



Health and Social
Care Board

WHISTLE BLOWING POLICY

Equality Considerations

This policy has been screened in accordance with the HSCB's statutory duty and is not considered to require a full impact assessment. The screening outcomes will be published on the HSCB website.

Human Rights Act

This policy is compliant with the requirements of the Human Rights Act 1998.

Policy Reference 2011/ Gov/ 01	Responsible Officer Head of Corporate Services	Review Frequency 2 yearly
Approved by Governance Committee	Approval Date: 01 / 09 / 11	Next review due SEPT 2013
Superseded documents (if applicable) All legacy HSS Boards' Whistle Blowing Polices		

September 2011

WHISTLEBLOWING ARRANGEMENTS – RAISING CONCERNS AT WORK

1. INTRODUCTION

All of us at one time or another may have concerns about what is happening at work. Usually these concerns are easily resolvable. However, when it is about unlawful conduct, a possible fraud (*including Bribery as defined by the Bribery Act 2011*) or dangers to staff, the public, the environment, or other serious malpractice, it can be difficult to know what to do.

You may be worried about raising such a concern 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 feel that raising the matter would be disloyal to colleagues, managers or to the Health and Social Care Board (HSCB). You may decide to say something but find that you have spoken to the wrong person or raised the issue in the wrong way and are not sure what to do next.

The HSCB has introduced this Whistle blowing Policy to enable staff¹ to raise concerns about what is happening at work at an early stage and in the right way.

2. PURPOSE AND AIMS

The Health and Social Care Board is committed to developing an environment of openness and honesty which encourages staff to contribute views to all aspects of its activities. The purpose of these arrangements is to reassure you that it is safe and acceptable to speak up. These arrangements will enable you to raise your concern about any malpractice at an early stage and in the right way. Rather than wait for proof, the HSCB would prefer you to raise the matter when it is still a concern.

We have implemented these whistle blowing arrangements for you to raise any concern where the interests of others or the organisation itself are at risk. If something is troubling you of which you think we should know about or look into, please use this procedure to let us know.

If, however, you wish to make a complaint about your employment or how you have been treated, please use the HSCB Grievance Procedure. Staff should be aware that deliberately concealing information which may be of concern to the

¹ The term 'staff' in this policy apply both to those people directly employed by the Health and Social Care Board (HSCB), and those people associated with the HSCB by any other employment contractual arrangement

organisation is a serious matter. Therefore, staff are encouraged to raise issues in line with this policy as soon as they become aware of them. If in doubt, raise it!

If your concern is about possible fraud, you may also wish to refer to our Fraud Response Plan. You can obtain a copy of the plan by contacting the HSCB Head Accountant for Governance and Accountability at our Eastern Office 12-22 Linenhall Street Belfast BT2 8BS Tel 028 9032 1313 Ext 2123 or Direct Dial Line 028 9055 3926.

This policy is intended to provide a mechanism to address issues which are not provided for within existing policies e.g. Disciplinary Procedure, Grievance Procedure. The HSCB also has policies in place for dealing with the reporting of adverse incidents – this policy is not intended to substitute for those policies or for other normal management reporting arrangements within the HSCB.

Whilst this policy provides for raising issues, internally and externally, this does not include the inappropriate release of confidential information, including documents, to the media which is not covered under the Whistleblowing policy and would be dealt with as a disciplinary matter.

3. OUR ASSURANCES TO YOU

- **Your safety**

The HSCB is committed to making whistle blowing work. If you raise a genuine concern under these arrangements, you will not be at risk of losing your job or suffering any form of retribution as a result. Provided you are acting in good faith, it does not matter if you are mistaken. Of course, this assurance does not extend to someone who maliciously raises a matter they know to be untrue or which is raised in a vexatious or mischievous way.

- **Confidentiality**

The HSCB will not tolerate the harassment or victimisation of anyone who raises a genuine concern under this policy. However, we recognise that there may be circumstances when you would want to raise a concern in confidence first. If this is the case, please say so at the outset. If you ask us not to disclose your identity, we will not do so without your consent unless required by law. You should understand that there may be times when we are unable to resolve a concern without revealing your identity, for example where your personal evidence is essential. In such cases, we will discuss with you whether and how the matter can best proceed.

- **Anonymity**

Remember that if you do not tell us who you are, it will be much more difficult for us to look into the matter, to protect your position, or to give you feedback. Accordingly, while we will consider anonymous reports, these arrangements are not well suited to deal with concerns raised anonymously.

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

4. HOW TO RAISE A CONCERN INTERNALLY

Please remember that you do not need to have firm evidence of malpractice before raising a concern. However we do ask that you explain as fully as you can the information or circumstances that gave rise to your concern.

Step One

If you have a concern about malpractice, we hope you will feel able to raise it first with your line manager. To make it as easy as possible to raise a concern, this can be done orally or in writing (by letter or email). You should specify from the outset if you wish the matter to be dealt with in confidence. The line manager should raise the concern with their Director, who will notify the Head of Corporate Services (Senior Designated Officer) of the matter.

Step Two

If, for whatever reason, you feel that raising it with your line manager is not appropriate or it has not worked, please raise the matter with their immediate manager or Director or with one of the following senior management team members:

Director of Finance - Mr Paul Cummings

Tel 028 9055 3900 email: paul.cummings@hscni.net

Head of Corporate Services - Mr Michael Bloomfield

Tel 028 9055 3731 email: michael.bloomfield@hscni.net

Director of Performance Management - Ms Louise Mc Mahon

Tel 028 9032 1313 email: louise.mcmahon@hscni.net

Director of Integrated Care - Dr Sloan Harper

Tel 028 9055 3796 email: sloan.harper@hscni.net

Director of Commissioning - Mr Dean Sullivan
Tel 028 9055 3688 email: dean.sullivan@hscni.net

Director of Social Care - Mrs Fionnuala Mc Andrew
Tel 028 9055 3964 email: fionnuala.mcandrew@hscni.net

Step Three

If these channels have been followed and you believe there is an ongoing risk or you feel the matter is so serious that you cannot discuss it with any of the above, you can raise your concern directly with:

Chief Executive - Mr John Compton
Tel 028 9055 3738 email: john.compton@hscni.net
or

Chairman - Dr Ian Clements
Tel 028 9055 3738 email: ian.clements@hscni.net

The Chairman or Chief Executive will then appoint a Senior Designated Officer to deal with the concern raised.

5. HOW WE WILL HANDLE THE MATTER

Once you have told us of your concern, we will look into it to assess initially what action should be taken. This may involve an informal review, an internal inquiry or a more formal investigation. Where it is decided that a formal investigation is necessary the overall responsibility for the investigation will lie with a nominated "investigation officer."

In any event, we will tell you

- who is dealing with the matter,
- how you can contact him or her, and
- whether your further assistance may be needed.

If you request, we will write to you summarising your concern and setting out how we propose to handle it.

When you raise the concern you may be asked how you think the matter might best be resolved. If you do have any personal interest in the matter, we do ask that you tell us at the outset. If your concern falls more properly within the Grievance Procedure we will tell you.

We will give you as much feedback as we properly can, and if requested, we will confirm it in writing. However, we may not be able to tell you the precise action we take where this would infringe a duty of confidence owed by us to someone else.

A summary of concerns raised under this policy will be reported on an annual basis to the Governance Committee by the Head of Corporate Services who will give an indication of the status of each investigation whilst respecting the confidentiality of the Whistleblower.

6. INDEPENDENT ADVICE

If you are unsure whether or how to raise a concern or you want confidential advice at any stage, you may contact your trade union or your professional body. You may also contact the independent charity Public Concern at Work on 020 7404 6609 or by email at helpline@pcaw.co.uk. Their lawyers can talk you through your options and help you raise a concern about malpractice at work. For more information, you can visit their website at www.pcaw.co.uk.

7. EXTERNAL DISCLOSURES

It is important to note that the HSCB encourages staff to raise matters internally first, before any external organisation is involved and while we hope we have given you the reassurance you need to raise your concern, internally with us, we recognise that there may be circumstances where you can properly report a concern to an outside body. In fact, we would rather you raise a matter with the appropriate regulator – such as the Northern Ireland Audit Office, the Health and Safety Executive of Northern Ireland or the Equality Commission - than not at all. Public Concern at Work (or your union or your professional body) 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.

A list of external contact details are provided in Appendix 1 – this list is not intended to be exhaustive.

8. CONCLUSION

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 and properly. By using these whistle blowing arrangements you will help us to achieve this.

Please note, this procedure has been developed to meet best practice and comply with the Public Interest Disclosure (NI) Order 1998 (PIDO) which provides employment protection for whistle blowing. Please refer to Appendix 2 for details of Protection under the order. For more information on the law, see (web link to the law) <http://www.legislation.gov.uk/nisi/1998/1763/contents>.

9. ALTERNATIVE FORMAT

Every effort will be made to provide information in an alternative format if written format is not accessible to a member of staff.

APPENDIX 1

The Ombudsman
Progressive House
33 Wellington Place
Belfast
BT1 6HN

0800 34 34 24
www.ni-ombudsman.org.uk

Equality Commission
Equality House
7-9 Shaftesbury Square
Belfast
BT2 7DP

028 9050 0600
www.equalityni.org

N.I. Audit Office
106 University Street
Belfast
BT7 1EU

028 9025 1000
whistleblowing@niauditoffice.gov.uk

Information Commissioner for Northern Ireland
51 Adelaide Street
Belfast
BT2 8FE

028 9026 9380
www.ico.gov.uk/about_us/our_organisation/northern_ireland+

Health & Safety Executive for Northern Ireland
83 Ladas Drive
BELFAST
BT6 9FR

028 9024 3249 (Free phone 0800 0320 121)
www.hseni.gov.uk

Regulation and Quality Improvement Authority
9th Floor Riverside Tower
5 Lanyon Place
BELFAST
BT1 3BT

028 9051 7500
www.rqia.org.uk

Northern Ireland Social Care Council

7th Floor Millennium House
Great Victoria Street
BELFAST
BT2 7AQ

028 9041 7600

www.niscc.info

Nursing & Midwifery Council

23 Portland Place
LONDON
W1B 1PZ

020 7637 7181

www.nmc-uk.org/Nurses-and-midwives/safeguarding/Northern-Ireland

General Medical Council

20 Adelaide Street
BELFAST
BT2 8GD

028 9051 7022

www.gmc-uk.org/about/northernireland

Health Professions Council

184 Kennington Park Road
LONDON
SE11 4BU

020 7840 9814

www.hpc-uk.org

Department of Health, Social Services & Public Safety

Castle Buildings
Stormont
BELFAST
BT4 3SJ

028 9052 0500

www.dhsspsni.gov.uk

DHSSPS Fraud Hotline - Tel 08000 963396

This list is not intended to be exhaustive.

PROTECTION FOR QUALIFYING DISCLOSURES

1.1 A qualifying disclosure will be protected under the Order if it is made:

- In good faith to the HSCB (either directly or through internal procedures authorised by the HSCB), or to another person whom the discloser reasonably believes is solely or mainly responsible for the failure in question.
- To a legal adviser in the course of obtaining legal advice.
- In good faith to a Government Minister by an employee in a Government appointed organisation such as a Non-Departmental Public Body; or
- To a person or body prescribed in Statutory Rule 1999 No. 401 ("a prescribed person"), for example, the Health and Safety Executive for Northern Ireland, the Comptroller and Auditor General for Northern Ireland.

1.2 In the last case the employee must make the disclosure in good faith, reasonably believe that the information and the allegation in it are substantially true, and reasonably believe that the matter falls within the description of matters for which the person has been prescribed.

1.3 Qualifying disclosures will also be protected if they are made other than in the previous paragraph, provided that the person makes the disclosure in good faith, reasonably believes that the information and the allegation contained in it are substantially true, and does not act for personal gain. One or more of the following conditions must apply:

- The discloser reasonably believed that they would be victimised if they had made the disclosure to the employer or a prescribed person;
- There was no prescribed person and the discloser reasonably believed that disclosure to the employer would result in the destruction or concealment of evidence; or
- The discloser had already disclosed substantially the same information to the employer or a prescribed person.

1.4 It must also be reasonable for the discloser to make the disclosure. In deciding the reasonableness of the disclosure, an industrial tribunal will consider the circumstances. This will include:

- The identity of the person to whom the disclosure was made;
- The seriousness of the concern;

- Whether the failure is continuing or likely to recur;
- Whether the disclosure breached the duty of confidentiality which the employer owed to a third party;
- What action has been taken or might reasonably be expected to have been taken if the disclosure was previously made to the employer or a prescribed person; and
- Whether the discloser complied with any approved internal procedures if the disclosure was already made to the employer.

1.5 A disclosure made about an **"exceptionally serious"** failure, other than described above, will be protected if the discloser makes the disclosure in good faith, reasonably believes that the information disclosed and any allegations contained in it are substantially true and does not act for personal gain, provided that it is reasonable for that person to make the disclosure, having regard, in particular, to the identity of the person to whom the disclosure is made. It will be for the Industrial Tribunal to consider and decide whether any particular failure is "exceptionally serious". This will be a question of fact, not of an individual's personal belief.

