



<b>POLICY/PROCEDURE INFORMATION (Policy no OP008)</b>	
<b>Subject</b>	<b>Whistleblowing Policy and Procedure</b>  <i>(This policy is non-contractual and is subject to periodic review and will be amended according to service development needs).</i>
<b>Applicable to</b>	All staff and volunteers of Nottinghamshire Hospice
<b>Target Audience</b>	Others such as agents, consultants, and other representatives of Nottinghamshire Hospice may be required to comply with the policy as a condition of appointment.
<b>Date issued</b>	November 2020
<b>Next review date</b>	November 2023
<b>Lead responsible for Policy</b>	Chief Executive Officer
<b>Policy reviewed by</b>	Chief Executive Officer
<b>Notified to (when)</b>	Board of Trustees November 2020
<b>Authorised by (when)</b>	Board of Trustees November 2020
<b>CQC Standard if applicable</b>	All
<b>Links to other Nottinghamshire Hospice Policies</b>	Drugs and Alcohol Equality and Diversity Safeguarding Children and Vulnerable adults Disciplinary and Grievance Code of Conduct Bullying and Harassment Retail Operational Policy framework
<b>Links to external policies</b>	Equalities Act 2010 Public Interest Disclosure Act 1998 General Data Protection Regulations 2018
<b>Summary</b>	The policy outlines Nottinghamshire Hospice's commitment to accountability and transparency as

	a mechanism to enable people to voice concerns in a responsible and effective manner. This is in situations where they believe malpractice or wrongdoing has occurred, the policy outlines the process in place to ensure that disclosure can occur without fear of reprisal.
<b>This policy replaces</b>	N/A

<b>VERSION CONTROL</b>		
<b>Status</b>	<b>Date</b>	<b>Reviewed date</b>
Original policy written by Rowena Naylor-Morrell	17 November 2020	
Policy notified to	Board of Trustees	
Policy ratified by Board of Trustees	24 November 2020	November 2023
Updated control sheet and published on Website	15 December 2020	

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Nottinghamshire Hospice is committed to ensuring the way in which it operates is safe and delivered with honesty and integrity and we expect all employees to maintain high standards. In common with other organisations, we face the risk that on occasions things may go wrong or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential to prevent such situations occurring or to address them when they do occur. As such the Hospice welcomes all forms of feedback on the organization's services and working practices, including from staff.

This policy provides guidance on how to raise concerns, encourages people to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously, investigated appropriately and their confidentiality respected. It is essential that people are reassured that they are able to raise genuine concerns in good faith without fear of reprisals, even if they turn out to be mistaken.

### **What is whistleblowing?**

If you see or find out about something you think is wrong at the Hospice you should report it. You should go first to your line-manager, Human Resources, or any senior person. Raising concerns about wrongdoing can be one of the most difficult and challenging things to do at work. Under this policy you may come forward with legitimate concerns without fear of being blamed or suffering any disadvantage for doing so.

### **What types of concern might be raised by whistleblowers?**

The Public Interest Disclosure Act (PIDA) 1998 provides protection for workers who reasonably believe that they are acting in the public interest and where the disclosure falls into one of more of the following categories.

- A criminal offence that has, is being, or is likely to be committed
- Unauthorised or inappropriate disclosure, misuse, or loss of confidential, personal and / or sensitive information
- Miscarriage of justice
- Risk or damage to the environment
- A danger to the health and safety of employees or others
- Attempts to suppress or hide information relating to wrongdoing.

The concern can be about an incident that happened in the past, is happening now or that you believe is likely in the future.

As long as you hold a reasonable belief that the information is true then you will be covered by the protection set out in this policy regardless of whether you are mistaken or the matter cannot be proved.

Whistleblowing does not cover concerns where there is no public interest element such as a concern about your own employment or related matters. To raise a concern in relation to this please refer to the Hospice grievance procedure.

## **Safeguards**

### Protection

All staff have statutory protection in line with the Public Disclosure Act 1998 provided concerns are raised in good faith and with a reasonable belief of making the disclosure is to show malpractice or impropriety and if the disclosure is made to an appropriate person.

The fear of being mistaken should not prevent a person from raising their concerns. Provided that they are acting in good faith and have reasonably held suspicion. Where concerns are raised in good faith people are protected from reprisal, victimization and will not be risking their job security.

### Confidentiality

Information shared under whistleblowing will be treated as confidential, however as part of an investigation the person raising the concern may be interviewed and their statement used as part of the evidence bundle. Their information will not be shared unless they consent to our doing so, the exception to this will be when there is a legal cause to do so such as safeguarding,

### Anonymous allegations

If a concern is raised with us anonymously, it will be more difficult for us to investigate the matter, provide feedback or to be sensitive to the whistleblowers personal position, this will not prevent us from investigating the concern.

## Untrue allegations

If concerns are raised in good faith but found to be untrue then no action will be taken against a person. Care should be taken to ensure as far as possible that allegations are made on accurate information. Where allegations are found to be malicious, vexatious and continue to be made after being found to be untrue. This will lead to action being taken in line with the disciplinary and grievance policy. In extreme cases this may lead to legal action.

### **How to raise a concern**

In the first instance concerns should be raised with a line manager, our first commitment will always be for local resolution. This is quick, effective and will usually bring concerns to a close.

If safeguarding concerns are raised or there is a suspicion of potential harm to children or vulnerable people, the Safeguarding of Children and Vulnerable People policy should be followed.

If your concern is not addressed, where it is more serious, or you do not feel able to discuss the concern with your line manager you should raise it with one of the named people below:

### **Chief Executive**

### **Trustee with Board Responsibility for Whistle blowing (Shahnaz Aziz)**

This can be done in person, via email or telephone, they will provide you with a note of the conversation and arrange a confidential meeting to gather more detail and understanding, this will include making a formal statement – this will be treated as confidential as outlined above. In line with the Disciplinary and Grievance Policy you may be accompanied by a colleague. Your companion must respect the confidentiality of your disclosure in any subsequent investigation.

If your concern relates to the Chief Executive, you should contact the Chair of the Board of Trustees. If your concern relates to a member of the Board of Trustees, you should contact the Chair of the Board of Trustees in the first instance or the Charity Commissioner.

## **Investigations**

Where appropriate an investigation will be undertaken, if there is a safeguarding concern this will follow the safeguarding protocol, if it involves criminal activity the police will be informed. Where this is the case the Chief Executive and the chair of Trustees will be informed prior to the Police being contacted.

The process for investigation will follow that outlined in the Disciplinary and Grievance policy. This will include identifying an appointed officer who will oversee the process, this will usually be the Chief Executive. They will speak to you in detail, others who may have similar concerns, those who may have additional information and where necessary specialist advisors. A final decision will be made, following a reflection on of the evidence and a report prepared outlining the findings of the investigation. If the concerns are shown to be justified the disciplinary or other appropriate procedure will be followed.

## **Timescales**

Whistleblowing will bring forward a wide range of issues which will require different periods of time to complete an investigation and reach an outcome. Concerns will be dealt with as a priority and will usually be completed within 21 days. Issues which may change this timescale are:

- Illness or annual leave of the appointed officer or anyone associated with the concern
- Shift working which restricts access to information or people
- The need to contact outside agencies including CQC, the Police, Solicitors, or the Charity Commission
- Destruction or loss of evidence
- General capacity to respond peculiar to a small, local charity.

## **Providing feedback to Whistleblowers**

The person raising the concern will be kept informed as appropriate, with the progress of the concern and the outcome, though this will be anonymized so that there is no breach of confidentiality, information which may be shared is as follows:

- An investigation has taken place and the concern found to be justified, or not.
- The information was used or will be forwarded to relevant bodies such as CCG's or CQC.
- Changes have been made (whether voluntary or enforced).
- The information is being held on file and considered alongside other performance intelligence

## **Reporting and Recording of Whistleblowing**

The raising of a concern will be recorded using an incident form, this will be logged and appear on the incident register for the Strategic Governance Committee. Papers from this and the Quality and Safety Committee are presented at the next Board of Trustees meeting as part of the consent items and are therefore available to all members of the Board.

Records are important in enabling us to identify patterns of concerns which might warrant an investigation. Lessons learned and root cause analysis will be undertaken in relation to each concern and presented as a case study at the next subgroup these being:

Nonclinical concerns and learning – Strategic Corporate Governance Committee

Clinical concerns and learning – Quality and Safety Committee

Information will be shared as part of the quality return to CCG in line with contractual requirements.

If the person raising the whistleblower concerns, fears they will suffer detriment or have already suffered detriment because of the information shared during the investigation or with a third party this will also be recorded within their HR record and on the relevant investigation file note. They will also be offered support through the Employee Assistance Programme, HR will offer further support together with the line manager.

## **Signposting to independent agencies**

Independent agencies able to support with raising concerns are:

### *NHS Whistleblowing Helpline*

The Whistleblowing Helpline is a free-phone service for employees, and organisations working within the NHS and social care sector.

Telephone: 08000 724 725

Web: [www.wbhelpline.org.uk](http://www.wbhelpline.org.uk)

Email: [enquiries@wbhelpline.org.uk](mailto:enquiries@wbhelpline.org.uk)

### *Public Concern at Work*

PCaW is a charity that provides free, confidential legal advice to people who are concerned about wrongdoing at work and not sure whether, or how, to raise their concern.

Telephone: 020 7404

6609 Web:

[www.pcaw.org.uk](http://www.pcaw.org.uk)

Email: [whistle@pcaw.org.uk](mailto:whistle@pcaw.org.uk)

### *Charity Commission*

The Charity Commission regulates charities, this includes investigating wrongdoing by charities and all those associated with them. They are unable to provide legal advice.

Telephone 03000669197

Email [whistleblowing@charitycommission.gov.uk](mailto:whistleblowing@charitycommission.gov.uk)

### *Protect*

Protect is a specialist whistleblowing charity who can help explain what types of wrongdoing you can report, your legal rights and support you through to the next steps.

Tel: 0800 055 7214

Or free confidential whistleblowing advice 02031172520

Visit [protect-advice.org.uk](http://protect-advice.org.uk)

# WHISTLEBLOWING PROCESS FLOWCHART

## What is it?

Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work.

## Examples

- criminal activity; miscarriages of justice; danger to health and safety; damage to the environment.
- failure to comply with any legal or professional obligation or regulatory requirements.
- financial fraud or mismanagement; negligence.
- breach of our internal policies and procedures; conduct likely to damage the reputation of the Hospice;
- unauthorised disclosure of confidential information

## What to do

- Discuss concerns with Line Manager
- If concern is more serious OR Line Manager does not address concern OR you do not feel comfortable raising it with your line manager, you can raise it directly with the CEO or Trustee Shahnaz Aziz who has Board responsibility for whistle blowing - shahnaz.aziz@nottingham.ac.uk
- In some cases, it may be appropriate to raise your concern with your regulator e.g. Care Quality Commission  
[https://www.cqc.org.uk/sites/default/files/20160108\\_Whistleblowing\\_quick\\_guide\\_final\\_update.pdf](https://www.cqc.org.uk/sites/default/files/20160108_Whistleblowing_quick_guide_final_update.pdf)
- For details of other regulator see <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies>
- Every effort will be made to respect confidentiality and keep identify secret

## Investigation and Protection

- An initial assessment will be carried out and you will be informed of the outcome. You may be required to attend meetings or provide additional information.
- Confidentiality will always be maintained.
- IF it is concluded that false allegations have been made maliciously, the 'whistleblower' will be subject to disciplinary action.
- Whistleblowers are protected by law (Whistleblowing Protection Act 1989) from any detrimental treatment due to raising a concern in good faith. If this is felt to have been the case, the CEO should be informed, and the Grievance procedure invoked.