

Guidance on Raising Concerns (Whistleblowing)

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About the Pharmaceutical Society of Northern Ireland

The Pharmaceutical Society NI is the regulatory body for pharmacists and registered pharmacies in Northern Ireland.

Our primary purpose is to ensure that practising pharmacists in Northern Ireland are fit to practise, keep their skills and knowledge up to date and deliver high quality, safe care to patients

It is the organisation's responsibility to protect and maintain public safety in pharmacy by:

- setting and promoting standards for pharmacists' admission to the Register and for remaining on the Register and the standards for Registered pharmacy premises;
- maintaining a publicly accessible Register of pharmacists and pharmacy premises;
- handling concerns about the Fitness to Practise of pharmacists, acting as a complaint's portal, acting to protect the public and maintaining public confidence in the pharmacy profession; and
- ensuring high standards of education and training for pharmacists in Northern Ireland.

Section 1 Introduction

1. Speaking up about any concern pharmacists have at work is important to safeguard people receiving care and to identify wrongdoing and risks to public service delivery. When standards of care or behaviour fall below acceptable levels, pharmacists have a duty to speak up.

1.1 What is raising a concern (whistleblowing)?

1.1.1 An individual is raising a concern (whistleblowing) when they bring to the attention of someone in authority a danger, risk, malpractice or wrongdoing within their place of work which affects others.

1.1.2 Those who raise a concern often do so to protect people receiving care, staff and the organisation itself by identifying harm before it's too late.

1.1.3 In this Guidance, in common with the *Professional Standards of Conduct, Ethics and Performance for Pharmacists in Northern Ireland (2016)*, (the Code)¹, we use the term "raising a concern". Other organisations and the law on occasion refer to this as "whistleblowing".

1.2 Is raising a concern the same as making a complaint or grievance?

1.2.1 It is important to recognise the difference between raising a concern and making a complaint or grievance.

1.2.2 Making complaint or grievance will concern an employee personally. That is the individual may, for example, have a complaint about:

- pay or working hours;
- the amount of work that they are expected to do;
- working conditions; or
- being bullied by fellow workers.²

1.2.3 Raising a concern has a component of others being affected (for example, people receiving care, members of the public or the

¹ Professional standards of conduct, ethics and performance for pharmacists in Northern Ireland available at <http://www.psni.org.uk/psni/about/code-of-ethics-and-standards>

² The difference between a grievance and protected disclosure Blackpool teaching hospital available at <https://www.bfwh.nhs.uk/onehr/wp-content/uploads/2016/02/The-difference-between-a-grievance-and-a-protected-disclosure.pdf>

pharmacist's employer) and the pharmacist raising a concern may not be directly or personally affected by the malpractice or wrongdoing.

1.3 **The importance of raising a concern**

1.3.1 Several well publicised inquiries, such as the Mid-Staffordshire NHS Foundation Trust Public Inquiry and the Inquiry into Hyponatraemia-related deaths, have illustrated the importance of raising concerns in order to prevent harm and the potential consequences of failing to speak up. In this regard, raising an appropriate concern can be considered a public good and a benefit to wider society.

1.3.2 People receiving care and the public place significant trust in the knowledge, skills and professional judgement of pharmacists. If a pharmacist is hesitant about raising a concern, it is important to reflect upon the Code which places a duty on pharmacists to put the interests of patients ahead of their own, when it states that pharmacists must:

- put the interests of the patient first;
- act to protect people receiving care; and
- raise a justifiable concern in an appropriate manner, overriding any personal or professional loyalty.

1.4 **Barriers to raising a concern**

We recognise that barriers to raising a concern can exist in the workplace and that pharmacists may be reluctant to raise a concern for a number of reasons. For instance, pharmacists may be concerned that:

- there may be a negative impact on working relationships;
- there may be a negative impact on their career;
- they may face reprisals or be ostracised by their colleagues or the pharmacy establishment;
- they will cause trouble for their colleagues; or that
- nothing will be done as a result of the concern being raised.

1.4.1 Pharmacists who raise a genuine concern should suffer no detriment for doing so. The adoption of good working practices, based on pharmacists' ethical obligation to speak openly and freely about their concerns, underpinned by supportive workplace policies and the legislative protection available for protected disclosures, should ensure that

pharmacists suffer no detriment for raising a concern. They should also help ensure the continued protection of people receiving care and the public.

1.5 Legislative protection

1.5.1 The Public Interest Disclosure (Northern Ireland) Order 1998,³ the Employment Rights (Northern Ireland) Order 1996⁴ and the Employment Act (Northern Ireland) 2016⁵ contain guidance about raising and escalating pharmacists' concerns within their organisation and externally. They also provide protection to pharmacists who raise genuine concerns about malpractice in the workplace and highlight the responsibilities of employers to ensure that those employees that raise concerns are not subject to a detriment.

1.5.2 This legislation aims to protect pharmacists from unfair treatment or victimisation if they raise a concern honestly and acting in good faith about:

- a danger to the health or safety of any individual, for example, irresponsible or illegal prescribing, the abuse of people receiving care or a professional whose health or fitness to practise may be impaired;
- a crime;
- a civil offence or legal obligation;
- a miscarriage of justice;
- damage to the environment;
- a cover-up of information about any of the above.

1.5.3 Protection is also available for disclosures to regulatory bodies and, in exceptional circumstances, wider disclosures (for example to an MLA or the media) may also be protected.⁶

1.5.4 If pharmacists are unsure how this Guidance applies to their situation or if they want some confidential advice before they proceed, or at any stage during the process, the Pharmaceutical Society NI recommends that they seek advice from the independent raising concerns charity,

³ Available at <http://www.legislation.gov.uk/nisi/1998/1763/contents/made>

⁴ Available at <https://www.legislation.gov.uk/nisi/1996/1919/introduction>

⁵ Available at <http://www.legislation.gov.uk/niu/2016/15/contents/enacted>

⁶ Guide to the Public Interest Disclosure (Northern Ireland) Order 1998 (amended October 2017) Available at <https://www.economy-ni.gov.uk/sites/default/files/publications/economy/public-interest-disclosure-guidance.pdf>

Protect, which advises on raising concerns issues in Northern Ireland (formerly Public Concern at Work. See Section 6 for details) and / or consult their pharmacy defence organisation or union.

1.5.5 Failure by pharmacists to report their concerns, in circumstances where they are aware of malpractice or behaviour, which may cause harm to people receiving care and/or the public, may constitute a breach of the Code and may form the basis of a complaint to the Pharmaceutical Society NI of professional misconduct and a pharmacist's fitness to practise may be called into question.

1.6 Regulatory framework

1.6.1 A purpose of this Guidance is to assist pharmacists in meeting their obligations on raising concerns set out in the Code.

1.6.2 The Code sets out the five mandatory principles of professional and ethical practice and provides a framework to aid professional decision-making. It is recognised that pharmacists work in increasingly diverse working environments and, therefore, this Guidance is not exhaustive. It is the pharmacist's responsibility to apply the Code principles to their particular circumstances. If a pharmacist is not sure how this Guidance applies to their daily work situations, they should seek advice from the individuals and bodies suggested in Section 5 of this Guidance.

1.6.3 Several Principles and Standards in the Code are particularly relevant to the pharmacist's obligations on raising concerns.

Principle 1	Always put the patient first.
Standard 1.2	Uphold the duty of candour and raise concerns appropriately.
Standard 1.2.1	Contribute to and foster a culture of openness, honesty and learning.
Standard 1.2.6	If you employ, manage or lead staff, make sure that there is an effective procedure in place that allows staff to raise concerns openly and safely without fear of reprisals.

Standard 1.2.7

Raise a concern, at an appropriate level, if you become aware of a colleague or other health care professional whose actions, omissions, working practices, professional performance or mental or physical health may compromise patient safety.

Principle 5

Maintain and develop professional knowledge, skills and competence.

1.6.4 This Guidance aims to:

- reinforce to pharmacists the importance of raising a concern in the appropriate way;
- outline the steps that pharmacists will need to consider taking in order to raise a concern appropriately;
- highlight the importance of keeping up to date with any HSC or employment policies for raising a concern where pharmacists work;
- highlight the responsibility of employers to support staff who raise concerns and provide guidance to employers; and
- emphasise to employers and employing organisations that all staff members should be familiar with this Guidance and be appropriately trained on how to raise a concern.

1.6.5 However, this Guidance cannot cover every situation and does not give legal advice, as all pharmacists must keep to the relevant law.

Section 2 When should a pharmacist raise a concern?

- 2.1 All pharmacists registered with the Pharmaceutical Society NI have a professional and ethical duty to raise any concerns in their place of work which puts the safety of patients or the public at risk. This duty must come before all other considerations.
- 2.2 Pharmacists have a duty to raise concerns whether they are an employer, employee, a locum or a temporary member of staff. Failing to raise a concern and doing nothing is unacceptable.
- 2.3 Pharmacists have a duty to report to an appropriate person or authority matters such as:
- any practices that are illegal or unprofessional and / or pose an immediate threat to public safety;
 - any genuine concerns about the behaviour of a colleague including pharmacists, pharmacy staff, pharmacy owners, managers and employers, other healthcare professionals or people providing care and treatment for others, or anyone else with whom they come into contact during the course of their work;
 - issues related to the broad care environment which may impact upon others such as resources, people, products, training, staffing or organisational issues;
 - issues related to the health or competency of a colleague or anyone else pharmacists meet during their work which may affect their ability to practise safely and care for people receiving care appropriately; and
 - financial malpractice including criminal acts, misuse (or unavailability) of clinical equipment, including lack of appropriate training.

Section 3 How to raise a concern

- 3.1 Pharmacists raising a concern openly, as part of day to day practice, is an important part of providing assurance of patient safety and improving quality of service. When a concern is raised and dealt with appropriately at an early stage, corrective action can be put in place to ensure the continued delivery of high quality and compassionate care.⁷
- 3.2 When raising a concern, pharmacists should be objective, honest and clear about the reason for their concern. It is important to let the facts speak for themselves.
- 3.3 Pharmacists should acknowledge any personal grievance that may arise from the situation but focus on the issue of patient safety and/or public interest.
- 3.4 Pharmacists must be familiar with any Health and Social Care or employment policies for raising a concern where they work and be appropriately trained on how to raise a concern.
- 3.5 If pharmacists wish to raise or escalate a concern, they should pursue the following steps.

⁷ Review of the Operation of Health and Social Care Whistleblowing Arrangements Regulation and Quality Improvement Authority (2016) available at <https://www.rqia.org.uk/RQIA/files/71/714c4651-e428-4f85-8142-4f88e81ba0ac.pdf>

Stage 1: Check the workplace policy

The workplace policy will inform pharmacists how to raise a concern and will give details of the person to be contacted to raise a concern within the organisation. If the policy cannot be found, or it is not clear, pharmacists should seek advice from some of the sources listed in Section 5. Pharmacists may wish to reference the HSC Framework model policy – Your right to raise a concern (Whistleblowing) 2017, for additional guidance on what a policy should contain.⁸

Stage 2: Raise the concern internally

Pharmacists should follow their organisation's Raising Concerns or Whistleblowing policy and the steps set out within it to raise their concern. Raising the concern internally, at a local level, is usually the most appropriate first response. Pharmacists should keep an accurate record of their concerns and action taken. Pharmacists' employers should inform them how they intend to handle their concern and set a timeline for feedback. This may vary depending on the seriousness or complexity of the concern.

Stage 3: Escalating the concern internally

In some cases, it may not be appropriate to raise the concern directly with an employer or manager, particularly if they are the source of the concern or if a pharmacist is not satisfied with their response. Pharmacists can escalate their concern to a higher level of management within their organisation, for example, the superintendent pharmacist or chief pharmacist.

Stage 4: Escalating the concern to a regulator or investigative body

If pharmacists have used all the options for raising their concerns internally and are not satisfied with the response, they may wish to escalate their concern to an external organisation with authority to investigate the issue, for example, the HSC Board, the Trust, the Pharmaceutical Society NI or the relevant professional regulator. A list of these regulatory organisations can be found in Section 6 of this Guidance.

⁸ Available at <https://www.health-ni.gov.uk/sites/default/files/publications/health/hsc-whistleblowing.PDF>

Stage 5: Raising or escalating the concern externally – going public

In very serious circumstances, pharmacists may consider going public with a concern. In this situation, we recommend they seek advice from an organisation listed in Section 5 before acting.

Throughout this process, pharmacists must use their professional judgement to consider whether there is direct or immediate risk to people receiving care and if a more expedient escalation of the concern is required.

3.6 Raising a concern where a duty of confidence exists

3.6.1 During the course of professional practice, pharmacists may have concerns about a specific person, for example, a colleague or a vulnerable person. Pharmacists should, where possible, maintain confidentially and not disclose information without consent unless disclosure is legally required or permitted. Good practice recommends that a timely record be made of any referral(s) / interventions.

3.6.2 Further Standards and Guidance on service user confidentiality are provided in *Standards and Guidance on Patient Confidentiality*⁹ and the *Code of Practice on Protecting Confidentiality of Service User Information*¹⁰

3.7 Maintaining knowledge of best practice

Principle 5

Maintain and develop professional knowledge, skills and competence.

3.7.1 In compliance with Code Principle 5, keeping pharmacists' knowledge, skills and competence up to date throughout their working life is essential. Pharmacists must be aware of the most recent guidelines and advice on raising a concern issued by the regulator, their professional associations¹¹ and any HSC or employment policies for raising a concern where they work. Such awareness will help ensure that openly raising a concern is part of their day to day practice with a view to improving quality of service and providing assurance of patient safety.

⁹ Pharmaceutical Society of NI (2016) *Standards and Guidance on Patient Confidentiality* available at <http://www.psni.org.uk/wp-content/uploads/2012/09/StandardsonPatientConfidentialityrevised24feb2016.pdf>

¹⁰ Code of Practice on Protecting the Confidentiality of Service User Information January 2012. Available at <https://www.health-ni.gov.uk/sites/default/files/publications/dhssps/confidentiality-code-of-practice0109.pdf>

¹¹ Raising a Concern Professional Guidance February 2016. Pharmacy Forum NI available at <http://forum.psni.org.uk/wp-content/uploads/2016/12/Raising-a-Concern-PDF.pdf>

Section 4 Additional Guidance for employers (or those with management responsibility)

Standard 1.2.6

If you employ, manage or lead staff, make sure that there is an effective procedure in place that allows staff to raise concerns openly and safely without fear of reprisals.

- 4.1 Government inquiries into unsafe health practices, for example, the Gosport Independent Panel Report,¹² have highlighted the importance of robust systems for raising concerns in the prevention of harm. If pharmacists employ, manage or lead staff, it is their professional responsibility to ensure that there is an effective procedure in place that allows staff to raise a concern openly and safely without fear of reprisals. (Code Standard 1.2.6).
- 4.1.1 If a pharmacist employs, manages or leads staff, they should encourage and support a culture in which their staff:
- can speak openly and freely about a concern;
 - can be reassured that whatever they say will be treated with appropriate confidentiality and sensitivity; and
 - will be treated courteously and sympathetically and, where possible, will be involved in decisions about how a concern is handled and considered.
- 4.1.2 Unless employers can demonstrate that they have taken reasonable steps to prevent detriment to a worker raising a concern, they may be liable for the actions or failure to act, of another worker, which amounts to detriment against the individual raising a concern.¹³
- 4.1.3 If a pharmacist employs, manages or leads staff, they must make sure that:
- there are written policies and procedures to manage concerns that are raised and that these are accessible to all staff;

¹² Learning from Gosport is available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/758062/government-response-to-gosport-independent-panel-report.pdf

¹³ Employment Act (Northern Ireland) 2016 available at <http://www.legislation.gov.uk/nia/2016/15/section/16/enacted>

- all staff, including temporary staff, are encouraged to raise a concern about the safety of people receiving care including risks posed by colleagues;
- all concerns are taken seriously and properly investigated and that all appropriate staff, including temporary staff and locums, are kept informed of progress;
- any staff member who raises a concern is protected from unfair criticism or reprisals including any detriment or dismissal;
- systems are in place to support pharmacists who are the subject of a concern whether it is due to their poor performance, health or behaviour;
- they do not stop anyone from raising a concern;
- an appropriate designated person is appointed to take responsibility for ensuring implementation of the Raising Concerns / Whistleblowing policy; and
- staff named on any policy to receive and deal with a concern raised by a member of staff are appropriately trained in the policy and the importance of an open and honest culture within the organisation.

4.1.4 Working in partnership with trade unions, staff associations and employee representatives is an important part of ensuring fairness and promoting awareness of the policies, procedures and support mechanisms which a good employer will have in place.¹⁴

4.1.5 A policy should include:

- a statement outlining the seriousness with which your organisation treats raising concerns and the efforts you will go to when you investigate any potential wrongdoing;
- the procedure to be followed when it comes to making a disclosure. Staff should be able to inform their line managers or a designated person of any issues in confidence. In the event the wrongdoing concerns their line manager, the policy should make clear that staff can bypass them and talk directly to senior management or a designated person;
- assurances that any disclosures are made in strict confidence;

¹⁴ Raising Concerns at Work: Whistleblowing Guidance for Workers and Employers in Health & Social Care (NHS, 2014) Available at <https://speakup.direct/assets/Raising-Concerns-at-Work-V02.pdf>

- an explanation of how disclosures are investigated and concluded;
- assurances that staff won't be penalised or suffer detriment as a result of making disclosures; and
- that all concerns raised will be treated with equal importance regardless of how they are submitted.

4.1.6 Records and monitoring

- If a pharmacist employs, manages or leads staff, they should keep appropriate records of all concerns raised and the action taken to deal with them. Concerns raised by staff are an important source of information for an organisation. It is important that key aspects are captured so that the value of whistleblowing arrangements can be determined and lessons learned, where appropriate.
- It is good practice for all employers, in addition to maintaining individual case files, to have a central register of all concerns raised in a readily accessible format for audits. Any system for recording concerns should be proportionate, secure and accessible by the minimum necessary number of staff.¹⁵

4.1.7 Review and refresh

- An employer's Raising Concerns policy and procedure should be audited, reviewed and refreshed periodically, taking into consideration any changes to any external best practice guidance and/or the law.
- Where possible, employers should consult staff and representatives when reviewing and revising their Raising Concerns policy and procedures.

4.1.8 The inappropriate handling of a genuine concern could place patients and the public at risk, be detrimental to the person raising the concern and undermine the public's confidence in the pharmacy profession. Instances where a pharmacist who employs, manages or leads staff deliberately ignores, stymies or disciplines a member of staff who has raised a genuine concern in the public interest, may form the basis of a fitness to practise investigation and may bring their fitness to practise into question.

¹⁵ See Your Right to raise a concern (whistleblowing) HSC framework and model policy 2/11/2017 available at <https://www.health-ni.gov.uk/sites/default/files/publications/health/hsc-whistleblowing.PDF> for further information

Section 5 Help and advice

5.1 Additional advice and information on any aspect of raising a concern may be obtained from the following sources:

- senior members of staff in your organisation;
- the appropriate person, if the concern is about controlled drugs;
- Protect (formerly Public Concern at Work);¹⁶
- Health and Social Care Board;
- Health and Social Care Trust;
- indemnity insurance provider/defence organisation;
- a professional association (such as the Community Pharmacy NI (CPNI), the Guild of Healthcare Pharmacists, Pharmacy Forum NI, National Pharmacy Association (NPA) or the Ulster Chemists' Association (UCA);
- the Regulation and Quality Improvement Authority (RQIA);
- the charity, Pharmacy Advice and Support Service (PASS);
- an independent legal advisor;
- your union;
- the Pharmaceutical Society NI or, if your concern is about a colleague in another healthcare profession, the appropriate regulatory body;
- the Police Service of Northern Ireland.

¹⁶ Protect formerly Public Concern at Work, is an independent authority who provides free confidential advice to people who are unsure of whether, or how, to raise a concern about practices that they have witnessed at work. The helpline can be contacted on 020 3117 2520 or by emailing whistle@protect-advice.org.uk

Section 6 Useful contacts

Advice and help

Protect (formerly Public Concern at Work)
CAN Mezzanine
7 - 14 Great Dover Street
London
SE1 4YR
Website: www.pcaw.co.uk
Help E-mail address: whistle@protect-advice.org.uk
Phone: 020 3117 2520

Guild of Healthcare Pharmacists
Health Sector
Unite the Union
Unite House, 126 Theobald's Road
London
WC1X 8TN
Website: www.ghp.org.uk
Phone: 020 3371 2009

Pharmacists' Defence Association
The PDA & PDA Union
The Old Fire Station
69 Albion Street
Birmingham
B1 3EA
Website: <https://www.the-pda.org/>
Phone: 012 1694 7000

National Pharmacy Association
Mallinson House
38-42 St Peter's Street,
St Albans
AL1 3NP
Website: www.npa.co.uk
Phone: 017 2785 8687

Pharmacy Forum NI
73 University Street
Belfast
BT7 1HL
Website: <https://www.pfni.org.uk/>
Phone: 028 9032 6927

Professional regulatory bodies

Pharmaceutical Society NI

Website: www.psni.org.uk

Phone: 028 9032 6927

General Chiropractic Council

Website: www.gcc-uk.org

Phone: 020 7713 5155

General Dental Council

Website: www.gdc-uk.org

Phone: 020 7167 6000

General Medical Council

Website: www.gmc-uk.org

Phone: 016 1923 6602

General Optical Council

Website: www.optical.org

Phone: 020 7580 3898

General Osteopathic Council

Website: www.osteopathy.org.uk

Phone: 020 7357 6655

General Pharmaceutical Council

Website: www.pharmacyregulation.org

Phone: 020 3365 3400

Nursing and Midwifery Council

Website: www.nmc-uk.org

Phone: 020 7637 7181

Northern Ireland Social Care Council

Website: <https://niscc.info/contact-us>

Phone: 028 9536 2600

Regulation and Quality Improvement Authority (RQIA)

Website: www.rqia.org.uk

Phone: 028 9536 1111

Other regulatory and investigatory bodies

Professional Standards Authority

Website: <https://www.professionalstandards.org.uk/>

Phone: 020 7389 8030

Health and Care Professions Council

Website: <https://www.hcpc-uk.org/>

Phone: 030 0500 6184

Police Service of Northern Ireland

Website: <https://www.psni.police.uk/contact-us/>

Phone: 101