



Whistleblowing Policy and Associated Procedure

Produced by the Human Resources and Corporate Services Directorate
Business Services Organisation
2 Franklin Street, Belfast, BT2 8DQ

Reference No:

Title:	Whistleblowing Policy		
Author(s):	Alan McCracken		
Ownership:	Director of Human Resources and Corporate Services		
Approval By:	BSO SMT	Approval Date:	17/01/2018
Operational Date:	22/01/2018	Next Review:	22/01/2019
Version No.	2.0	Supersedes:	1.0
Key Words:	Whistleblowing, Protected Disclosure, Malpractice, Fraud, Criminal Offence, Data Protection		
Director Responsible:	Director of Human Resources and Corporate Services		
Lead Author:	Alan McCracken		
Lead Author Position:	Corporate Services Manager (Information Governance)		
Additional Author(s):			
Department:	Corporate Services		
Contact Details:			
Links to other Policies:	Information Security Policy		
	Data Protection & Confidentiality Policy		
	Grievance Policy		
	Disciplinary Policy		
	Incident Reporting Policy		

Table of Contents

1	Introduction.....	4
2	Aims and Objectives	4
3	Scope	5
4	Fraud	5
5	BSO’s Commitment to you.....	6
5.1	Your Safety	6
5.2	Confidentiality.....	6
5.3	Anonymity	7
6.	Raising a concern	7
6.1	Who should I raise a concern with?	7
6.2	Independent Advice.....	8
6.3	How should I raise my concern?.....	8
7.	Raising a concern externally	8
8.	The media	9
9.	Conclusion	9
10.	Equality Statement	9
11.	Personal & Public Involvement (PPI)/Consultation Process.....	10
12.	Alternative Formats	10
13.	Sources of advice in relation to this document.....	10
	Appendix 1 – Roles and Responsibilities	11
	Appendix 2 – Procedure for raising a concern.....	13
	Appendix 3 – Advise for managers responding to a concern.....	16

1 Introduction

- 1.1 All of us at one time or another may have concerns about what is happening at work. The Business Services Organisation (BSO) wants you to feel able to raise your concerns about any issue troubling you with your managers at any time. It expects its managers to listen to those concerns, take them seriously and take action to resolve the concern, either through providing information which gives assurance or taking action to resolve the concern. However, when the concern feels serious because it is about a possible danger, professional misconduct or financial malpractice that might affect patients, colleagues, or *BSO* itself, it can be difficult to know what to do.
- 1.2 The BSO recognises that many issues are raised by staff and addressed immediately by line managers – this is very much encouraged. This policy and procedure is aimed at those issues and concerns which are **not resolved, require help to get resolved or are about serious underlying concerns.**
- 1.3 Whistleblowing refers to staff reporting suspected wrongdoing at work, for example, concerns about patient safety, health and safety at work, environmental damage or a criminal offence, such as, fraud.
- 1.4 You may be worried about raising such issues and may think it best to keep it to yourself, perhaps feeling it is none of your business or that it is only a suspicion. You may also feel that raising the matter would be disloyal to colleagues, to managers or to the organisation. It may also be the case that you have said something but found that you have spoken to the wrong person or raised the issue in the wrong way and are not sure what to do next. Remember that if you are a healthcare professional you may have a professional duty to report a concern. **If in doubt, please raise it.**
- 1.5 Rather than wait for proof, raise the matter when it is still a concern. If something is troubling you of which you think we should know about or look into, please let us know. The BSO has implemented these whistleblowing arrangements for you to raise any concern where the interests of others or the organisation itself are at risk.

2 Aims and Objectives

- 2.1 BSO is committed to running the organisation in the best way possible. The aim of the policy is to promote a culture of openness, transparency and dialogue which at the same time:
- reassures you that it is safe and acceptable to speak up;
 - upholds patient confidentiality;
 - contributes towards improving services provided by the BSO;
 - assists in the prevention of fraud and mismanagement;
 - demonstrates to all staff and the public that the BSO is ensuring its affairs are carried out ethically, honestly and to high standards;
 - provides an effective and confidential process by which you can raise genuine concerns so that patients, clients and the public can be safeguarded
- 2.2 This document has been developed to meet best practice and comply with the Public Interest Disclosure (NI) Order 1998 (the Order) which provides employment protection for whistleblowing.

- 2.3 The BSO roles and responsibilities in the implementation of this policy are set out in **Appendix A.**

3 Scope

- 3.1 The BSO recognises that existing policies and procedures which deal with conduct and behaviour at work (Disciplinary, Grievance, Working Well Together, Zero Tolerance, Accident/Incident Reporting Procedure and the Complaints Policy) may not always be appropriate to extremely sensitive issues which may need to be handled in a different way.
- 3.2 This policy provides a guide for all staff of the BSO, including permanent, temporary and bank staff, staff in training working within the BSO, independent contractors engaged to provide services, volunteers and agency staff who have concerns where the interests of others or of the organisation itself are at risk. **If in doubt - raise it!**
- 3.3 Examples may include, but are not restricted to:
- malpractice or ill treatment of a patient or client by a member of staff;
 - where a potential criminal offence has been committed, is being committed or is likely to be committed;
 - suspected fraud;
 - breach of Standing Financial Instructions;
 - disregard for legislation, particularly in relation to Health and Safety at Work;
 - the environment has been, or is likely to be, damaged;
 - a miscarriage of justice has occurred, is occurring, or is likely to occur;
 - showing undue favour over a contractual matter or to a job applicant;
 - research misconduct; or
 - information on any of the above has been, is being, or is likely to be concealed

This list is not intended to be exhaustive or restrictive

- 3.4 If you feel that something is of concern, and that it is something which you think BSO should know about or look into, you should use this policy. If, however, you wish to make a complaint about your employment or how you have been treated, you should follow the BSO's grievance policy, or the policy for making a complaint. This policy complements professional and ethical rules, guidelines and codes of conduct and freedom of speech. It is not intended to replace professional codes and mechanisms which allow questions about professional competence to be raised. (However such issues can be raised under this process if no other more appropriate avenue is apparent).

4 Fraud

- 4.1 If your concern is about possible fraud or bribery BSO has a number of avenues available to report your concern. These are included in more detail in the BSO's Fraud Policy, Fraud Response Plan and Bribery Policy and are summarised below.

- 4.2 Suspicions of fraud or bribery should initially be raised with the appropriate line manager but where you do not feel this is not appropriate the following officers may be contacted:
- Senior Manager
 - Head of Department
 - Director of Finance
 - Fraud Liaison Office (FLO)

- 4.3 Employees can also contact the regional HSC fraud reporting hotline on **0800 096 33 96** or report their suspicions online to:
www.repporthhealthfraud.hscni.net

These avenues are managed by Counter fraud and Probity Services (CFPS) on behalf of the HSC and reports can be made on a confidential basis.

- 4.4 The BSO's Fraud Response Plan will be instigated immediately on receipt of any reports of a suspicion of fraud or bribery.
- 4.5 The prevention, detection and reporting of fraud and bribery and other forms of corruption are the responsibility of all those working for the BSO or under its control. The BSO expects all staff and third parties to perform their duties impartially, honestly, and with the highest integrity.

5 BSO's Commitment to you

5.1 Your Safety

The BSO, the Chief Executive, managers and the trade unions/professional organisations are committed to this policy. If you raise a genuine concern under this policy, you will not be at risk of losing your job or suffering any detriment (such as a reprisal or victimisation). The BSO will not tolerate the harassment or victimisation of anyone who raises a genuine concern.

The BSO expects you to raise concerns about malpractices. If any action is taken that deters anyone from raising a genuine concern or victimises them, this will be viewed as a disciplinary matter.

It does not matter if you are mistaken or if there is an innocent explanation for your concerns, you will be protected under the law. However, it is not uncommon for some staff to maliciously raise a matter they know to be untrue. In cases where staff maliciously raise a matter they know to be untrue, protection under the law cannot be guaranteed and the BSO reserves the right to take disciplinary action if appropriate.

5.2 Confidentiality

With these assurances, the BSO hopes that you will raise concerns openly. However, we recognise that there may be circumstances when you would prefer to speak to someone in confidence first. If this is the case, you should say so at the outset to a member of staff in the Information Governance Office.

The BSO is committed to maintaining confidentiality for everyone involved in a concern. This includes the person raising the concern and the person(s) whom the concern is about. Confidentiality will be maintained throughout the process and after the issue has been resolved.

If you ask for your identity not to be disclosed, we will not do so without your consent unless required by law. You should however understand that there may be times when we will be unable to resolve a concern without revealing your identity, for example, where personal evidence is essential. In such cases, we will discuss with you whether and how the matter can best proceed.

5.3 Anonymity

Remember that if you do not disclose your identity, it will be much more difficult for us to look into the matter. It will also not be possible to protect your position or give you feedback. So, while we will consider anonymous reports in the exact same manner as those which are not anonymised, these arrangements are not best suited to deal with concerns raised anonymously.

If you are unsure about raising a concern you can get independent advice from Public Concern at Work (see contact details under Independent Advice).

6. Raising a concern

If you are unsure about raising a concern, you can get independent advice at any stage from your trade union/professional organisation, or from one of the organisations listed in Section 7. You should also remember that you do not need to have firm evidence before raising a concern. However, you should explain as fully as possible the information or circumstances that gave rise to the concern.

6.1 Who should I raise a concern with?

In many circumstances the easiest way to get your concern resolved will be to raise it with your line manager. But where you do not think it is appropriate to do this, you can use any of the options set out below.

If raising it with your line manager does not resolve matters, or you do not feel able to raise it with them, you can contact one of the following people:

- the designated advisor / advocate (Jeremy Stewart, non-executive director)
- the Information Governance Team¹

If you still remain concerned after this, you can contact:

- the Director of Human Resources and Corporate Services, who has overall responsibility for whistleblowing

All these people have been trained in receiving concerns and will give you information about where you can go for more support.

¹ **BSO Information Governance Office contact details:**

Address: 2 Franklin Street
Belfast
BT2 8DQ

Telephone: 02895 633525

Email: whistleblowing@hscni.net

If for any reason you do not feel comfortable raising your concern internally, you can raise concerns with external bodies (see paragraph 7 below).

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.

6.2 Independent Advice

If you are unsure whether to use this policy, or if you require confidential advice at any stage, you may contact your trade union/professional organisation.

Advice is also available through the independent charity Public Concern at Work (PCaW) on 020 7404 6609.

6.3 How should I raise my concern?

You can raise your concerns with any of the people listed above, in person, by phone or in writing (including email).

Whichever route you choose, please be ready to explain as fully as you can the information and circumstances that gave rise to your concerns.

7. Raising a concern externally

- 7.1 The BSO hopes this policy reassures you of its commitment to have concerns raised under it taken seriously and fully investigated, and to protect an individual who brings such concerns to light.
- 7.2 Whilst there may be occasions where individuals will wish to report their concerns to external agencies or the PSNI, the BSO would hope that the robust implementation of this policy will reassure staff that they can raise such concerns internally in the first instance.
- 7.3 However, the BSO recognises that there may be circumstances where you can raise a concern with an outside body including those listed below:
- Department of Health;
 - A prescribed person, such as:
 - General Chiropractic Council, General Dental Council, General Medical Council, General Osteopathic Council, Health & Care Professional Council, Northern Ireland Social Care Council, Nursing and Midwifery Council, Pharmaceutical Society Northern Ireland, General Optical Council
 - The Regulation and Quality Improvement Authority;
 - The Health and Safety Executive;
 - Serious Fraud Office,
 - Her Majesty's Revenue and Customs,
 - Comptroller and Auditor General;
 - Information Commissioner
 - Northern Ireland Commissioner for Children and Young People
 - Northern Ireland Human Rights Commission

7.4 Disclosure to these organisations/persons will be protected provided you honestly and reasonably believe the information and associated allegations are substantially true.

7.5 We would wish you to raise a matter with the external agencies listed above than not at all. Public Concern at Work (or your union) will be able to advise you on such an option and on the circumstances in which you may be able to contact an outside body safely.

8. The media

8.1 You may consider going to the media in respect of their concerns if you feel the BSO has not properly addressed them. You should carefully consider any information you choose to put into the public domain to ensure that patient/client confidentiality is maintained at all times. The BSO reserves the right to take disciplinary action if patient/client confidentiality is breached.

8.2 Communications with the media are coordinated by the Office of the Chief Executive on behalf of the BSO. Staff approached by the media should direct the media to this office in the first instance.

9. Conclusion

9.1 While we cannot guarantee that we will respond to all matters in the way that you might wish, we will strive to handle the matter fairly, impartially and properly. By using these whistleblowing arrangements you will help us to achieve this.

9.2 Please note, this document has been developed to meet best practice and comply with the Public Interest Disclosure (NI) Order 1998 (the Order) which provides employment protection for whistleblowing.

9.3 The Order gives significant statutory protection to staff who disclose information reasonably in the public interest. To be protected under the law an employee must act with an honest and reasonable belief that a malpractice has occurred, is occurring or is likely to occur. Disclosures may be made to certain prescribed persons or bodies external to the BSO listed in the Order. The Order does not normally protect employees making rash disclosures for example to the media, when the subject could have been raised internally.

10. Equality Statement

10.1 The BSO This policy has been drawn up and reviewed in the light of Section 75 of the Northern Ireland Act (1998) which requires the BSO to have due regard to the need to promote equality of opportunity. It has been screened to identify any adverse impact on the 9 equality categories.

10.2 The policy has been **screened out** without mitigation or an alternative policy proposed to be adopted.

11. Personal & Public Involvement (PPI)/Consultation Process

This policy has been adapted by BSO in line with regional guidance. Appropriate consultation has been carried out with colleagues across all relevant HSC bodies.

12. Alternative Formats

This document can be made available on request on disc, larger font, Braille, audiocassette and in other minority languages to meet the needs of those who are not fluent in English.

13. Sources of advice in relation to this document

The Policy Author, responsible Assistant Director or Director as detailed on the policy title page should be contacted with regard to any queries on the content of this policy.

Appendix 1 – Roles and Responsibilities

The BSO

- To listen to our staff, learn lessons and strive to improve patient care;
- To ensure that this policy enables genuine issues that are raised to be dealt with effectively;
- To promote a culture of openness and honesty and ensure that issues are dealt with responsibly and taken seriously;
- To ensure that employees who raise any issues are not penalised for doing so unless other circumstances come to light which require this, e.g. where a member of staff knowingly raises an issue regarding another member of staff which they know to be untrue;
- To share learning, as appropriate, via organisations shared learning procedures

The non-executive director (NED)

- To have responsibility for oversight of the culture of raising concerns within BSO

Senior Managers

- To take responsibility for ensuring the implementation of the whistleblowing arrangements

Managers

- To take any concerns reported to them seriously and consider them fully and fairly;
- To recognise that raising a concern can be a difficult experience for some staff and to treat the matter in a sensitive manner if required;
- To seek advice from other professionals within the BSO where appropriate
- To invoke the formal procedure and ensure the Information Governance Office is informed, if the issue is appropriate;
- To ensure feedback/ learning at individual, team and organisational level on concerns and how they were resolved

Whistleblowing adviser / advocate

- To ensure that any safety issue about which a concern has been raised is dealt with properly and promptly and escalated appropriately through all management levels;
- To intervene if there are any indications that the person who raised a concern is suffering any recriminations;
- To work with managers and HR to address the culture in an organisation and tackle the obstacles to raising concerns

This list is not intended to be exhaustive or restrictive

All Members of Staff

- To recognise that it is your duty to draw to the BSO's attention any matter of concern;
- To adhere to the procedures set out in this policy;
- To maintain the duty of confidentiality to patients and the BSO and consequently, where any disclosure of confidential information is to be justified, you should first, where appropriate, seek specialist advice for example from a representative of a regulating organisation such as the Nursing & Midwifery Council or the General Medical / Dental Council.

Role of Trade Unions and other Organisations

All staff have the right to consult and seek guidance and support from their Professional Organisations, Trade Union or from statutory bodies such as the Nursing & Midwifery Council, the General Medical Council, Health Professional Council and the Social Care Council for Northern Ireland.

Appendix 2 – Procedure for raising a concern

Step one (Informal)

If you have a genuine concern about what you believe might be malpractice and have an honest and reasonable suspicion that the malpractice has occurred, is occurring, or is likely to occur, then the matter should be raised in the first instance with your Line Manager (lead clinician or tutor). This may be done verbally or in writing.

You are entitled to representation from a trade union/ fellow worker or companion to assist you in raising your concern.

Step two (informal)

If you feel unable to raise the matter with your Line Manager, for whatever reason, please raise the matter with BSO's dedicated advocate. Contact details are available in Section 6.1.

This person has been given special responsibility and training in dealing with whistleblowing concerns. They will:

- treat your concern confidentially unless otherwise agreed;
- ensure you receive timely support to progress your concerns;
- escalate to the board any indications that you are being subjected to detriment for raising your concern;
- remind the organisation of the need to give you timely feedback on how your concern is being dealt with;
- ensure you have access to personal support since raising your concern may be stressful

If you want the matter dealt with in confidence, please say so at the outset so that appropriate arrangements can be made.

Step three (formal)

If these channels have been followed and you still have concerns, or if you feel that the matter is so serious that you cannot discuss it with any of the above, please contact either the Information Governance Team. Contact details are available in Section 6.1.

Step four (formal)

You can raise your concerns formally with the external bodies listed at section 7 of this policy.

What will we do?

We are committed to listening to our staff, learning lessons and improving patient care. On receipt, the concern will be recorded and, where possible, you will receive an acknowledgement within three working days.

A central register will record the date the concern was received, whether you have requested confidentiality, a summary of the concerns and dates when we have given you

updates or feedback. While your identity may be included within the allegation or report, the register will not include any information which may identify you, nor should it include any information which may identify an individual or individuals against whom an allegation is made.

Investigation

Where you have been unable to resolve the matter quickly (usually within a few days) with your Line Manager, we will carry out a proportionate investigation – using someone suitably independent (usually from a different part of the organisation) and properly trained – and we will reach a conclusion within a reasonable timescale (which we will notify you of).

Wherever possible we will carry out a single investigation (so, for example, where a concern is raised about a patient safety incident, we will usually undertake a single investigation that looks at your concern and the wider circumstances of the incident).

The investigation will be objective and evidence-based, and will produce a report that focuses on identifying and rectifying any issues, and learning lessons to prevent problems recurring.

We may decide that your concern would be better looked at under another process: for example, our process for dealing with bullying and harassment. If so, we will discuss that with you.

We will advise you, where possible, and those identified as the subject of a concern, of the process, what will be investigated and what will not, those who will be involved, the roles they will play and the anticipated timescales.

Any employment issues (that affect only you and not others) identified during the investigation will be considered separately.

Where an Agency worker raises a concern then it is the responsibility of the BSO to take forward the investigation in conjunction with the Agency if appropriate.

For the purposes of recording, if the concern is already, or has previously been, the subject of an investigation under another procedure e.g. grievance procedure it will not be appropriate to categorise it under the BSO Whistleblowing Policy.

Communicating with you

We welcome your concerns and will treat you with respect at all times. We will discuss your concerns with you to ensure we understand exactly what you are worried about. We will endeavour to provide a response within 12 weeks of the concern being received. We will provide an update on progress by week 6 and again by week 10 of the investigation. We will share the outcome of the investigation report with you (while respecting the confidentiality of others).

Dissatisfaction with action taken

If you are dissatisfied with the action taken in respect of your concerns in the first stage you should raise your concerns directly with the Director of Human Resources and Corporate Services (DHRCS). The DHRCS will decide, on the basis of HR and / or legal advice, if further action needs to be taken and, if so, what the appropriate action will be.

You will, unless circumstances do not permit it, be told what action the BSO has decided to take and you must treat any such information in the strictest of confidence at all times.

How we will learn from your concerns

The focus of the investigation will be on improving our services. Where it identifies improvements that can be made, we will track them to ensure necessary changes are made and are working effectively. The final outcome and 'lessons learned' will be documented and approved as final by the responsible Director. In addition the relevant professional Executive Director will independently assess the findings and recommendations for assurance that the matter has been robustly considered and appropriately addressed.

Board oversight

The BSO board and the Department of Health will be given high level information about all concerns raised by our staff through this policy and what we are doing to address any problems. We will include similar high level information in our annual report. The board supports staff raising concerns and want you to feel free to speak up. The Chair has nominated a non-executive director with responsibility for the oversight of the organisation's culture of raising concerns.

Review & Reporting

We will review the effectiveness of this policy and local processes at least annually, with the outcome published and changes made as appropriate.

We will provide regular reports to senior management and to our Audit Committee on our whistleblowing caseload and an annual return to the Department of Health setting out the actions and outcomes.

Appendix 3 – Advise for managers responding to a concern

1. Thank the staff member for raising the concern, even if they may appear to be mistaken;
2. Respect and heed legitimate staff concerns about their own position or career;
3. Manage expectations and respect promises of confidentiality;
4. Discuss reasonable timeframes for feedback with the member of staff;
5. Remember there are different perspectives to every story;
6. Determine whether there are grounds for concern and investigate if necessary as soon as possible. Where appropriate alert those identified as the subject of the concern. If the concern is potentially very serious or wide-reaching, consider who should handle the investigation and know when to ask for help. If asked, managers should put their response in writing;
7. Managers should ensure that the investigator is not connected to the concern raised and determine if there is any actual, potential or perceived conflict of interest which exists prior to disclosing full details of the concern. Should a conflict of interest arise during the investigation the investigator must alert the manager. (Note: Any such conflict must be considered, and acted on, by the manager);
8. Managers should bear in mind that they may have to explain how they have handled the concern;
9. Feed back to the whistleblower and those identified as the subject of a concern (where appropriate) any outcome and/or proposed remedial action, but be careful if this could infringe any rights or duties which may be owed to other parties;
10. Consider reporting to the board and/or an appropriate regulator the outcome of any genuine concern where malpractice or a serious safety risk was identified and addressed; and
11. Record-keeping - it is prudent to keep a record of any serious concern raised with those designated under the policy, and these records should be anonymous where necessary.