



Human Resources Policy

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Whistleblowing Policy

1 Introduction

This Policy should be used for any worker to raise a qualifying disclosure under the Public Interest Disclosure Act 1998. This policy is available to all employees, bank staff, workers and ex-employees of the organisation who have concerns about misconduct or wrongdoing.

Many staff will have concerns about what is happening at work. Usually these are easily resolved. However, when the concern feels serious because it is about a possible danger, professional misconduct or financial malpractice that might affect patients, colleagues, or NHS Borders itself, it can be difficult to know what to do.

Staff may be worried about raising such an issue and may think it best to keep it to themselves, perhaps feeling it is none of their business or that it is only a suspicion. Staff may also feel that raising the matter would be disloyal to colleagues, to managers or to the Board. It may also be the case that a member of staff has said something but found that they have spoken to the wrong person or raised the issue in the wrong way and are not sure what to do next.

NHS Borders is committed to running the organisation in the best way possible. This policy has been introduced to reassure all staff that it is safe and acceptable to speak up, and to enable them to raise any concern which they may have at an early stage and in the right way. Rather than wait for proof, it is preferable if a matter is raised when it is still a concern.

The purpose of this policy is to ensure employees have a proper and widely publicised procedure for voicing whistleblowing concerns relating to issues such as:

- perceived malpractice or ill treatment of a patient/client/customer by a member of staff;
- ill treatment of a patient/client/customer, despite a complaint being made;
- a criminal offence has been committed, is being committed, or is likely to be committed;
- suspected fraud;
- disregard for legislation, particularly in relation to health and safety at work;
- the environment has been, or is likely to be, damaged;
- breach of Standing Financial Instructions;
- showing undue favour over a contractual matter;
- showing favour to a job applicant;
- a breach of a code of conduct;
- information on any of the above has been, is being, or is likely to be concealed;
- systematic discrimination

- management instructions which are contradictory to safe and effective person centred care.

If a member of staff feels that something is of concern, and they feel that it is something which they think NHS Borders should know about or look into, they should use this procedure. If, however, a member of staff wishes to make a complaint about their employment or how they have been treated, they should follow the Board's local Grievance policy or the Tackling Workplace Bullying and Harassment policy, which can be obtained from their manager. This Whistleblowing Policy is primarily for individuals who work for NHS Borders and have concerns where the interests of others or of the Board itself are at risk.

This policy applies to all those who work for NHS Borders: whether full-time or part-time, self-employed, or employed through an agency.

If in doubt – raise it!

2 NHS Borders commitment to staff

2.1 Your safety

The Board, the Chief Executive and the trade unions/professional organisations are committed to this policy. If a member of staff raises a genuine concern under this policy, they will not be at risk of losing their job or suffering any detriment (such as a reprisal or victimisation). Provided the staff member acts in good faith, it does not matter if they are mistaken or if there is an innocent explanation for their concerns. A member of staff raising a concern will not be asked to prove their claim. However, this assurance will not be extended to a member of staff who maliciously raises a matter they know to be untrue.

2.2 The confidence of staff

With these assurances, the Board hopes that staff will raise concerns openly. However, it is recognised that there may be circumstances when staff would prefer to speak to someone in confidence first. If this is the case, the member of staff raising the concern should say so at the outset. If the organisation is asked not to disclose someone's identity, we will not do so without that person's consent unless required by law. Staff should however understand that there may be times when the organisation will be unable to resolve a concern without revealing someone's identity, for example where personal evidence is essential. In such cases, it will discuss with the member of staff whether and how the matter can best proceed.

It should be remembered that if staff do not disclose their identity, it will be much more difficult for NHS Borders to look into the matter. It will also not be possible to protect the staff member's position or give them feedback. Accordingly, a member of staff raising a concern should not assume that the Board can provide the same assurances where a concern is reported anonymously.

3 Raising a concern

If members of staff are unsure about raising a concern, they can get independent advice at any stage from their trade union/professional organisation, or from one of the organisations listed at the end of this Policy. Staff should also remember that they do not need to have firm evidence before raising a concern. However, they should explain as fully as possible the information or circumstances that gave rise to the concern.

3.1 How to raise a concern

Step one: If a member of staff has a concern about a risk, malpractice or wrongdoing at work, it is hoped that they will feel able to raise it first with their line manager or lead clinician. This may be done verbally or in writing.

Step two: If a member of staff feels unable to raise the matter with their line manager or lead clinician, for whatever reason, they should raise the matter with either of the following:

- ✦ Director of Workforce on (01896) 825537
- ✦ Employee Director on (01896) 825567

These people have been given special responsibility and training in dealing with whistleblowing concerns. If the matter is to be raised in confidence, then the staff member should advise either of the above at the outset so that appropriate arrangements can be made.

Step three: If these channels have been followed and the member of staff still has concerns, or if they feel that the matter is so serious that they cannot discuss it with any of the above, they should contact:

Chief Executive; Medical Director; or the Director of Nursing and Midwifery

Alternatively, there is a free confidential phone line for NHS staff wishing to raise any concerns in NHSScotland. The service is being delivered by an independent organisation, Public Concern at Work, and is completely confidential and impartial. Any concerns that employees raise will be passed on to the employer or the relevant regulatory organisation for investigation. The number for the confidential phone line is 0800 008 6112.

3.2 Scottish Government Health Directorates

NHS Borders recognises its accountability within NHSScotland. In light of this you can also contact:

- ✦ Scottish Government Health Directorate, St Andrew's House, Edinburgh, EH1 3DG. Tel: (0131) 556 8400

4 How NHS Borders will handle the matter

Once a concern has been raised, it will be assessed, and consideration will be given as to what action may be appropriate. This may involve an informal review, an internal inquiry or a more formal investigation. The member of staff raising the concern will be advised who will be handling the matter, how they can contact them, and what further assistance may be needed. The organisation will write to the member of staff summarising the concern and advising how they propose to handle it, and providing a timeframe for feedback. If the concern has been misunderstood, or there is any information missing, the member of staff should highlight this.

When raising a concern, it will be helpful to know how the member of staff thinks the matter might best be resolved. If the member of staff has any personal interest in the matter, they should confirm this at the outset. If it is felt that the concern falls more properly within the scope of one of the other of the Board's policies, this will also be explained to the member of staff.

Managers will give feedback on the outcome of any investigation. However, it should be noted that it may not be possible to give details of the precise actions taken, where this would infringe a duty of confidence owed to another person. While it cannot be guaranteed that all matters will be responded to in the way that the member of staff might wish, [name of Board] will strive to handle the matter fairly and properly.

If at any time throughout the investigation it becomes evident that formal disciplinary action may be a possible outcome, the investigation will be conducted in accordance with the provisions of the disciplinary procedure. Should it be thought necessary to suspend an employee during the course of any such investigation, the procedure outlined in the local Board policy developed in line with the Management of Employee Conduct PIN Policy will be followed.

The investigation will be concluded without unreasonable delay. However, the organisation allows for flexibility given the possible complexity of concerns raised. Timescales should be reasonable and communicated to all parties.

At all stages of the process any employee involved will have the right to be accompanied by a colleague or trade union/professional organisation representative.

5 Independent advice

If any member of staff is unsure whether to use this policy, or if they require confidential advice at any stage, they may contact their trade union/professional organisation.

6 External contacts

While NHS Borders hopes that this policy gives the reassurance needed to raise a concern internally, it is also recognised that there may be circumstances where a member of staff can properly report a concern to an outside body. In fact, NHS Borders would rather staff raised a matter with the appropriate regulator than not at all. Trade unions/professional organisations will be able to advise and support the individual on such a course of action.

7 Complaints about the Chief Executive

If exceptionally, the concern is about the Chief Executive, then it should be made (in the first instance) to the Chair, who will decide on how the investigation will proceed.

8 Monitoring oversight

The Board is responsible for this policy and will review it regularly. The operation of this policy will be monitored by the Area Partnership Forum, and if members of staff have any comments or questions, these should be brought to the attention of trade union/professional organisation representatives.

9 Who we consulted

This policy was developed locally in partnership with trade unions/professional organisations, and meets the minimum requirements set out in the Implementing & Reviewing Whistleblowing Arrangements in NHSScotland PIN Policy.

Appendix 1 - Quick Reference Guide

Whistleblowing

If you are worried that something wrong or dangerous is happening at work, please don't keep it to yourself. Unless you tell us about any concerns you may have about fraud, safety risks including clinical safety, or other wrongdoing, the chances are we won't find out until it's too late.

As some of you may be nervous about raising such matters, here are some tips:

- ⊕ Raise it when it's a concern – we won't ask you to prove it;
- ⊕ Keep it in perspective – there may be an innocent explanation;
- ⊕ It will help us if you can say how you think things can be put right;
- ⊕ Stay calm – you're doing the right thing; and
- ⊕ If for whatever reason you are worried about raising it with your manager, please follow the steps shown below.

How to raise a concern about serious malpractice

- ⊕ We hope that you will feel able to tell your line manager;
- ⊕ If for whatever reason you are uneasy about this or your manager's response doesn't seem right, you should contact the Partnership Office for advice on 01896 825567;
- ⊕ If you want to talk to them in confidence, just say so. If you prefer to put it in writing, that's fine but please tell them who you are; and
- ⊕ If you want confidential advice first, you can talk to your local trade union/professional organisation representative. You may also wish to contact some of the independent organisations listed at the end of this policy.
- ⊕ There is a free confidential phone line for NHS staff wishing to raise any concerns in NHS Scotland. The service is being delivered by an independent organisation, Public Concern at Work, and is completely confidential and impartial. Any concerns that employees raise will be passed on to the employer or the relevant regulatory organisation for investigation. The number for the confidential phone line is 0800 008 6112

Appendix 2 – Further Information

Further information may be available from:

- ✦ BSI Code of Practice on Whistleblowing Arrangements Organisations can download a free copy of the 2008 British Standards Institution's Code of Practice on Whistleblowing Arrangements from <http://www.pcaw.co.uk/bsi>
- ✦ Public Concern at Work. For information about the Public Interest Disclosure Act 1998, please visit: <http://www.pcaw.co.uk/law/uklegislation.htm>
- ✦ Public Concern at Work. This is completely confidential and impartial. Any concerns that employees raise will be passed on to the employer or the relevant regulatory organisation for investigation.

The number for the confidential phone line is 0800 008 6112

- ✦ NHSScotland Counter Fraud Service (CFS) Fraud Hotline on - 08000 15 16 28 <https://cfs.scot.nhs.uk/>
- ✦ Health Improvement Scotland, Elliott House, 8-10 Hillside Crescent, Edinburgh, EH7 5EA Call: 0131 623 4300 <http://www.healthcareimprovementscotland.org/>
- ✦ Audit Scotland, 110 George Street, Edinburgh EH2 4LH
Tel: 0845 146 1010
<http://www.audit-scotland.gov.uk/>
- ✦ General Chiropractic Council, 44 Wicklow Street, London WC1X 9HL
<http://www.gcc-uk.org/>
Tel: 020 7713 5155
- ✦ General Dental Council, 37 Wimpole Street, London W1G 8DQ
<http://www.gdc-uk.org/>
Tel: 020 7887 3800
- ✦ General Medical Council, GMC Scotland, 5th Floor, The Tun4 Jackson's Entry, Edinburgh EH8 8PJ
<http://www.gmc-uk.org/>
Tel: 0131 525 8700
- ✦ General Optical Council, 41 Harley Street, London W1G 8DJ
<http://www.optical.org/>
Tel: 020 7580 3898
- ✦ General Osteopathic Council, 176 Tower Bridge Road, London SE1 3LU
<http://www.osteopathy.org.uk/>
Tel: 020 7357 6655

- ⊕ Health Professions Council 184 Kennington Park Road, London, SE11 4BU
<http://www.hpc-uk.org/>
Tel: 0845 300 4472 or 020 7840 9802
- ⊕ Nursing and Midwifery Council 23 Portland Place, London W1B 1PZ
<http://www.nmc-uk.org/>
- ⊕ Royal Pharmaceutical Society of Great Britain 1 Lambeth High Street, London SE1 7JN
<http://www.rpsgb.org.uk/>
Tel: 020 7735 9141