



Whistleblowing Policy

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1. Introduction

- 1.1 Staff are often the first to realise that there may be an area of concern within an organisation. However, staff may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to NHS 24. Staff may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 1.2 Staff have a right and duty to raise any concerns that they may have about the provision of care or services or the management of NHS 24, the disclosure of which the staff member reasonably believes would be in the public interest. Likewise, every manager has a duty to ensure that staff are able to express their concerns readily through all levels of management and to ensure that such concerns are dealt with thoroughly, fairly and consistently.
- 1.3 NHS 24 is committed to the highest possible standards of openness, honesty and accountability. In line with that commitment NHS 24 encourage staff and others with serious concerns about any aspect of its work in the interest of the public to come forward and voice those concerns without fear of reprisals. This policy document makes it clear that staff can do so without the fear of victimisation, subsequent discrimination or disadvantage.
- 1.4 This Policy has been devised in accordance with the provisions of the Public Interest Disclosure Act (PIDA) 1998 and seeks to bring into the open concerns of staff and others relating to legitimate concerns of misconduct, illegal or underhand practices involving NHS 24 or its staff. Staff are protected if they make the disclosure under this internal procedure or externally in the appropriate way (please see Section 7 for more details). It is unlikely that disclosure to the media will be routinely covered by the Act.

2. Aims And Scope Of This Policy

- 2.1 The term “whistleblowing” is used here to describe the action of a person or persons in bringing unethical or illegal acts or malpractice to the attention of NHS 24, particularly in circumstances where existing procedures for monitoring or disclosure have not worked or disclosure is being suppressed.
- 2.2 This Policy aims to:
 - Promote a climate of openness and accountability and thereby to deter and detect wrongdoing in the workplace;
 - Encourage staff to feel confident in raising serious concerns and to question and act upon concerns as soon as possible;
 - Reassure staff that they will be protected from reprisals or victimisation for whistleblowing;
 - Provide procedures for staff to raise concerns and receive feedback on any action taken;

- Ensure that staff receive a timely response to their concerns and that they are aware of further options available to them if they are not satisfied;
- Provide further details on rights and responsibilities under the Public Interest Disclosure Act (PIDA);
- Provide ultimately for an external reporting route if staff feel their concern is not being dealt with properly or if they wish to remain anonymous; and
- Allow staff to take the matter further if dissatisfied with NHS 24's response.

2.3 There are existing procedures in place to enable staff to lodge a personal complaint relating to their own employment situation, i.e. those covered by NHS 24's [Grievance Procedure](#). This policy is intended to cover concerns where an individual raises information that they reasonably believe would be in the public interest, as a witness.

2.4 Staff may raise concerns about matters which:

- Are unlawful;
- Are against NHS 24's policies or procedures;
- Fall below established standards or practice; or
- Amount to improper conduct or malpractice.

2.5 For example:

- Malpractice or ill treatment of a client/patient;
- Suspected fraud;
- A breach of any code or protocol;
- Abuse of clients/patients/fellow colleagues.
- Showing undue favour over a contractual matter or to a job applicant.
- A danger to the health or safety of any individual

(Please note this list is not exhaustive)

2.6 The policy applies to all staff and those contractors working for NHS 24 in their premises, for example, agency staff, builders, drivers, volunteers and students. It also covers suppliers and those providing services under a contract with NHS 24 in their own premises, as well as former staff members and it is one of a number of policies encouraging open reporting within NHS 24.

3. Safeguards

3.1 Harassment or Victimisation

NHS 24 recognise that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. NHS 24 will not tolerate harassment or victimisation and will take action to protect staff when they raise a concern;. NHS 24 will treat any harassment or victimisation as a serious disciplinary offence to be dealt with under the [Dignity at Work](#) and the [Management of Staff Conduct](#) policies.

As an Organisation, NHS 24 has a duty to ensure that a staff member does not suffer a detriment from a co-worker as a result of blowing the whistle. In addition, If the individual blowing the whistle did feel they had suffered a detriment, they may bring a claim against that co-worker and NHS 24 could be vicariously liable for the actions of the co-worker..

3.2 Confidentiality

NHS 24 will do its best to protect the confidentiality of any whistleblowing complainant where the complainant requests that confidentiality. It must be appreciated however, that the investigation process may reveal the source of the information, since statements may be required as part of the evidence. The identity of a staff member raising a concern will not be disclosed beyond those involved in any investigation without permission, unless NHS 24 is legally obliged to do so. However, if the investigation concludes that NHS 24 is not able to resolve the concern without revealing the identity of the individual, NHS 24 will discuss this with the individual and agree the best route forward.

3.3 Untrue Allegations

If a concern is raised but it is not confirmed by the investigation, no action will be taken against the individual who raised the concern. If, however, it becomes apparent that the individual who raised the concern did so with malicious intent, an investigation will take place to determine whether disciplinary action is necessary. It is recognised that it would be exceptional for staff to raise such concerns with malicious intent.

If the concern was raised about a staff member and the investigation concludes that it is untrue, all steps will be taken to assure that staff member that they will not suffer any detriment as a result of the investigation. No record of any untrue allegations will be placed in a staff member's personal file.

3.4 Anonymous Allegations

This policy encourages staff and others to put their name to any concern that is raised under this policy. Concerns expressed anonymously are more difficult to investigate and will only be investigated at the discretion of NHS 24 where sufficient detail has been given to make the investigation possible. The following factors will be considered:

- The seriousness of the issues raised;
- The credibility of the concern; and
- The likelihood of confirming the allegation from attributable sources.

If a decision is taken to investigate a concern which was raised anonymously, the procedure described in 5.10 with regard to feedback will not be followed, unless the individual who raised the concern reveals their identity to those conducting the investigation.

4. How To Raise A Concern

- 4.1 The purpose of the procedure is to provide clear channels for raising and acting on relevant concerns, including the ability to bring a matter to the immediate attention of a suitable person outside the normal line of management.
- 4.2 Confidential advice can be obtained before raising a concern from Staffside Representatives (where applicable), professional organisations, or one of the independent organisations listed in Appendix 2.
- 4.3 The National Confidential Alert Line for NHS employees went live in April 2013 and is a free, confidential phone line for NHS Scotland staff who wish to raise any concerns about practices in NHS Scotland. The line is delivered by Public Concern at Work, an independent Organisation, to ensure confidentiality and impartiality. Any concerns that employees raise will then be passed on to the employer or the relevant regulatory organisation for investigation (contact details in Appendix 2)
- 4.4 If it is decided to raise a concern, whenever possible, this should be raised with the appropriate line manager in the first instance. Staff should clearly state that the concern is being raised under this policy. Upon receipt of a concern, the line manager will forward this to a senior manager in the Human Resources Directorate. (Please see section 5.2)
- 4.5 Where the concern involves the line manager, or the staff member raising the concern, for whatever reason, believes that the line manager is not the appropriate person to raise the concern with, the concern should be raised in confidence with a senior manager of the Human Resources Directorate. Alternatively, assistance can be obtained from Staffside Representatives or professional organisations.
- 4.6 Where the concern involves a Director or the Executive Team and the staff member raising the concern feels that the line manager, senior manager in the Human Resources Directorate, or the Chief Executive are not the appropriate person to raise the concern with, the concern should be raised with the Chair of the Staff Governance Committee. Staff should send the concern in writing, marked private and confidential, for the attention of the Chair of the Staff Governance Committee, care of the NHS 24 Board Secretary. This will be forwarded unopened to the Chair of the Staff Governance Committee.
- 4.7 If exceptionally, the concern is about the Chief Executive, then it should be raised (in the first instance) to the Chairman of the Board, who will decide on how the investigation will proceed.

- 4.8 Where possible, concerns should be raised in writing. The staff member raising the concern should set out the background and history of the concern, giving names, dates and places where possible, and the reasons for the particular concern. If the staff member raising the concern does not feel able to put their concern in writing, they should telephone or meet the appropriate person. Appendix A contains a standard form that can be used for raising concerns. The staff member raising the concern is not expected to prove the concern as being true, but should demonstrate that there is reasonable ground for concern. If the staff member raising the concern does not feel comfortable reporting the concern internally, NHS 24 has provided an independent external route. See Appendix 2. Anyone considering making a protected external disclosure under PIDA must ensure that they have considered and, where valid, followed the internal procedure above in the first instance. Further information and guidance on protected external disclosures can be found in Section 8 of this document.
- 4.9 At all stages of the formal procedure the staff member raising the concern has the right to be accompanied by a staff representative or work colleague.

5. How Nhs 24 Will Respond

- 5.1 The action taken by NHS 24 will depend on the nature of the concern and may be:
- Investigated internally;
 - Referred to the police;
 - Referred to an external auditor;
 - Referred to NHS National Counter Fraud Service;
 - The subject of an independent enquiry.
- 5.2 In order to protect individuals and NHS 24, any concerns which are raised will be forwarded to a Human Resources senior manager, and a meeting to investigate this will be arranged within five working days. This meeting may include relevant clinical or other staff where required. The Director of Human Resources will be made aware that a concern has been raised and the outcome details.
- 5.3 If, however, it is the view of those concerned that any delay might cause patient or staff harm, an immediate meeting will be arranged. It is the responsibility of the Human Resources senior manager to record details of the meeting, and to ensure that the staff member raising the concern is not openly identified at this stage.
- 5.4 The Human Resources senior manager will then decide on the appropriate action, which could be:
- To agree a way forward to resolve the concern without the need for a full investigation;
 - To investigate the allegations;

- To take no further action.
- 5.5 If an investigation is required, the Human Resources senior manager will consult with the manager with whom the concern was first raised and designate appropriate officer(s) to investigate the concern.
- 5.6 Following this the Investigating Officer will within ten working days, write to the member of staff:
- Acknowledging that an investigation will be carried out;
 - Indicating how they propose to deal with the matter;
 - Giving an estimate of how long it will take to provide a final response (where possible);
 - Advising whether any initial enquiries have been made;
 - Advising whether further investigations will take place, and if not, why not; and
 - If the investigation is prolonged, provide written updates as the investigation progresses, at a minimum of every three weeks
- 5.7 The amount of contact between the officers considering the issues and the staff member raising the concern will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from the staff member raising the concern.
- 5.8 When a meeting is arranged the staff member raising the concern will be advised that they have the right to be accompanied by a staff representative or work colleague.
- 5.9 NHS 24 will take steps to minimise any difficulties, which may be experienced as a result of raising a concern. Where appropriate, counselling may be arranged by the Human Resources senior manager. In addition, all staff have access to the Employee Assistance Programme.
- 5.10 NHS 24 accepts that the staff member raising the concern needs to be assured that the matter has been properly addressed. Thus, subject to legal constraints, the staff member raising the concern will receive information about the outcomes of any investigation. In addition, the staff member raising the concern will be informed as to what action has been taken to correct working practices that have been found to be at fault by the investigation. It is acknowledged that in some instances it may be necessary to withhold sensitive or confidential information. Please refer to the [Information Governance](#) pages of the intranet for further details.
- 5.11 The Investigating Officer and the Human Resources senior manager will report on the outcome of any investigation to the Director of Human Resources who will ensure the implementation of the recommendations from the investigation.

6. Investigation And Corrective Action

- 6.1 The Investigating Officer will first obtain full details and clarification of the concern ensuring that they have fully understood the nature of the concern. They will then:
- Inform the Director of Human Resources and relevant Director of the business area to which the concern relates of the basis of the concern
 - Consider the involvement of external bodies e.g. the police.
 - Fully investigate the concern with assistance where appropriate
 - Submit a detailed written report containing the findings of the investigation and any proposed actions to the Director of Human Resources and relevant Director of the business area to which the concern relates.
- 6.2 On receipt of the report the Director of Human Resources, and the relevant Director of the business area to which the concern relates, will consider and decide what corrective actions are necessary. Responsibility for ensuring the agreed actions are carried out will be assigned to a Director or the Chief Executive.
- 6.3 If the staff member raising the concern is not satisfied with the findings or proposed corrective actions following the investigation, they should advise the Chair of the Staff Governance Committee of their dissatisfaction. NHS 24's undertakings in respect of the confidentiality and protection of the source of the concern from victimisation will continue to apply during any review process.
- 6.4 On completion of any investigation all records of the concern raised and all documentation gathered during the investigation, together with a copy of the final report, should be sent to the Director of Human Resources. These records will be kept for a period of 5 years for audit purposes and will then be destroyed in a confidential manner. No records will be held in personal files unless allegations are shown to be founded or unless malicious intent has been proved.
- 6.5 A report will be prepared by the Head of Human Resources Business Services, on behalf of the Director of Human Resources, on an annual basis of all concerns reported internally or via the independent route, giving the details, reports made, corrective action planned and corrective action completed. This report will be provided to the Executive Team and Staff Governance Committee.

7. How The Matter Can Be Taken Further

- 7.1 This policy is intended to provide staff with an avenue to raise concerns within NHS 24. NHS 24 hopes that staff will be satisfied in relation to the procedures and arrangements put in place however where staff are not satisfied with how an issue has been dealt with, and feel it is necessary to take the matter outside NHS 24, staff should first consider seeking further specialist guidance from professional or representative bodies. Possible contacts are listed in Appendix 2. Staff could also consider seeking advice from their relevant trade union representatives or branches.
- 7.2 Where a staff member believes there is a requirement to raise the concern outside NHS 24, they must establish that the reason for the disclosure is covered in the Public Interest Disclosure Act 1998. The reasons include:
- A reasonable belief that raising the issue within NHS 24 or to a prescribed person will result in a detriment to the staff member;
 - That evidence will be destroyed or concealed; or
 - A disclosure of substantially the same information has been raised, either to NHS 24 or to a prescribed person, and no action has been taken.

Further information on the Public Interest Disclosure Act can be found in section 8.

- 7.3 Where the staff member does take a concern outside NHS 24, care should be taken to ensure that they do not disclose confidential information. Staff should check with the Human Resources Directorate, local Trade Union/Staffside Representatives or seek legal advice.

8. Public Interest Disclosure Act (Pida) 1998

- 8.1 The PIDA makes provisions about the kinds of disclosures which may be protected (qualifying disclosures) and the circumstances in which such disclosures are protected. For a disclosure to be a “qualifying disclosure” covered by the Act, it must relate to information which in the “reasonable belief” of the individual making the disclosure shows that one or more of the following have been, or are likely to be, committed:
- A criminal offence;
 - Failure to comply with a legal obligation;
 - Miscarriage of justice;
 - Health and safety endangered;
 - Damage to the environment (does not have to be illegal);
 - Deliberate concealment of any of the above matters.

Individuals should ensure that they are not unnecessarily disclosing any confidential information about NHS 24 or its staff.

The “reasonable belief” refers to the belief of the individual who is raising the concern and is an objective test defined in law, requiring that, in the circumstances, the individual raising the concern has grounds for the belief.

A qualifying disclosure will be protected if the individual has made the disclosure to either:

- His/her employer;
- Some other person, in accordance with the procedure, authorised by the employer;
- Some other responsible person, if the concern relates solely or mainly to the conduct of that person, or to another matter for which the person has legal responsibility ;
- A legal advisor in the course of obtaining legal advice;
- A Minister of the Crown if the individual's employer is an individual or body appointed by that minister.

Where disclosures are made in accordance with the Act's provision, the Employment Rights Act (1996) provides protection and recourse to an Employment Tribunal to any staff member making a “qualifying disclosure”.

9. Monitoring And Review

- 9.1 The Director of Human Resources will have overall responsibility for the maintenance and operation of this policy, and will liaise as necessary with the Executive Team and the Board of NHS 24.
- 9.2 The Human Resources Directorate will maintain a record of concerns raised and the outcomes (in a form which does not endanger staff confidentiality) and both the Area Partnership Forum and the Audit Committee will receive a report on the use of the policy at least annually.
- 9.3 This policy will be reviewed in Partnership every three years.

Confidential Reporting of Serious Concerns Form (Appendix 1)

Once completed, this form should be returned to the Director of Human Resources.

Name:			
Location			
Directorate:			
Does your concern relate to your Line Manager? Yes <input type="checkbox"/> No <input type="checkbox"/>			
Do you wish your name to remain confidential as far as possible? (please tick as appropriate)			
Contact Details - Please complete / delete as appropriate			
Please contact me at home, in writing only. My address is:			<input type="checkbox"/>
Please contact me by telephone only. My telephone numbers are:			<input type="checkbox"/>
Home:			
Work:			
Mobile:			
Please contact me by another method. Details below:			<input type="checkbox"/>
The following people have stated their willingness to support me in raising this concern.			
NAME		CONTACT DETAILS	
Please set out the details of your concern below, giving as much information and detail as possible. Additional pages may be added as necessary.			
Declaration:			

I confirm that the above statements are true to the best of my knowledge, information and belief. I understand that, if I knowingly make false allegations, this may result in the organisation taking disciplinary action against me.

Date: _____

Appendix 2: Professional/Representative Bodies Who Can Provide Guidance

- The Police
- The Finance Directorate SGHD
- BSI Code of Practice on Whistleblowing Arrangements
Organisations can download a free copy of the 2008 British Standards Institution's Code of Practice on Whistleblowing Arrangements from www.pcaw.co.uk/bsi

NHS National Confidential Alert Line
0800 008 6112

The line is delivered by Public Concern at Work, an independent Organisation, to ensure confidentiality and impartiality. Any concerns that employees raise will then be passed on to the employer or the relevant regulatory organisation for investigation

- Public Concern at Work
For information about the Public Interest Disclosure Act 1998, please visit: www.pcaw.co.uk/law/uklegislation.htm
020 7404 6609

- NHSScotland Counter Fraud Service (CFS)
Fraud Hotline: 08000 15 16 28
cfs.scot.nhs.uk

- Health Improvement Scotland
Elliott House
8-10 Hillside Crescent
Edinburgh
EH7 5EA.
Tel: 0131 623 4300
www.healthcareimprovementscotland.org

- Audit Scotland
110 George Street
Edinburgh
EH2 4LH
Tel: 0845 146 1010
www.audit-scotland.gov.uk/

British Medical Association
BMA House
Tavistock Square
London
WC1H 9JP

Tel: 020 7387 4499

www.bma.org.uk

- General Chiropractic Council
44 Wicklow Street
London
WC1X 9HL
Tel: 020 7713 5155
www.gcc-uk.org

- General Dental Council
37 Wimpole Street
London
W1G 8DQ
Tel: 020 7887 3800 19
www.gdc-uk.org

- General Medical Council
GMC Scotland
5th Floor
The Tun
4 Jackson's Entry
Edinburgh
EH8 8PJ
Tel: 0131 525 8700
www.gmc-uk.org

- General Optical Council
41 Harley Street
London
W1G 8DJ
Tel: 020 7580 3898
www.optical.org

- General Osteopathic Council
176 Tower Bridge Road
London
SE1 3LU
Tel: 020 7357 6655
www.osteopathy.org.uk

- Health Professions Council
184 Kennington Park Road
London
SE11 4BU
Tel: 0845 300 4472 or 020 7840 9802
www.hpc-uk.org

- Nursing and Midwifery Council

23 Portland Place
London
W1B 1PZ
www.nmc-uk.org

- Royal Pharmaceutical Society of Great Britain
1 Lambeth High Street
London
SE1 7JN
Tel: 020 7735 9141
www.rpsgb.org.uk

The Royal College of Nursing
20 Cavendish Square
London
W1G 0RN
Tel: 020 7409 3333
www.rcn.org.uk

The Royal College of Midwives
15 Mansfield Street
London
W1G 9NH
Tel: 0300 303 0444
www.rcm.org.uk

GMB
22 Stephenson Way
Euston
London
NW1 2HD
Tel: 020 7391 6700
www.gmb.org.uk

UNISON
UNISON Centre
130 Euston Road
London
NW1 2AY
Tel: 0845 355 0845
www.unison.org.uk

Unite the Union
Unite House
128 Theobald's Road
Holborn

London
WC1X 8TN
Tel: 020 761102500
www.unitetheunion.org