors. They are members of CQC staff who have been given special responsibility and training in dealing with concerns. They act as an independent and impartial source of advice to staff at any stage of raising a concern, with access through The Freedom to Speak Up Guardian to anyone in CQC, including our chief executive and board.

The CQC Guardian

The purpose of the CQC Guardian is to promote an open and transparent culture across the organisation, helping to make CQC a place where people can speak up with confidence. The Guardian's responsibilities also include:

- supporting people to speak up, and to speak up well
- supporting managers and leaders in CQC to listen and respond well
- ensuring fair play
- ensuring lessons are learned and shared, challenging existing practices where appropriate to drive change
- signposting people to other sources of help and support
- reporting to the CQC Board and Chief Executive on specific issues and themes raised

This is an important role identified in the Freedom to Speak Up review to act as an independent and impartial source of advice to staff at any stage of raising a concern, with access to anyone in the organisation, including the chief executive. Please note that the CQC Guardian does not get involved in investigating specific complaints or actively presenting the case on your behalf.

How to raise a concern internally:

(Option 1) - If you have a concern we hope you will feel able to raise it first with your line manager. You can do this verbally or in writing, including email.

Option 2 - If you are not comfortable with speaking to your manager you may want to seek guidance from the National Guardian, or one of the Freedom to Speak Up ambassadors listed above.

Option 3 – if you feel unable to raise the matter with your line manager for whatever reason, or you do not feel that they have addressed the concern properly, you should raise the matter with either:

- Your manager's manager.
- Your executive director or chief inspector.
- CQC's director of people, or another director.

Option 4 – If you still feel that the matter has not been satisfactorily addressed, or if you feel the matter is so serious you should contact the CQC chief executive directly (unless they are implicated in the matter).

Option 5 - If you have considered the options of contacting the individuals above but believe it is not appropriate to approach them, you should contact the chair of the Audit and Corporate Governance Committee. (Please see appendix D for contact details.)

If you are unsure about whom to contact you should ask a manager, a trade union representative, a colleague, the HR Team, or one of the bodies listed in appendix D.

Advice and support

We recognise that raising a concern can be stressful but you do not need to feel on your own. A Freedom to Speak Up Guardian will be able to support you through the process and afterwards. You can find out more information by speaking with your manager, a Freedom to Speak Up ambassador, staff representative or HR colleague. There is also information on the Intranet.

Staff can also access:

- Confidential Counselling 24 hours a day through our [employee assistance programme](#) (You can self-refer)
- Mediation through HR.

All staff have the right to be accompanied or represented by a trade union representative or work colleague at all stages of the process

Details of the support available to you within CQC can be found [here](#) You can also contact the Whistleblowing Helpline for the NHS and social care, your professional body or trade union representative.

How should I raise my concern?

You can raise your concerns with any of the people listed above in person, by phone or in writing (including email). Whichever route you choose, please be ready to explain as fully as you can the information and circumstances that gave rise to your concern.

If you wish the matter to be dealt with in confidence you should request this when you raise your concern. Sometimes complete confidentiality may not always be possible for legal reasons, for instance because you have to give evidence in court. If this happens, we will discuss with you how we can proceed. If you have any personal interest in the matter, you must mention this at the time of making the disclosure.

What will we do?

We are committed to the principles of the Freedom to Speak Up review and its vision for raising concerns, and will respond in line with them. We anticipate that some concerns may be capable of being dealt with informally to the satisfaction of all concerned, without contacting the ambassadors.

If you choose to go through one of our FTSU ambassadors, your concern will be recorded and you will receive an acknowledgement within two working days. The central database will record the date the concern was received, whether you have requested confidentiality, a summary of the concerns and dates when we have given you updates or feedback, and any lessons learned.

Investigation

Where you have been unable or unwilling to resolve the matter with your line manager within a few days, we will carry out a proportionate investigation where required using someone suitably independent, usually from a different part of CQC who has been properly trained (see appendix C). Neither the Guardian nor the

ambassadors will undertake these investigations themselves. We will reach a conclusion within a reasonable timescale which we will notify you of. For example, where a concern is raised about a particular incident, we will usually undertake a single investigation that looks at your concern and the wider circumstances of the incident.

There may be some information about the investigation and the outcome that we cannot share with you, due to a duty of confidentiality to another party in the investigation.

The investigation will be objective and evidence-based, and will produce a report that focuses on identifying and rectifying any issues, and learning lessons to prevent problems recurring.

If you raised your concern with someone other than your line manager Appendix B sets out the process.

We may decide your concern would be better looked at under another process, such as our process for dealing with bullying and harassment. If so, we will discuss that with you. Any employment issues that affect only you and not others, identified during the investigation, will be considered separately under our grievance procedure.

Communicating with you

We will treat you with respect at all times and will thank you for raising your concerns. We will discuss your concerns with you to ensure we understand exactly what you are worried about. We will tell you how long we expect the investigation to take and keep you up to date with its progress. Wherever possible, we will share the full investigation report with you (while respecting the confidentiality of others), although we would never share a report where doing so would unfairly or unlawfully breach the confidentiality of another person (for example, a report that recommends disciplinary action or discusses another person's health).

The independent person carrying out the investigation will be responsible for ensuring that we communicate openly and effectively with you, while meeting any duty of confidentiality that we owe to other parties. They will tell you what information about you (if any) will be disclosed to other parties to the investigation, and likewise they will tell the other parties what information about them will be disclosed to you. The Information Rights Manager will advise the investigator as needed, to help them meet this responsibility.

How will we learn from your concern?

The focus of the investigation will be on improving the service we provide for the public and in particular for those who use services. Where it identifies improvements

that can be made, we will track them to ensure necessary changes are made, and are working effectively. Lessons will be shared with teams across the organisation, or more widely, as appropriate.

Board oversight

The chief executive and CQC board will be given high level information about all concerns raised by our staff through this policy and what we are doing to address any problems. The CQC Guardian will produce a report twice a year to the board setting out the volume and type of concerns that have been raised, without identifying individuals. The board supports staff raising concerns and wants you to feel free to speak up.

Making a *protected disclosure*

There are specific criteria that need to be met for an individual to be covered by whistleblowing law when they raise a concern (to be able to claim the protection that accompanies it). There is also a defined list of 'prescribed persons', similar to the list of outside bodies in Appendix E, who you can make a protected disclosure to. To help you consider whether you might meet these criteria, please seek independent advice from the [Whistleblowing Helpline for the NHS](#) and social care.

Equality Statement

We are committed to ensuring that all people management policies and procedures, and their application, are free from any form of discrimination on the grounds of: age, disability, gender reassignment, marriage (including same sex marriage) and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation.

Review

We will review the effectiveness of this policy and local process at least annually, with the outcome published and changes made as appropriate.