

Freedom to Speak Up: Raising concerns (whistleblowing) Policy for the NHS

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Responsible Director:	Director of Workforce and Innovation	
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Document Approval, History/Changes	<p>See Appendix 3. For further information contact the Governance Department on Tel: (0151) 556 3082</p>	

Think of the environment...Do you have to print this out this document? You can always view the most up to date version electronically on the Trust intranet.



Executive Summary

This policy provides information for all staff in relation to raising a concern predominantly around malpractice or wrongdoing, see Section 4.1 for further detail.

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1. Introduction

Speaking up about any concern you have at work is really important. In fact, it's vital because it will help us to keep improving our services for all patients and the working environment for our staff.

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 [Duty of Candour Policy](#) (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.

2. Scope

The scope of this policy covers all Board members, all those who work for The Walton Centre NHS Foundation Trust, full or part time, permanent or temporary, self-employed, employed through an agency, a volunteer, student or governor. Throughout this policy they will all be referred to as staff. This policy applies equally to staff that are not currently at work (e.g. career break, suspension, maternity leave, sickness).

3. Purpose

This 'standard integrated policy' was one of a number of recommendations of the review by Sir Robert Francis into whistleblowing in the NHS, aimed at improving the experience of whistleblowing in the NHS. It is expected that this policy (produced by NHS Improvement and NHS England) will be adopted by all NHS organisations in England as a minimum standard to help to normalise the raising of concerns for the benefit of all patients and staff.

Our local process has been integrated into the policy and provides more detail about how we will look into a concern.

4. Process

4.1. What Concerns Can I Raise?

You can raise a concern about **risk, malpractice or wrongdoing** you think is harming the service we deliver. Just a few examples of this might include (but are by no means restricted to):

- unsafe patient care
- unsafe working conditions
- inadequate induction or training for staff
- lack of, or poor, response to a reported patient safety incident
- suspicions of fraud (which can also be reported to our local Anti Fraud Specialist)
- Michelle Moss, michelle.moss@miaa.nhs.uk or Tel: 0151 285 4547 or 07825 858685
- a bullying culture (across a team or organisation rather than individual instances of bullying)

For further examples, please see the [Health Education England Video](#)

Remember that if you are a healthcare professional you may have a professional duty to report a concern. **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 troubled. 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.

4.2. Feel Safe to Raise Your Concern

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. Nor will we tolerate any attempt to bully you into not raising any such concern. 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.

4.3. 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 required to disclose it by law (for example, by the police). You can choose to raise your concern anonymously, without giving anyone your name, but that may make it more difficult for us to investigate thoroughly and give you feedback on the outcome.

4.4. Who Can Raise Concerns?

Anyone who works (or has worked) in the NHS, or for an independent organisation that provides NHS services can raise concerns. This includes agency workers, temporary workers, students, volunteers and governors.

4.5. 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 (or lead clinician or tutor). Where you don't think it is appropriate to do this, you can use any of the options set out below in the first instance.

If raising it with your line manager (or lead clinician or tutor) does not resolve matters, or you do not feel able to raise it with them, you can contact one of the following people:

1. The Trust's Freedom to Speak Up Guardian
Julie Kane freedomtospeakup@thewaltoncentre.nhs.uk
Internal Tel: (7) 63306 or External Tel: 0151 556 3306
2. Trust Staff Side Representative
Internal Tel: (7) 63440 or External Tel: 0151 556 3440
3. Human Resource Team
Internal Tel: (7) 63117 or External Tel: 0151 556 3117

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, or if necessary, outside the organisation.

You can also contact:

- Our Executive Director with responsibility for whistleblowing - Mike Gibney, Director of Workforce and Innovation, mike.gibney@thewaltoncentre.nhs.uk
Internal Tel: (7) 63474 or External Tel: 0151 556 3474
- Our Non-Executive Director with responsibility for whistleblowing - Ann McCracken, Senior Independent Director/Deputy Chair, ann.mccracken2@thewaltoncentre.nhs.uk
Internal Tel: (7) 63478 or External Tel: 0151 556 3478

All these people have been trained in receiving concerns and will give you information about where you can go for more support. In addition to the above personnel please see Appendix 1 (step 3). If for any reason you do not feel comfortable raising your concern internally, you can raise concerns with external bodies, listed on page 6.

4.6. Advice and Support

The Trust has several functions that can support staff members who raise concerns including Trade Unions, Human Resources, Occupational Health and the confidential Staff Support counselling service. Contact details for each are available on the HR pages of the Trust intranet site.

You can also contact the Whistleblowing Helpline for the NHS and social care on 08000 724 725, [Public Concern at Work](#), your professional body or trade union representative.

4.7. 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.

4.8. 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 (see Appendix 4).

We are committed to listening to our staff, learning lessons and improving patient care. On receipt the concern will be recorded and you will receive an acknowledgement as soon as possible, preferably within two working days. The central record, which will be held by the Freedom to Speak Up Guardian, 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.

Investigation

Where you have been unable to resolve the matter quickly (usually within a few days) with your line manager, we will carry out a proportionate investigation – using someone suitably independent (usually from a different part of the organisation) and properly

trained – and we will reach a conclusion within a reasonable timescale (which we will notify you of).

Wherever possible we will carry out a single investigation (so, for example, where a concern is raised about a patient safety incident, we will usually undertake a single investigation that looks at your concern and the wider circumstances of the incident). 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. You may be called as a witness to any investigation undertaken. There will be a right of appeal to any outcome resulting from an investigation.

We may decide that your concern would be better looked at under another process; for example, our process for dealing with grievances or 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.

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).

How Will We Learn From Your Concern?

The focus of the investigation will be on improving the service we provide for patients. 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 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. We will include similar high level information in our annual report. The board supports staff raising concerns and wants you to feel free to speak up.

5. Raising Your Concern With An Outside Body

Alternatively, you can raise your concern outside the organisation with:

[NHS Improvement](#) for concerns about:

- how NHS trusts and foundation trusts are being run
- other providers with an NHS provider licence
- NHS procurement, choice and competition
- the national tariff
- [Care Quality Commission](#) for quality and safety concerns

[NHS England](#) for concerns about:

- primary medical services (general practice)
- primary dental services
- primary ophthalmic services
- local pharmaceutical services

[Health Education England](#) for:

- education and training in the NHS

[NHS Protect](#) for:

- concerns about fraud and corruption

5.1. Making a ‘Protected Disclosure’

There are very 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 on page 6, 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, [Public Concern at Work](#) or a legal representative.

6. National Guardian Freedom to Speak Up

The National Guardian can independently review how staff have been treated having raised concerns where NHS trusts and foundation trusts may have failed to follow good practice, working with some of the bodies listed above to take action where needed.

7. Review/Monitoring

The HR Department is responsible for this policy and will review the effectiveness of this policy and local processes at least annually, with the outcome published and changes made as appropriate.

The Trust’s Director of Workforce and Innovation will ensure that there are policies and systems in place with regard to raising concerns and that they are kept up to date.

If you have any comments or questions please do not hesitate to let one of the team know. Contact details can be found on the HR page on the Trust’s Intranet site.

8. Supporting Policies/Documents

- Grievance Policy
- Dignity at Work Policy
- Safeguarding Adult Policy and Procedure
- Safeguarding Children Policy
- Disciplinary Policy
- Anti-Fraud, Bribery & Corruption Policy
- Standards of Business and Personal Conduct Policy
- Supporting Staff involved in Traumatic, Stressful incidents, complaints or Claims Guideline
- Incident and Near Miss Reporting Policy

9. References

- Freedom To Speak Up 2015
- Enterprise and Regulatory Act 2013
- Public Interest Disclosure Act 1998
- HSC 1999/198
- Public Concern at Work & Social Partnership Forum Speak up for a healthy NHS
- NHS Constitution, GMC: Raising and acting on concerns about patient safety
- NHS Constitution; 'Speak up for a healthy NHS'
- British Standards Institution (BSI) Whistleblowing Code of Practice
- Whistleblowing Commission: Strengthening law and policy, public consultation Document
- Public Interest Disclosure Act 1998
- The Committee on Standards in Public Life; the Nolan Principles
- Public Concern at Work & Social Partnership Forum
- Speak up for a healthy NHS
- NHS Constitution, GMC: Raising and acting on concerns about patient safety

Appendix 1 - Example Process For Raising And Escalating A Concern

Step one

If you have a concern about a risk, malpractice or wrongdoing at work, we hope you will feel able to raise it first with your line manager, lead clinical or tutor (for students). This may be done verbally or in writing.

Step two

If you feel unable to raise the matter with your line manager, lead clinician or tutor, for whatever reason, please raise the matter with the local Freedom to Speak Up Guardian

Julie Kane, freedomtospeakup@thewaltoncentre.nhs.uk

Internal Tel: (7) 63306 or External Tel: 0151 556 3306

You can also raise your concern with a Trust Staff Side Representative

Internal Tel: (7) 63440 or External Tel: 0151 556 3440

This person has been given special responsibility and training in dealing with whistleblowing concerns. They will:

1. Treat your concern confidentially unless otherwise agreed
2. Ensure you receive timely support to progress your concern
3. Escalate to the board any indications that you are being subjected to detriment for raising your concern
4. remind the organisation of the need to give you timely feedback on how your concern is being dealt with
5. ensure you have access to personal support since raising your concern may be stressful

If you want to raise the matter in confidence, please say so at the outset so that appropriate arrangements can be made.

Step three

If these channels have been followed and you still have concerns, or if you feel that the matter is so serious that you cannot discuss it with any of the personnel listed within this policy please contact the following:

Janet Rosser, Chair, janet.rosser@thewaltoncentre.nhs.uk

Internal Tel: (7) 63478 or External Tel: 0151 556 3478

Hayley Citrine, Chief Executive, hayley.citrine@thewaltoncentre.nhs.uk

Internal Tel: (7) 63478 or External Tel: 0151 556 3478

Dr Andrew Nicolson, Medical Director, andrew.nicolson@thewaltoncentre.nhs.uk

Internal Tel: (7) 63479 or External Tel: 0151 556 3479

Step four

You can raise concerns formally with external bodies similar to those on page 6 and Appendix 2

Appendix 2 - Raising Concerns Formally With External Bodies

You can raise concerns formally with external bodies or you may want confidential advice at any stage. Contact details are below, although this list is not exhaustive:

NHS Whistleblowing Helpline

For Independent and confidential advice (Tel: 08000 724 725)

Public Concern at Work [PCAW](#)

For information about the Public Interest Disclosure Act 1998 (Tel: 020 7404 6609)

Care Quality Commission (CQC) [CQC](#)

CQC National Correspondence, Citygate, Gallowgate, Newcastle upon Tyne, NE1 4PA
(Tel: 03000 616161)

NHSI [NHSI](#)

Enquiries, Complaints and Whistleblowing Team, NHS Improvement, Wellington House,
133-155 Waterloo Road, London, SE1 8UG (Tel: 020 3747 0900)

National Patient Safety Agency (NPSA) [NPSA](#)

4-8 Maple Street, London W1T 5HD (Tel: 020 7927 9500)

British Medical Association [BMA](#)

BMA House, Tavistock Square, London, WC1H 9JP (Tel: 0300 123 1233)

General Medical Council [GMC](#)

Regents Place, 350 Euston Road, London, NW1 3JN (Tel: 0161 923 6602)

General Optical Council [General Optical Council](#)

41, Harley Street, London, W1G 8DJ, (Tel: 020 7580 3898)

General Osteopathic Council [General Osteopathic Council](#)

176 Tower Bridge Road, London, SE1 3LU, (Tel: 020 7357 6655)

Health Professionals Council [HPC](#)

Park House, 184 Kennington Park Road, London SE11 4BU,
(Tel: 0845 300 4472 or 020 7840 9802)

Nursing & Midwifery Council [NMC](#)

23 Portland Place, London, W1B 1PZ (Tel: 020 7637 7181)

Royal Pharmaceutical Society of Great Britain [RPSGB](#)

1 Lambeth High Street, London, SE1 7JN (Tel: 020 7735 91541)

NHS Fraud, Bribery and Corruption

The official reporting channels in relation to reporting suspicions of NHS fraud, bribery and corruption are as follows:

Director of Finance, Mike Burns (Internal Tel: (7) 63482 or External Tel: 0151 556 3482)
Email: mike.burns@thewaltoncentre.nhs.uk

Local Counter Fraud Specialist (LCFS) (Tel: 0151 285 4547 or 07825 858685)

NHS Fraud and Corruption Reporting Line (Tel: 0800 028 4060)

NHS online reporting form: www.reportnhsfraud.nhs.uk

Appendix 3 - Frequently Asked Questions (FAQ)

1. What is whistleblowing?

Whistleblowing is the term used when a member of staff raises a concern about a possible risk, wrong-doing or malpractice that has a public interest aspect to it, usually because it threatens others (e.g. patients, colleagues or the public).

Whistleblowing concerns are distinct from grievances, which by contrast are about the staff member's own employment position and have no additional public interest.

2. What is the difference between a grievance and a whistleblowing concern?

Generally speaking, a whistleblowing concern is about a risk, malpractice or wrongdoing that affects others. It could be something which adversely affects patients, the public, other staff or the Trust itself. A grievance, on the other hand, is a personal complaint about an individual's own employment situation: for example, a staff member may feel aggrieved if they think a management decision has affected them unfairly or that they are not being treated properly. A whistleblowing concern is where an individual raises concern as a **witness** whereas a grievance is where the individual is a **complainant**.

3. What is the Public Interest Disclosure Act (PIDA)?

The [Public Interest Disclosure Act](#) (PIDA) is known in the UK as the whistleblowing law. The Act gives employees protection under the law by providing that employers should not victimize any employee who raises a concern internally or to a prescribed regulator. The Act covers all workers including temporary agency staff, persons on training courses and self-employed staff who are working for and supervised by the NHS. It does not cover volunteers.

4. Can NHS staff get independent advice about raising a concern?

Yes, information and guidance for NHS staff is available from the national whistleblowing helpline provided by the Royal Mencap Society. The helpline number is 08000 724 725, advice can also be sought via email at enquiries@wbhelpline.org.uk

The service provides free, confidential advice for NHS staff who witness wrongdoing at work but who are unsure whether or not to raise their concern. It can be used to assist individuals to identify how best to raise their concern, and for advice on their rights under the [Public Interest Disclosure Act 1998](#) (PIDA)

Public Concern at Work (PCaW) can also provide advice and information about the Public Interest Disclosure Act 1998 [Public Concern At Work](#) (Tel: 020 7404 6609)

Additional guidance and support has also been provided for staff by a number of Regulatory Bodies, as follows:

1. British Medical Association [BMA](#) - guidance for doctors and medical students
2. Nursing and Midwifery Council [NMC](#)- guidance and toolkits for nursing and midwifery
3. Health and Care Professionals Council [HPC](#) - guidance for health care professionals
4. General Medical Council [GMC](#) - guidance for doctors on raising and acting on concerns

The (Care Quality Commission) [CQC](#) has also produced guidance for health and care staff about how you can contact CQC if you do not feel able to report your concern internally or if you feel your concern has not been acted upon.

Appendix 4 - A Vision For Raising Concerns In The NHS

Source: Sir Robert Francis QC (2015) Freedom to Speak Up: an independent report into creating an open and honest reporting culture in the NHS.



Appendix 5 - Equality Impact Assessment (EIA) Form

This section must be completed at the development stage i.e. before ratification or approval. For further support please refer to the EIA Guidance on the Equality and Diversity section of the Intranet.

Part 1

1. Person(s) Responsible for Assessment: Julie Kane
2. Contact Number: 0151 556 3306
3. Department(s): Corporate Nursing
4. Date of Assessment: 02.07.18
5. Name of the policy/procedure being assessed: Freedom to Speak Up: Raising concerns (whistleblowing) Policy for the NHS
6. Is the policy new or existing?
- New Existing
7. Who will be affected by the policy (*please tick all that apply*)?
- Staff Patients Visitors Public
8. How will these groups/key stakeholders be consulted with?
- Consultation via Staff Partnership Committee and NHSI/NHSE
 This is a national policy developed by NHSE/NHSI following the recommendations of Sir Robert Francis QC
 During consultation the policy was publicly available on GOV.UK, sent to all NHS Trusts, Foundation Trusts and Commissioners
9. What is the main purpose of the policy?
- To develop a more open and supportive culture that encourages staff to raise any concerns/issues of patient care quality or safety
 Source of independent, confidential advice and signposting for all staff members who may wish to raise a concern
 Improve the processes and culture regarding the raising and handling of concerns for staff throughout the Trust
10. What are the benefits of the policy and how will these be measured?
- Refer to Section 8 within policy
11. Is the policy associated with any other policies, procedures, guidelines, projects or services? Yes, Leavers Policy
12. What is the potential for discrimination or disproportionate treatment of any of the protected characteristics?

Protected Characteristic	Positive Impact (benefit)	Negative (disadvantage or potential disadvantage)	No Impact	Reasons to support your decision and evidence sought	Mitigation/adjustments already put in place
Age			√	No positive or negative impact identified. This policy applies to all Trust (including employees, agency workers, volunteers, students or governors). There is currently no evidence to suggest there is any impact on this group. However, we will continue to monitor	
Sex			√	As above	
Race			√	As above	Whilst the policy applies to all staff inclusive of diversity strands, data shows that BME staff are less likely to raise concerns. The Trust's Freedom to Speak Up Guardian will continue to address this via ED&I meetings and engaging with all staff groups
Religion or Belief			√	As above	
Disability			√	As above	
Sexual Orientation			√	As above	
Pregnancy/maternity			√	As above	
Gender Reassignment			√	As above	
Marriage & Civil Partnership			√	As above	
Other					
If you have identified no negative impact for all please explain how you reached that decision and provide reference to any evidence (e.g. reviews undertaken, surveys, feedback, patient data etc.)					
13. Does the policy raise any issues in relation to Human Rights as set out in the Human Rights Act 1998? No					

If you have identified negative impact for any of the above characteristics, and have not been able to identify any mitigation, you **MUST** complete Part 2, please see the full EIA document on the Equality and Diversity section of the Intranet and speak to Hannah Sumner, HR Manager or Clare Duckworth, Matron for further support.

Action	Lead	Timescales	Review Date
None required			

Declaration

I am satisfied this document/activity has been satisfactorily equality impact assessed and the outcome is:

No major change needed – EIA has not identified any potential for discrimination/adverse impact, or where it has this can be mitigated ✓ & all opportunities to promote equality have been taken

Adjust the policy – EIA has identified a need amend the policy in order to remove barriers or to better promote equality
You must ensure the policy has been amended before it can be ratified.

Adverse impact but continue with policy – EIA has identified an adverse impact but it is felt the policy cannot be amended.
You must complete Part 2 of the EIA before this policy can be ratified.

Stop and remove the policy – EIA has shown actual or potential unlawful discrimination and the policy has been removed

Name: Julie Kane

Date: 02.07.18

Signed:

Appendix 6 - Policy approval checklist

The Raising Concerns Policy is presented to the Staff Partnership Group for Approval.

In order for this policy to be approved, the reviewing group must confirm in table 1 below that the following criteria is included within the policy. Any policy which does not meet these criterion should not be submitted to an approving group/committee, the policy author must be asked to make the necessary changes prior to resubmission.

Policy review stage

Table 1

The reviewing group should ensure the following has been undertaken:	Approved?
The author has consulted relevant people as necessary including relevant service users and stakeholders.	√
The objectives and reasons for developing the documents are clearly stated in the minutes and have been considered by the reviewing group.	√
Duties and responsibilities are clearly defined and can be fulfilled within the relevant divisions and teams.	√
The policy fits within the wider organisational context and does not duplicate other documents.	√
An Equality Impact Assessment has been completed and approved by the HR Team.	√
A Training Needs Analysis has been undertaken (as applicable) and T&D have been consulted and support the implementation	√
The document clearly details how compliance will be monitored, by who and how often.	√
The timescale for reviewing the policy has been set and are realistic.	√
The reviewing group has signed off that the policy has met the requirements above.	√
Reviewing group chairs name: Mike Gibney	Date: 28.08.18

Policy approval stage

The approving committee/group approves this policy.	
Actions to be taken by the policy author:	
Approving committee/group chairs name: Mike Gibney	Date: 28.08.18

Translation Service

This information can be translated on request or if preferred an interpreter can be arranged. For additional information regarding these services please contact The Walton centre on 0151 525 3611

Gellir gofyn am gael cyfieithiad o'r deunydd hwn neu gellir trefnu cyfieithydd ar y pryd os yw hynny'n well gennych. I wybod rhagor am y gwasanaethau hyn cysylltwch â chanolfan Walton ar 0151 525 3611.

هذه المعلومات يمكن أن تُترجم عند الطلب أو إذا فضّل المترجم يمكن أن يُرتَّب للمعلومة الإضافية بخصوص هذه الخدمات من فضلك اتّصل بالمركز ولتتون على
0151 5253611

ئەم زانیاریە دەکریت وەرگێردریت کاتیک کە داوا بکریت یان ئەگەر بەباش زاندرای دەکریت وەرگێرک نامادە بکریت (پێک بخریت) ، بۆ زانیاری زیاتر دەبارەى ئەم خزمەتگوزاریانە تکایە پەیوەندی بکە بە Walton Centre بە ژمارە تەلەفۆنی ۰۱۵۱۵۲۵۳۶۱۱ .

一旦要求，可对此信息进行翻译，或者如果愿意的话，可以安排口译员。如需这些服务的额外信息，请联络Walton中心，电话是：0151 525 3611。