



NORTH EAST AMBULANCE SERVICE NHS TRUST

RAISING ISSUES OF CONCERN (Whistleblowing Policy)

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Introduction

Some of us do, at one time or another, have concerns about what is happening at work. Usually, these concerns are easily resolved as they relate to specific issues such as:

- Health & Safety
- Clinical and Non-Clinical Incidents (involving ourselves or others)
- Personal Grievances
- Acts of Fraud
- Bullying, Harassment or Discrimination

We are actively encouraged to 'blow the whistle' by raising these concerns through the procedures that have been put in place to record, investigate and address them by taking appropriate action. Appendix 1 lists the range of policies and procedures you can use if you encounter any of the above. It also

Sometimes however, your concern might relate to unlawful or inappropriate conduct, financial irregularities, misuse of resources by colleagues or those in authority that don't fall neatly within these procedures or perhaps you have an ongoing suspicion but no proof and are not sure what to do.

The 'Whistle-blowing Policy and Procedure' is the means by which you can channel these types of genuine concerns – in the right way. It is primarily for issues where the interests of others, for example, dangers to the public or to the organisation e.g., potential loss of public confidence or public money are at risk.

The Trust does not underestimate how difficult it is for you to raise concerns that relate to others; feelings of disloyalty or anxiousness about how this will be viewed by colleagues. It is possible therefore, for you to raise a concern in confidence under this Policy. If you ask the Trust to protect your identify, it will not disclose it without your consent (please see 'Policy Statement' for more information).

It is much more difficult for your concern to be looked into if you raise that anonymously as there is no means of clarifying matters, giving you feedback or seeking additional and supporting information. That is why, under this policy, you can raise your concern by telephone and e:mail. The Trust would rather you gave a pseudonym or an e:mail address that does not identify you and where a reply can be sent and/or you can agree to make follow-up calls at agreed times, than not raising your concern at all, doing so anonymously or reporting concerns to the media.

If you are unsure whether to use this policy or you want independent advice at any stage, there are a number of contacts listed in Section 8 of this policy.

1.0 Policy Statement

- 1.1 The North East Ambulance Service NHS Trust is committed to the highest possible standards of openness and responsibility. In line with that commitment, the Trust encourages all employees with serious concerns about any aspect of the Trust's work to come forward and voice those concerns.
- 1.2 This policy makes it clear that employees can raise genuine concerns without fear of reprisals and is intended to encourage and enable all employees to raise serious concerns within the Trust rather than overlooking a problem or *'blowing the whistle'* externally. The Trust

encourages all staff to use internal mechanisms for reporting any malpractice or illegal acts or omissions, before communication to other organisations or external media which includes:

- ❖ Internet or websites.
- ❖ Newspapers.
- ❖ Magazines.
- ❖ Radio.
- ❖ Television.

(This list is not exclusive or exhaustive)

- 1.3 The main aim of this guidance is to help foster responsible openness and constructive criticism within the service and to encourage all members of staff to contribute their views on all aspects of the Trust's activities, including clinical care.
- 1.4 In particular, the North East Ambulance Service NHS Trust would wish to encourage all employees to highlight areas where they are aware of any inadequacies in the provision of services, both within and between professions and to identify ways in which practice, procedures or quality could be improved both in clinical and non-clinical areas.
- 1.5 The aim is to investigate and address concerns at the earliest possible opportunity, thereby ensuring an overall improvement in the level of services provided to both patients and clients.
- 1.6 This policy and procedure has been devised in accordance with the provisions of the Public Interest Disclosure Act 1998 which covers public, private and voluntary sector organisations, seeks to improve accountability and assure employees who may have concerns about what may be going on at work that it is safe to raise those concerns.
- 1.7 It is not a requirement of the Act for employers to introduce a 'whistle-blowing' policy but it is recommended as a means of helping to create an environment where staff understand their responsibilities and management demonstrate their commitment to this policy.
- 1.8 All issues raised will be treated in confidence. Where requested, the identity of the member/s of staff will be protected and will not be disclosed without their consent. If the situation arises where the Trust is not able to resolve the concern without revealing the identity of the employee (for instance because evidence is needed in a formal procedure, court or Employment Tribunal) this will be discussed with the employee/s in terms of whether they wish to proceed and how the Trust can support the process.
- 1.9 However, if the allegations made are anonymous it is much more difficult for the matter to be looked into or to protect the individual or to give feedback.
- 1.10 Throughout this procedure the number of days stated will refer to calendar days i.e. Monday to Sunday with the exception of General Public Holidays.

2.0 Scope

- 2.1 This policy and procedure applies to all employees of the North East Ambulance Service NHS Trust and will apply to issues raised on a collective as well as an individual basis. If staff are aggrieved about their personal position then the Trust's Grievance Procedure (QSSD 309) should be used; a copy of which can be obtained from the line manager or the HR department.

This whistle-blowing policy and procedure is primarily for concerns where the interests of others or of the organisation itself are at risk. Alternatively you can contact the Trust Secretary on 0191 4302001 or the Unison Branch Secretary on 07739 763160

2.2 All employees are encouraged to raise genuine concerns regarding the following :

- ❖ Financial malpractice, including fraud or suspected fraud.
- ❖ Clinical malpractice, including ill treatment of a patient or client.
- ❖ Disregard for legislation, particularly in relation to Health and Safety at work.
- ❖ Criminal offences, which have been committed or are likely to be committed.
- ❖ Damage or the risk of damage to the environment or Trust property.
- ❖ A breach of any element or protocol of the Trust's Code of Conduct (QSSD 337)
- ❖ Failure to comply with any legal duty (including breach of contract, negligence or breach of administrative law).
- ❖ Abuse of clients/patients.

(This list is not exclusive or exhaustive)

2.3 In order to facilitate this climate of openness, the Trust gives an assurance that if a genuine or mistaken concern is raised under this policy, then the employee/s(or Trade Union representatives acting on their behalf) will be able to raise their concerns freely, without fear of victimisation, harassment or suffer any form of retribution as a result. Provided employees are acting in good faith, it does not matter if they are mistaken.

2.4 The Trust will not tolerate any criticism, harassment or victimisation of employees who raise a genuine or mistaken concern and will deal with such matters under the Trust Policies and Procedures as appropriate. Employees who express their views about health service issues in accordance with this policy will not be penalised.

2.5 Only where allegations are found to have been made maliciously, will it be considered appropriate to act against the employee/s who raised the concern, through the Trust's Disciplinary Procedure (QSSD 310). This does not mean that if employee/s are already the subject of disciplinary or redundancy procedures, that those procedures will be halted as a result of their disclosure.

3.0 Procedure

3.1 Employee/s should initially raise their concerns with their line manager, in writing where possible. If the employee/s feels uncomfortable in approaching their line manager, they may choose to approach a member of the Human Resources Department for confidential advice and professional guidance on whom they should contact. Employee/s may also wish to approach members of the Risk Management and Clinical Governance team. Alternatively they may wish to contact the Trust Secretary on 0191 4302001 or the Unison Branch Secretary on 07739763160

3.2 If the person who is approached is unsure how to manage the situation or what to do with the information they have been given, it is imperative they pass the information upwards to their line manager in order that action can be taken swiftly, with the full knowledge and permission of the employee/s raising the concern, for an initial assessment to be made of what action should be taken. This may involve an internal inquiry or a more formal investigation, with an appropriate Investigating Officer appointed. If the person approached decides that the matter is

sufficiently serious or complex, they should appoint an officer to investigate. Care will be taken to ensure that the Investigating Officer is not connected with the issue of the concern. This may involve the Investigating Officer being sourced from another Division/Department.

- 3.3 The appointed Investigating Officer will, within ten days (10) of receiving the written concern, write to the member of staff outlining the following:
- ❖ Acknowledging that an investigation will be carried out.
 - ❖ Indicating how the Investigating Officer proposes to deal with the matter.
 - ❖ Giving an estimate of how long it will take to provide a final response.
 - ❖ Explaining whether any initial enquiries have been made.
 - ❖ Explaining whether further investigations will take place and if not, why not.
 - ❖ Advising them that any investigation will be carried out in the strictest confidence.
 - ❖ Keeping them informed of the progress of the investigation.
- 3.4 The Investigating Officer will be responsible for initiating and completing a preliminary investigation. This process will normally be completed within twenty-one (21) days.
- 3.5 The role of the Investigating Officer is to ascertain all of the facts and to produce a balanced report on behalf of both the employee and the Trust, taking into account any mitigating factors. In order to do this effectively, the Investigating Officer will interview and take statements from all people that can contribute to the process of fact-finding, including the employee/s.
- 3.6 The investigation shall be conducted in line with the guidance laid down under 5.1 - 5.6 of the 'Notes for Managers' involved in the Disciplinary Policy and Procedure (QSSD 349).
- 3.7 Anyone who is to be interviewed as part of this procedure should be informed of their right to be accompanied by a trade union representative or a work colleague.
- 3.8 The Investigating Officer will collate all information collected during the investigation in order to prepare a report. This report will be used to determine further action is appropriate, and what that action should be.
- 3.9 Any disclosures made must be taken seriously and fully investigated. No subsequent action will be taken without discussing the options available with the person who has expressed the concern through the whistle-blowing policy.
- 3.10 The amount of contact between employee/s raising the concern/s and the Investigating Officer will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided.
- 3.11 If necessary, further information will be sought from other employee/s, who have the right, if they so wish, to be accompanied by a union representative or another colleague not acting in a legal capacity who is not involved in the area of work to which the concern relates. Full notes must be made of any meeting or conversation held in relation to the concern made.
- 3.12 The Trust will minimise any difficulties, which employee/s may experience as a result of raising a concern. For instance, if they are required to give evidence in criminal or disciplinary proceedings, the Trust will advise about the procedure and confidentiality.

- 3.13 The Trust accepts employees need to be assured the matter has been properly addressed. Thus, subject to legal constraints, they will receive information about the outcomes of any investigation. In addition, they will be informed as to what action has been taken to correct working practices that have been found to be at fault by the investigation.
- 3.14 Employees who have raised concerns may not be given full details of actions taken as this may infringe the duty of confidence owed by the Trust to someone else. While the Trust cannot guarantee that employees will be satisfied with the response, the Trust's aim is to handle the matter fairly and promptly. By using this procedure employees will assist the Trust in achieving this.

4.0 Conditions to Investigations

4.1 The following conditions shall apply to all investigations:-

- ❖ All reasonable steps should be taken to deal with the matter as quickly as possible.
- ❖ Any reprisals against or victimisation of the person or persons will be treated by the Trust as a serious disciplinary matter.

5.0 Outcomes from Investigations

5.1 The possible outcomes of this process are as follows:

- ❖ If it is judged that a prima facie case may exist, the matter will normally be dealt with in accordance with the Trust's Disciplinary Procedure or as otherwise may be deemed appropriate according to the nature of the case e.g. fraud.
- ❖ In all instances in which a concern leads to disciplinary proceedings, the North East Ambulance Service NHS Trust Disciplinary Policy and Procedures would be followed.
- ❖ Other actions taken by the Trust will depend on the nature of the concern and may:
 - Be investigated further internally.
 - Be investigated under the Clinical Risk Policy
 - Be referred to the police.
 - Be referred to the external auditor.
 - Form the subject of an independent inquiry as detailed in Section 7.0 of this policy.
 - If, on preliminary examination, the concern is judged to be wholly without substance or merit, it will be dismissed and communicated in writing to the employee/s, with rationale for case dismissal.

5.2 If an employee is dissatisfied with the outcome they have the right to raise the issue with other bodies as detailed in Section 8.0 of this policy.

6.0 Following the Investigation

- 6.1 The Investigating Officer will brief the most appropriate person as to the outcome of the inquiry, usually the Executive Director of their respective Directorate (unless that Director is implicated in the concern). (See 3.13)
- 6.2 The Investigating Officer will then write to the member/s of staff that raised the concern to give written feedback on the outcome of the inquiry at the earliest opportunity. Any reference to

disciplinary action in this feedback will maintain anonymity of the member/s of staff, subjected to the Trust Disciplinary Policy and Procedures.

7.0 Formal Inquiry

- 7.1 If the concern raised is very serious or complex, a formal Inquiry maybe held.
- 7.2 The Trust recognises the contribution the Trade Union(s) can make to such an inquiry, and agrees to consult with the Trade Union(s) about the scope and details of the inquiry, including the implementation of the recommendations of the inquiry.
- 7.3 The Trust recognises that in many cases it will be desirable that a Trade Union representative will be appointed to the panel of the inquiry, subject to there being no conflict of interest.
- 7.4 The Investigating Officer will report on the outcome of any inquiry to the Information Governance Group which will monitor the implementation of the conclusions of the inquiry. (See 6.1)

8.0 External Sources of Expertise

- 8.1 It is hoped that in the majority of cases employees will feel able to notify their concern by one of the methods highlighted above. There may be occasions when this is not possible however, and in these instances the concerns may be raised with their Trade Union or specific regulating bodies, such as:

- ❖ Health & Safety Executive
Rose Court
2 Southwark Bridge
London
SE1 9HS
Tel: 0845 345 0055
- ❖ Audit Commission
1st Floor
Milbank Tower
Millbank
London
SW1P 4HQ
Tel: 020 7828 1212
Fax: 020 7976 6187
- ❖ Serious Fraud Hotline
Elm House
10-16 Elm Street
London
WC1X 0BJ
Tel: 020 7239 7272
Fax: 020 7837 1173
- ❖ Customs and Excise
Tel: 0845 010 9000

- ❖ Inland Revenue
Compliance Division
22 Kingsway
London
SE1 9HS

(There are a variety of contact telephone numbers for the Inland Revenue and details of them are on the website.)

Website: www.inlandrevenue.gov.uk

- ❖ Environment Agency
Northumbria Area Office
Tyneside House
Skinnerburn Road
Newcastle Business Park
Newcastle Upon Tyne
NE4 7AR
Tel: 08708 506506
- ❖ Charity Commission
Harmsworth House
13-15 Bouverie Street
London
RC4Y 8DP
Tel: 0845 300 0218
- ❖ Public Concern at Work
Suite 301
16 Baldwins Gardens
London
EC1N 7RJ
Tel: 020 7404 6609
Fax: 020 7404 6576
E-mail: whistle@pcaw.co.uk
- ❖ Department of Health
Richmond House
79 Whitehall
London
SW1A 2NL
Tel: 020 7210 4850
E-mail: dhmail@dh.gsi.gov.uk
- ❖ NHS Fraud and Corruption Hotline
Tel: 0870 2400 100

8.2 It is hoped that in the majority of cases employees will feel able to notify their concern by one of the methods highlighted above. There may be occasions when this is not possible however, and in these instances the concerns may be raised with specific regulating bodies, such as the NHS Counter Fraud Line, Health & Safety Executive or the Audit Commission.

8.3 It should be noted that disclosure of concerns to the media is not considered to be an appropriate course of action. This ensures that patient and other confidentiality can be maintained and issues dealt with appropriately and constructively.

9.0 Related Policies

9.1 The following are related Trust policies which may prove useful in addressing a concern more appropriately:

- ❖ Fraud Policy & Respond Plan Q.S.S.D 661
- ❖ Standards of Business Conduct Q.S.S.D. 161
- ❖ Staff Code of Conduct Q.S.S.D. 337

10.0 Review

10.1 This Policy will be reviewed no later than

Appendix 1

Other policies which may be considered

Clinical Risk Policy
Health and Safety Policy
Fraud Policy & Respond Plan Q.S.S.D 661
Standards of Business Conduct Q.S.S.D. 161
Staff Code of Conduct Q.S.S.D. 337
Dignity at Work Policy

If you wish to report an incident under the Whistleblowing Policy you can send an e-mail to the mailbox **Whistleblowing Procedure**. Only the Trust Secretary and HR Managers have access to this mailbox, and so your correspondence will be kept strictly confidential.