

## **Nene Clinical Commissioning Group**

# **RAISING CONCERNS AT WORK (WHISTLEBLOWING) POLICY**

### **NENE CCG: HR21**

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Ratified by:	CCG Governing Body
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Name of responsible committee/individual:	CCG Corporate Services
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Target audience:	All Staff

## ASSISTANCE WITH THE APPLICATION OF THIS POLICY AND UPDATES

This policy has been prepared so as to reflect the law as at 1 June 2013. The policy will require periodic review to reflect subsequent changes to the law. Changes to employment law have generally been made on 1 February, 1 April and 1 October in any given year.

For advice and assistance in relation to the application of this policy and to obtain updates please contact:

Your line manager in the first instance or Corporate Services,  
Nene Clinical Commissioning Group, Francis Crick House,  
Summerhouse Road, Moulton Park, Northampton, NN3 6BF

### VERSION CONTROL SHEET

VERSION No.	DATE	WHO	STATUS	COMMENT
1	09.07.13	Stephen WRIGHT	Draft	
2	14.08.13	Julie Fitzpatrick	Draft	
3	31.12.13	Julie Fitzpatrick	Final	Post Union Consultation
4	03.02.14	Julie Fitzpatrick	Final	Post Equality review

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## 1. DEFINITION OF WHISTLEBLOWING

- 1.1 “Whistleblowing” means raising a concern which is done in the public interest about wrongdoing in an organisation. A “whistleblower” is a person who exposes wrongdoing.

## 2. POLICY

- 2.1 We conduct our work to the highest standards and comply with relevant laws and regulations. While working for us, you must adhere to those standards.
- 2.2 We take any wrongdoing in the workplace very seriously. If, at any time, you know of, or suspect, any wrongdoing in the workplace you must report the matter to us immediately so that we can take steps to deal with it appropriately.
- 2.3 We are aware that you may not want to come forward with your concerns because you feel that speaking out would be disloyal to your colleagues. You may also be worried that you will be victimised or harassed or penalised in some other way. You may be tempted to ignore your concerns rather than report something that may only be a suspicion. We have therefore drawn up a whistleblowing procedure, details of which are set out below. The aim of this policy and procedure is to reassure you that you can report genuine concerns about wrong doing at work without any risk to yourself.
- 2.4 Of course, we also want to make it clear that, while we will provide safeguards for you when you raise genuine concerns, any spurious or vexatious allegations, particularly where they cause difficulties for innocent colleagues, may lead to disciplinary action being taken against you.

## 3. SCOPE

- 3.1 The policy applies to all our employees. It also applies to secondees, external consultants, contractors and agency personnel while working for us.

## 4. WHEN DOES THE WHISTLEBLOWING PROCEDURE APPLY

- 4.1 You should use the whistleblowing procedure set out below to raise genuine concerns you have about any workplace malpractice.
- 4.2 Examples are:
- 4.2.1 criminal offences including fraud or financial irregularity;

- 4.2.2 breaching a legal obligation;
  - 4.2.3 a miscarriage of justice;
  - 4.2.4 putting someone's health & safety in danger;
  - 4.2.5 damaging the environment;
  - 4.2.6 intentionally concealing information relating to any of these matters.
- 4.3 These are examples only and you may become aware of other incidents of malpractice that you should tell us about under this policy.
- 4.4 We also operate a grievance procedure and a bullying and harassment procedure. If you want to raise an issue relating to your individual employment, or where you are being bullied or harassed, you should use the grievance or bullying and harassment procedures, as appropriate. If you want to tell us about something and you're not sure which procedure to use, you should ask your line manager or HR representative for advice.

## 5. WHAT ARE YOUR OBLIGATIONS UNDER THIS POLICY

- 5.1 As someone working for us you must:
- 5.1.1 be aware of our policy and procedure to deal with whistleblowing issues; and
  - 5.1.2 tell us about any actual or suspected malpractice at work.
- 5.2 If we discover that you have not come forward to tell us about malpractice when you knew about it, we may treat this as a disciplinary issue.
- 5.3 If you are a manager you have additional responsibilities:
- 5.3.1 to promote awareness of this policy and the whistleblowing procedure;
  - 5.3.2 to encourage an open working environment where everyone feels confident about expressing genuine concerns;
  - 5.3.3 to ensure you take appropriate action if a whistleblowing issue is brought to your attention.
- 5.4 It is very important that everyone feels able to use the whistleblowing procedure without worrying about recriminations. Therefore if a colleague raises an issue under the whistleblowing procedure you must not treat them unfavourably in any way. Any deliberate detrimental action against a colleague who makes a disclosure under this procedure may be treated as gross

misconduct, for which we may terminate your employment without notice.

## 6. PRINCIPLES

- 6.1 We will take seriously any matter raised under the whistleblowing procedure.
- 6.2 We will operate the procedure without unnecessary delay.
- 6.3 We will keep your concerns as confidential as we can, although in many cases we will need to carry out investigations that may involve others. We will of course carry out our investigations with discretion.
- 6.4 As long as you use this procedure to raise genuine concerns that are “in the public interest”, without an ulterior motive, we will ensure that you have our full support and protection. You should tell us immediately if you think you have suffered in any way or been treated unfairly because you have raised a concern under this procedure. We will take appropriate action against anyone found to have victimised you.
- 6.5 It is a disciplinary matter either to victimise a genuine “whistleblower” or for someone to maliciously make a false allegation. However, every concern should be treated as made in good faith, unless it is subsequently found out not to be.

## 7. PROCEDURE

- 7.1 Who to contact?
  - 7.1.1 If you have a concern about minor wrongdoing at work you should raise it, in the first instance, with your line manager.
  - 7.1.2 If you do not want to approach your line manager, perhaps because you think he or she may be involved or implicated in the wrongdoing or where the issue is very sensitive you should contact another Senior Manager or the Head of Corporate Services who will tell you whom you should contact in confidence.
  - 7.1.3 In all other cases, you should raise the matter in confidence, either verbally or in writing, with the CCG Lay member (Governance).
  - 7.1.4 In extreme cases, if the matter is urgent or involves a serious hazard or danger, you should raise the issue in confidence with CCG Lay-member (Governance) who has been designated as independent contact under this procedure.
- 7.2 What happens if you are involved in the wrongdoing?
  - 7.2.1 If you are personally involved or implicated in wrongdoing at work, we

would encourage you to tell us about it under this procedure. We will take your co-operation into account in deciding on any appropriate disciplinary action.

### 7.3 What information is required?

7.3.1 So that we can investigate your concern fully we need as much detail as possible. You should describe your concerns in writing. However, if you think the matter is urgent, please report it orally first and confirm the details in writing later.

7.3.2 Depending on the nature of the issue you raise, we may need to involve external advisers or authorities to assist us. These might include the police, legal advisers, NHS Counter Fraud or any relevant public authority. If that is necessary, we will tell you. You may be asked to provide information to any of these bodies and you must help them in whatever way you can.

## 8. INVESTIGATION

8.1 Once you have reported your concerns, we will decide what investigations need to be carried out and by whom. The extent of the investigation and the timescale will depend on the nature of your concern.

8.2 When our investigation is finished, we will let you know what we have found and any steps taken to resolve the matter.

8.3 What if you are not satisfied?

8.3.1 If you are not satisfied that your concerns have been properly investigated, you should discuss this with the CCG Lay member (Governance) in the first instance.

## 9. PROTECTED DISCLOSURES

9.1 The purpose of our whistleblowing procedure is to encourage you to raise concerns about wrongdoing with us so that we can deal with them. If you raise your concerns with us “in the public interest”, where you reasonably suspect malpractice in the workplace relating to any of the matters listed in section 4 above, you are protected by law from any recriminations. These disclosures are called “protected disclosures”. You are not entitled to this legal protection if you raise concerns that are not protected disclosures. For example, if you report something that you know to be untrue. Or if you report wrongdoing to parties outside the CCG, other than in very limited circumstances.

9.2 The law relating to making protected disclosures to public or other bodies is complex. If you are unsure about what to do you should contact your HR representative in the first instance.

**10. DUE REGARD**

This policy has been reviewed in relation to having due regard to the Public Sector Equality Duty (PSED) of the Equality Act 2010 to eliminate discrimination, harassment, victimisation; to advance equality of opportunity; and foster good relations.

**11. EQUALITY STATEMENT**

Nene Clinical Commissioning Group (CCG) aims to design and implement policy documents that meet the diverse needs of our services, population and workforce, ensuring that none are placed at a disadvantage over others. It takes into account current UK legislative requirements, including the Equality Act 2010 and the Human Rights Act 1998, and promotes equal opportunities for all. This document has been designed to ensure that no-one receives less favourable treatment due to their reassignment, sexual orientation, marriage and civil partnership, race, religion or belief, pregnancy and maternity. Appropriate consideration has also been given to gender identity, socio-economic status, immigration status and the principles of the Human Rights Act.

In carrying out its functions, Nene CCG must have due regard to the Public Sector Equality Duty (PSED). This applies to all the activities for which Nene CCG is responsible, including policy development, review and implementation.

**12. HELP AND ADVICE**

12.1 If you need any more information about our whistleblowing policy, you should contact the Head of Corporate Services who will be pleased to help.