

WHISTLEBLOWING POLICY

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INTRODUCTION

All of us at one time or another have concerns about what is happening at work. Usually these concerns are easily resolved. However, when they are about patient care or patient services, professional practice, unlawful conduct, dishonesty, financial malpractice, or a danger to health, safety or the environment, or a cover up of any of these, it can be difficult to know what to do.

Whistleblowing is the common term applied to a situation where an employee raises concerns about safety, malpractice or wrongdoing at work. The term refers to staff raising concerns about issues which may affect patients, the public, other staff or the organisation.

This policy has been written to take into account the Public Interest Disclosure Act 1998, which protects staff from suffering ill-treatment or losing their job because they have made a disclosure.

SOS Medical Staffing have aligned this policy to NHS Improvement “Freedom to speak up: raising concerns (whistleblowing) policy for the NHS, April 2016” although they have alternative reporting procedures noted in this policy.

AIMS

This policy aims to ensure that staff have guidance on how to raise concerns, safe in the knowledge that they know they will be supported. It also aims to encourage employees to feel confident in raising serious concerns regarding the welfare of patients.

It ensures that all employees receive a response to their concerns.

It aims to reassure employees that they will be protected from possible reprisals, subsequent discrimination, victimisation or disadvantage if they have a reasonable belief that they are making the disclosure in the public interest.

Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially and the outcome of the investigation reported back to the employee who raised the issue within the agreed timescales.

SCOPE

This policy applies to ALL STAFF employed by SOS Medical Staffing, including employees, temporary staff, and contractors.

SOS Medical values the contribution made by all those who work for them and therefore values issues raised by staff, particularly relating to situations where there is the possibility of harm, danger or a breach of safety to patients in a clinical or research capacity.

DEFINITION

What is 'whistleblowing'?

Whistleblowing can be defined as raising a concern about a risk, malpractice or wrongdoing within an organisation. Examples might include (but are not 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
- a bullying culture (across a team or organisation rather than individual instances of bullying).

A whistleblowing concern could be something which adversely affects patients, the public, other staff or SOS Medical itself.

This policy is noticeably different from a grievance which is a dispute about an employee's own employment position and is of no public interest.

A whistleblowing concern is where an individual raises information as a witness, whereas a grievance is where the individual is a complainant.

Staff wishing to make a complaint about their employment or how they have been treated, should use SOS Medical Staffing's Grievance Policy

Complaints from service users, relatives or representatives would not be classed as whistleblowing. These would need to be raised using the Complaints Procedure for SOS Medical Staffing.

ROLES & RESPONSIBILITIES

Senior Management Team

The Senior Management Team will have an overview of the issues involved and will keep Directors informed of the progress of any investigation as necessary.

The Directors/Nurse Manager will arrange training for all staff who are likely to receive concerns to be appropriately trained.

Managers of SOS Medical Staffing will always take concerns seriously and give them due and sympathetic consideration.

There may be occasions when they may wish to seek specialist advice from other healthcare professionals.

SOS Medical believe that individual staff representing SOS Medical whilst on any assignment, have a right and a duty to raise any matters of concern they may have about health service issues related to

the delivery of care, or services to a patient/s within the unit worked in, or any other matter that can be said to be in the public interest.

SOS will treat all disclosures in a confidential and sensitive manner. The identity of the individual making the allegation may be kept confidential as long as it does not hinder any investigation or unless SOS Medical Staffing is required to disclose it by law.

It is possible, however, the investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required. The individual can expect support and guidance throughout the process.

HOW TO REPORT A CONCERN

If you have a concern about any issue, in the first instance it should be reported to the Nurse Manager.

If the individual doesn't feel the response is appropriate or it hasn't worked, please raise the matter with a Director of SOS Medical Staffing.

Please state if you want to raise the matter in confidence so that they can make appropriate arrangements. We will ask if you would like us to write to you summarising your concern and the action we propose to take.

Senior Managers / Directors have been given special responsibility and training in dealing with whistleblowing concerns.

They will:

- Treat the concern confidentially unless otherwise agreed.
- Ensure the individual receives timely support to progress the concern
- Escalate to the Board any indications that individuals are being subjected to a detriment as a result of raising a concern
- Ensure the timely feedback to the individual on how the concern is being dealt with
- Ensure that individuals who raise a concern have access to support as raising a concern may be stressful.

WHO CAN REPORT A CONCERN

Any member of staff, including employees, temporary workers, contractors.

THE INVESTIGATING PROCESS

Due to the varied nature of these sort of complaints, which may involve internal investigators and/ or the police, it is not possible to lay down precise timescales for such investigations.

The investigating officer should ensure that the investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations.

The HR team shall advise those involved in the investigation in matters of employment law and other HR procedural matters.

PROTECTING THE WHISTLEBLOWER

Your legal rights

This policy has been written to take account of the Public Interest Disclosure Act 1998 which protects workers making disclosures about certain matters of concern, when those disclosures are made in accordance with the Act's provisions and in the public interest.

The Act makes it unlawful for SOS Medical Staffing to dismiss anyone or allow them to be victimised on the basis that they have made an appropriate lawful disclosure in accordance with the Act.

Rarely, a case might arise where it is the employee that has participated in the action causing concern. In such a case it is in the employee's interest to come into the open as soon as possible. SOS Medical Staffing cannot promise not to act against such an employee, but the fact that they came forward may be taken into account.

THE PUBLIC INTEREST DISCLOSURE ACT 1998

The above act provides protection for employees who raise legitimate concerns about specified matters. These are called "qualifying disclosures". A qualifying disclosure is one made in the public interest by an employee who reasonably suspects:

- a criminal offence;
- a miscarriage of justice;
- an act creating risk to health and safety;
- an act causing damage to the environment;
- a breach or failure to comply with any legal or professional obligation or regulatory requirement
- bribery;
- financial fraud or mismanagement;
- unauthorised disclosure of confidential information;
- abuse in care;
- patient safety;
- a concealment of any of the above is being or is likely to be committed

Harassment or Victimisation

SOS Medical Staffing is committed to good practice and high standards and to being supportive of you as an employee.

SOS Medical Staffing recognises that the decision to report a concern can be a difficult one to make. If you honestly and reasonably believe what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer, your colleagues and those for whom you are providing a service.

SOS Medical Staffing will not tolerate any harassment or victimisation of a whistleblower (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith and will treat this as a serious disciplinary offence which will be dealt with under the disciplinary rules and procedure.

Support to the individual

Throughout this process:

- you will be given full support from senior management
- your concerns will be taken seriously, and
- SOS Medical Staffing will do all it can to help you throughout the investigation

If appropriate, SOS Medical will consider temporarily re-deploying you for the period of the investigation or placing registered staff at different sites to the one where the issue arose.

Confidentiality

All concerns will be treated in confidence and every effort will be made not to reveal your identity if that is your wish. If disciplinary or other proceedings follow the investigation, it may not be possible to take action as a result of your disclosure without your help, so you may be asked to come forward as a witness. If you agree to this, you will be offered advice and support.

Anonymous Allegations

This Policy encourages you to put your name to your allegation whenever possible. If you do not tell us who you are it will be much more difficult for us to protect your position or to give you feedback. This policy is not ideally suited to concerns raised anonymously.

Concerns expressed anonymously are much less powerful but they may be considered at the discretion of SOS Medical Staffing. In exercising this discretion the factors to be taken into account would include:

- the seriousness of the issue raised
- the credibility of the concern, and
- the likelihood of confirming the allegation from other sources

Untrue Allegations

If you make an allegation in good faith and reasonably believe it to be true, but it is not confirmed by the investigation, SOS Medical Staffing will recognise your concern and you have nothing to fear. If however, you make an allegation frivolously, maliciously or for personal gain, appropriate action that could include disciplinary action, may be taken.

How the Matter can be Taken Further

This Policy is intended to provide you with an avenue within SOS Medical Staffing to raise concerns. We hope any employee will be satisfied with any action taken. If you are not, and you feel it is right to take the matter outside SOS Medical, staff have the option to contact healthcare regulators such as RQIA or the CQC

MONITORING AND EFFECTIVENESS

The policy and procedure will be reviewed and audited annually or in line with any new legislation.

POLICY REVIEW

This Policy will be reviewed within 2 years from the date of implementation or sooner if statutory or legislation changes require a review.

DISSEMINATION OF THIS POLICY

This policy will be shared on the SOS Medical Staffing website, under the “Policies & Procedures” Tab.

LINKS & REFERENCES

www.citizensadvice.org.uk/health/nhs-and-social-care-complaints/whistleblowing-how-a-staff-member-can-report-a-problem-in-the-nhs-or-an-adult-social-care-service

www.england.nhs.uk/ourwork/whistleblowing/freedom-to-speak-up-guidance-for-nhs-trust-and-nhs-foundation-trust-boards

www.nmc.org.uk/standards/guidance/raising-concerns-guidance-for-nurses-and-midwives/whistleblowing

www.rcn.org.uk/professional-development/publications/rcn-raising-and-escalating-concerns-uk-pub-009425

www.rqia.org.uk/contact/complaints-feedback/whistleblowing

www.cqc.org.uk/files/whistleblowing-quick-guide-raising-concern-cqc