



## Whistleblowing Policy and Procedure

Version:	Review date:	Edited by:	Approved by:	Comments:
1.1	October 2018	Operational Manager	Clinical Manager	

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# **1 Introduction**

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## **1.1 Policy statement**

It is important to the Thanet Health Community Interest Company (TH CIC) that any fraud, misconduct or wrongdoing carried out by employees, partners or others who work in the TH CIC is reported and properly dealt with. The Thanet Health CIC therefore encourages all individuals to raise any concerns that they may have about the conduct of others in the TH CIC or the way in which the TH CIC is run.

This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with.

## **1.2 Principles**

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

Raising concerns can sometimes feel like 'complaining' or going behind others' backs and this can sometimes prevent people from speaking up, but please don't be put off. TH CIC is committed to an open and honest culture. We will investigate what you say and we will ensure you have access to the support you need.

We are committed to listening to our staff, learning lessons and improving patient care. When we are made aware of your concern, it will be recorded and you will receive an acknowledgement within two working days. We will then keep you updated on progress where appropriate.

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, especially if you are genuinely troubled.

## **1.3 Status**

TH CIC aims to design and implement policies and procedures that meet the diverse needs of our service and workforce, ensuring that none are placed at a disadvantage over others, in accordance with the Equality Act 2010. Consideration has been given to the impact this policy might have in regard to the individual protected characteristics of those to whom it applies.

This document and any procedures contained within it are non-contractual and may be modified or withdrawn at any time. For the avoidance of doubt, it does not form part of your contract of employment.

## **1.4 Training and support**

TH CIC will provide guidance and support to help those to whom it applies understand their rights and responsibilities under this policy. Additional support will

be provided to managers and supervisors to enable them to deal more effectively with matters arising from this policy.

## **2 Scope**

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### **2.1 Who it applies to**

This document applies to all employees, partners and directors of the TH CIC and other individuals performing functions in relation to the TH CIC, such as agency workers, locums and contractors, who are encouraged to use it.

### **2.2 Why and how it applies to you**

Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. You should be watchful for illegal or unethical conduct and report anything of that nature that you become aware of.

Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and in most circumstances the outcome of the investigation will be reported back to you, as you raised the issue.

A worker who makes a protected disclosure or 'blows the whistle' has the right not to be dismissed, subjected to any other detriment, or victimised because he or she has made a disclosure. This means that your continued employment and opportunities for future promotion or training will not be prejudiced because you have raised a legitimate concern. The victimisation of a worker for raising a qualified disclosure will be a disciplinary offence.

If misconduct is discovered as a result of any investigation carried out under this procedure, the TH CIC's disciplinary procedure will be used, in addition to any appropriate external measures.

Maliciously making a false allegation is a disciplinary offence. An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, you should not agree to remain silent. You should report the matter to a Director.

This procedure is for disclosures about matters other than a breach of an employee's own contract of employment. If you are concerned that your own contract has been or is likely to be broken, you should use the TH CIC's grievance procedure.

## **3 Definition of terms**

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### **3.1 Whistleblower**

A whistleblower is a worker who reports certain types of wrongdoing – usually something they have seen at work.

### **3.2 Qualifying disclosure**

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Qualifying disclosures (also known as protected disclosures) are legitimate concerns that a worker raises about specified matters.

### **3.3 Complaints that count as a qualifying disclosure**

A qualifying disclosure is one made in the public interest by a worker who has a reasonable belief that any of the following is being, has been, or is likely to be, committed:

- A criminal offence
- A miscarriage of justice
- An act creating risk to health and safety
- An act causing damage to the environment
- A breach of any other legal obligation, or
- Concealment of any of the above

### **3.4 Examples of serious concerns relating to general practice**

- 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, financial irregularity, dishonesty
- A bullying culture (across a team or the TH CIC rather than individual instances of bullying)
- Malpractice, corruption, bribery
- Unethical conduct
- Medical or prescribing errors

### **3.5 Prescribed persons**

These are the people and bodies you can report malpractice to, other than your employer. They include but are not limited to:

**NHS Improvement** for concerns about:

- How NHS trusts and foundation trusts are being run
- Or 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

The list of prescribed persons and bodies is updated on a regular basis. It can be found in the document entitled 'Whistleblowing – List of Prescribed People and Bodies' at [www.gov.uk](http://www.gov.uk).

## **4 Procedure for raising a concern**

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### **4.1 Stage 1**

In the first instance, and unless you reasonably believe the Operational Manager to be involved in the wrongdoing, any concerns should be raised with the Operational Manager. If you believe the Operational Manager to be involved, or for any reason you do not wish to approach him/her, then you should proceed straight to Stage 3.

### **4.2 Stage 2**

The Operational Manager will arrange an investigation into the matter (either by investigating the matter him/herself or immediately passing the issue to someone in a more senior position).

The investigation may entail you and other individuals involved giving a written statement. Any investigation will be carried out in accordance with the principles set out above.

Your statement will be taken into account, and you will be asked to comment on any additional evidence obtained.

The Operational Manager (or the person who carried out the investigation) will then report to the Clinical Director, who will take any necessary action, including reporting the matter to any appropriate government department or regulatory agency.

If disciplinary action is required, the Operational Manager (or the person who carried out the investigation) will report the matter to the Clinical Director who will instigate the disciplinary procedure. On conclusion of any investigation, you will be told the outcome of the investigation and what the TH CIC has done, or proposes to do, about it. If no action is to be taken, the reason for this will be explained.

### **4.3 Stage 3**

If you are concerned that the Operational Manager is involved in the wrongdoing, has failed to make a proper investigation or has failed to report the outcome of the investigations to the Clinical Director, you should contact the Local CCG, who will arrange to review the investigation that was carried out, make any necessary enquiries and make his/her own report to the Clinical Director as in Stage 2 above.

If for any other reason you do not wish to approach the Operational Manager, you should also in the first instance, contact the Local CCG. Any approach to this organisation will be treated in the strictest confidence and your identity will not be disclosed without your prior consent.

### **4.4 Reporting outside the TH CIC**

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If on conclusion of Stages 1, 2 and 3 you reasonably believe that the appropriate action has not been taken, you should report the matter to the proper authority. The legislation sets out a number of bodies to which qualifying disclosures may be made (see 3.5 above).

TH CIC encourages you to raise your concerns under this procedure in the first instance. If you are not sure whether or not to raise a concern, you should discuss the issue with your line manager or the Operational Manager.