



WHISTLEBLOWING POLICY

Introduction

Whistle-blowing is defined as:

The disclosure by an employee of confidential information, which relates to some danger, fraud or other illegal or unethical conduct connected with the workplace, be it of the employer or of a fellow employee(s).

A whistle blower is not a "sneak" or a "trouble maker" but someone who comes to a decision to express a concern after a great deal of thought. The law only requires that there be a genuine doubt – the individual is not expected to produce unquestionable evidence to support the concern.

Applicability

The Policy applies to all employees and Directors, and also applies to other people who work for NICS e.g. self-employed staff, temporary staff and contractors.

Data protection

When an individual makes a disclosure, NICS will process any personal data collected in accordance with its Data Protection Policy. Data collected from the point at which the individual makes the report is held securely and accessed by, and disclosed to, individuals only for the purposes of dealing with the disclosure.

NICS Policy

- NICS has a duty to conduct its affairs in a responsible way
- NICS encourages openness, freedom of speech and the voicing of concerns as a contribution towards maintaining and enhancing quality and ensuring high standards of governance and accountability
- NICS wishes to encourage and enable employees to raise genuine and legitimate concerns internally, confidentially, and without being subject to disciplinary action or any other detriment
- NICS will take appropriate action to ensure that the matter is resolved effectively wherever possible. Matters will be dealt with in strict confidentiality
- Employees can raise concerns with appropriate outside bodies in the event that the concerns are not dealt with satisfactorily internally

EXAMPLES OF SERIOUS CONCERNS COVERED BY THE POLICY

- An offence under, or breach of, any statutory instrument or legal obligation.
- Fraud, financial irregularity, dishonesty
- Malpractice, corruption, bribery
- Unethical conduct



- Medical or prescribing errors
- Breach of confidentiality
- Miscarriage of justice
- Danger to the health or safety of any individual or the environment
- The deliberate concealing of information about any such matter

Procedure

- If you identify a matter of serious concern, you should in the first instance notify the Service Manager in writing. Where the concern involves the Service Manager directly the matter should be raised in writing to the Chief Operating Officer
- The Service Manager / Director will investigate the matter promptly and inform you of the findings in writing, and a copy will be sent to the member of staff who is the subject of the allegation
- The matters will be dealt with confidentially and where appropriate, names will be redacted to prevent potential victimisation.
- Where the report relates to NICS potential liability or responsibilities arising under the Corporate Manslaughter and Corporate Homicide Act 2007 (also see Resources below) the matter should be raised as above in the first instance, however where the employee considers that this route is inappropriate the disclosure may be made to an external “prescribed body” dependent on the nature of the disclosure. The ability to disclose to an external body applies to both the above Act, and to whistleblowing in general, outside the scope of that Act.
- If appropriate, NICS Disciplinary Procedure will be invoked to discipline the offender
- Where there is evidence of criminal activity, the Police will be informed
- If you are dissatisfied with the outcome of the investigation you may notify the local Primary Care Organisation, or other relevant outside body such as the Health and Safety Executive or HM Revenue and Customs, depending on the nature of the matter
- Any victimisation of an employee who raises a concern, or any attempts to deter him/her from raising a legitimate concern, will be regarded as a serious disciplinary offence
- The raising of false or malicious concerns or complaints will be regarded as a disciplinary offence

In addition, NICS adheres to the standards set out by Freedom to Speak Up:

- All staff are encouraged to raise any concern, at the earliest opportunity
- NICS will be proactive in preventing any inappropriate behaviour, such as bullying or harassment, towards staff who raise a concern
- The Freedom to Speak Up Guardian will ensure that policies are in place and that staff know who to contact if they have a concern
- NICS will build on the work of Being Open by adopting the good practice published in Freedom to Speak Up.



RAISING A CONCERN WITH A REGULATOR

If the employers are registered with a regulatory body, such as the General Medical Council (GMC) or the Care Quality Commission (CQC), then you may wish to contact them to investigate the issue in circumstances where;

- You feel that the responsible person or local body is part of the problem you wish to report
- Concerns have been raised through local channels but not satisfied that adequate action has been taken by the responsible person/body
- You feel there is an immediate and serious risk to patients and a regulator (or a similar external body) has the responsibility to act or intervene.