

Whistleblowing Policy and Procedure

A guide to voicing your concerns

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1. POLICY

It is important to the SHA that any concerns of wrongdoing such as a possible fraud, crime, danger or other serious risk that could threaten colleagues, the public or the SHA's reputation can be raised in a safe and open way. The attached procedure sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with. This policy and procedure covers SHA staff and other individuals working with us such as agency temps and contractors.

Individuals have the right not to be dismissed, or subjected to victimisation, because they have raised a concern. The Public Interest Disclosure Act 1998 provides protection for individuals who raise legitimate concerns about specified matters.

Such matters may include:

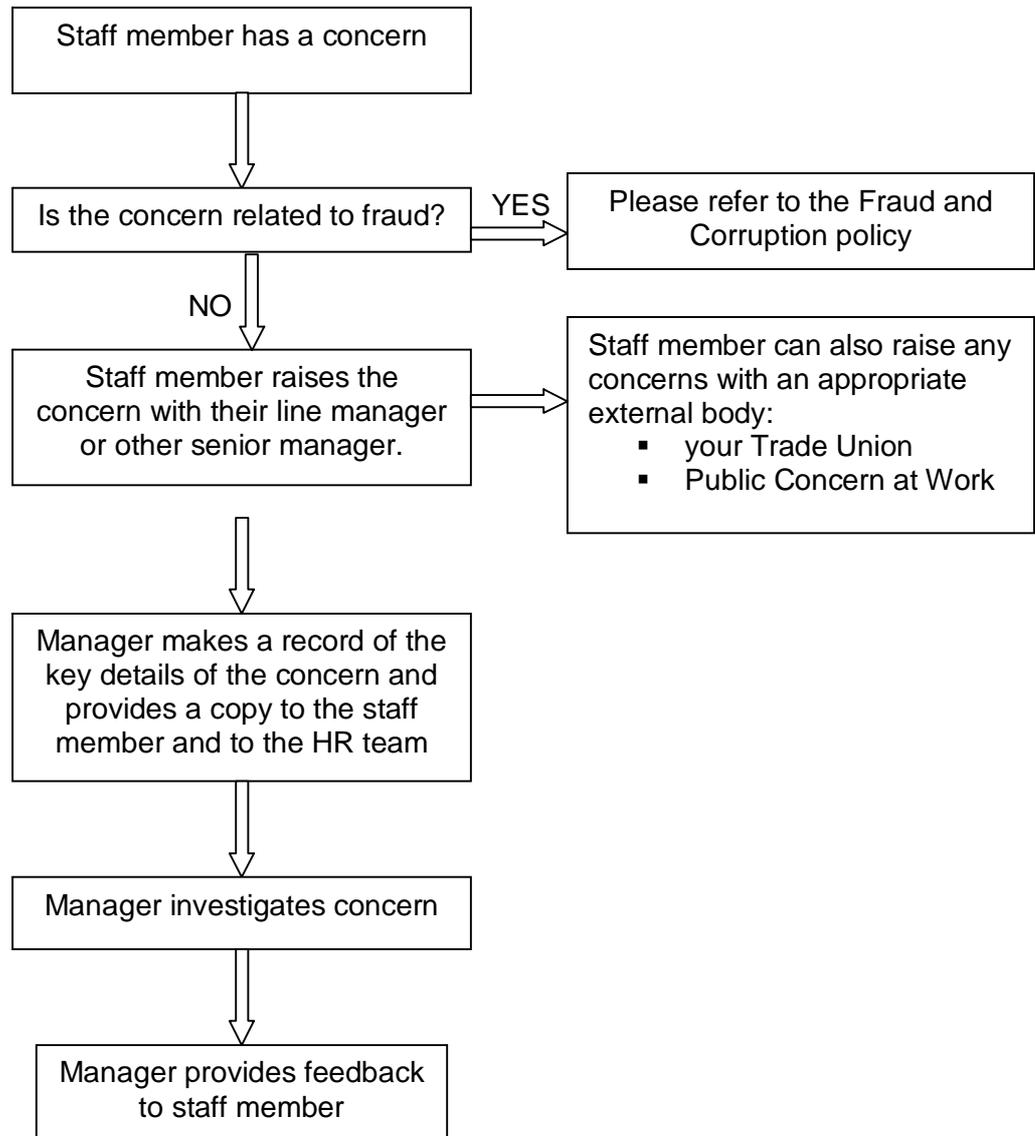
- Criminal offences
- Failure to comply with legal obligations
- Miscarriage of justice
- Actions that endanger the health and safety of staff or the public
- Actions that cause damage to the environment
- Purchasing of equipment, systems and services, which are thought by an employee clearly not to represent good value for money
- Inappropriate behaviour on the part of another member of staff

This policy should be read in conjunction with the Fraud and Corruption policy. Any concern that is related to an act of fraud should be reported using the Fraud and Corruption policy.

If you are aggrieved about your personal position, please use the Grievance policy and procedure.

2. PROCEDURE

2.1 Procedure Flowchart



2.2 Raising a concern

If you have a concern, we hope that you will feel able to raise it with your line manager at an early stage so that it can be resolved locally.

If you feel unable to do this you should raise the matter with a more senior manager within your department. If this is not possible the matter should be raised with your Director.

Where a concern is raised under this procedure, a meeting will be held to discuss the concern with you. Individuals have the right to be accompanied by a Union representative or a work colleague during any meetings that are held.

Any concern raised will be investigated thoroughly, promptly and confidentially. However, there may be some occasions where an investigation requires us to reveal the source of the information.

The investigating manager will make a record of the key details of the concern and a copy will be provided to the individual and the HR team. As part of the investigation individuals may be requested to provide a written statement.

When complete, details of the investigation will be reported to the SHA Board which will then decide on the necessary action.

If disciplinary action is to be taken the line manager will consult with the HR department on the necessary next steps.

The line manager, bearing in mind confidentiality to other employees, will provide feedback to the individual on the outcome of the concern.

If told not to raise or pursue a concern, even by a person in authority such as a manager, individuals should not agree to remain silent and the matter should be reported to a Director.

Whilst we hope that concerns can be dealt with internally you can also raise your concerns through an appropriate external body such as:

- Your Trade Union
- Public Concern at Work on 020 7404 6609. Their lawyers can give you independent confidential advice at any stage.

Further guidance for line managers on dealing with a concern can be found in appendix 1.

2.3 Protecting Individuals

The SHA will not tolerate victimisation of anyone using this procedure who raises his or her concerns in good faith. Any reprisal against an employee will not be tolerated and will be treated as a disciplinary matter.

Any individuals found to be maliciously making a false allegation will be subject to the SHA's disciplinary procedure.

3. EQUALITY IMPACT ASSESSMENT

A full equality Impact Assessment has been performed on this policy and procedure and details of this, together with an action plan, can be found on the SHA's website.

4. POLICY REFERENCE INFORMATION

Policy Reference Number	
Version Number	1.0
Status	Operational
Author/Lead	HR Manager
Equality Impact Assessment Date	July 2009
Implementation Date	January 2010
Date of Last Review	July 2006
Date of Next Formal Review	August 2011

DOCUMENT REVISION RECORD

Version	Description of Change (s)	Reason for Change	Author	Date
1.0				

RELATED POLICIES AND LEGISLATION

Policy Reference Number	Policy Title
-	▪ Equal opportunities policy
-	▪ Disciplinary policy
-	▪ Grievance procedure
-	▪ Fraud and Corruption policy

Appendix 1

Line manager guidance for handling a concern

Line managers, in the event of a concern being raised, should follow the following guidance;

- Adopt an objective and balanced approach towards any allegations made
- Take prompt action to investigate any allegations made (or ensure another appropriate person instigates an investigation)
- Encourage the individual raising the concern to explain fully the evidence that he or she has. It is not necessary for the individual that is raising the concern to have proof – a reasonable belief is sufficient.
- Ask the individual to provide specific examples of the conduct that they have observed or the evidence obtained to support their concern. Encourage the individual to provide names, dates and places.
- Take notes of your discussions to ensure an accurate record is held
- Focus on facts rather than opinions
- Understand that it can be stressful for the person raising the concern
- Let the individual know that they have the organisations full support
- Do not let personal views about the individual influence the assessment of the concerns raised
- Do not dismiss a concern as an exaggeration, or as trivial, unless there is clear evidence that the concern is unfounded
- Do not attempt to suppress evidence of any wrongdoing
- Do not penalise an individual for raising a concern that proves unfounded if, despite making a mistake, they acted in good faith
- Listen actively to what the individual is saying

Full Equality Impact Assessment

Department/Team: HR

Lead Officer: HR Manager

Contact details: steph.rawson@yorksandhumber.nhs.uk

A. Describe the Aims, Purpose, Objectives of the Policy, Strategy, Plan concerned	To provide a mechanism for staff to raise concerns they have about their working environment without fear of retribution.
B. List the procedures and protocols used to carry out the function	Whistleblowing policy and procedure ' a guide to voicing your concerns'
C. List the groups who may be affected (i.e. Patients; Staff; Other Internal or External Stakeholders)	SHA staff, agency staff and contractors.

Gathering Evidence

Step 1 - Who may be affected by the Function/Policy?

Tip:

Look at baseline information on the general population and the groups the function/policy may affect; e.g.

- *Census data (or more up to date population projections)*
- *Other survey data*
- *Information of social and economic factors, such as age, income levels, health etc which are indicators of need.*

Response & Actions to be taken:

A breakdown of staff employed by the SHA can be [found here](#).

Step 2 - Do you have monitoring data that relates to the function/policy area concerned?

Tip:

If yes, list the sources of evidence below, then go to step 3. Examples might include:

- *Workforce or service user profile broken down into:, Gender, Race,*

- Disability, Religion, Sexual Orientation, Age*
- *Workforce Data*
 - *Audit or Review Information*
 - *Satisfaction survey results*

If no, list actions required to obtain the data in Actions section below and then go to step 4

Response & Actions to be taken:

No monitoring data is available at present.

As part of the Whistleblowing procedure HR are made aware of any concerns raised and activity will be reported on an annual basis.

If concerns are raised through an external route the SHA will record relevant details once the concern has been brought to our attention.

Step 3 - What does the monitoring data tell you?

Tip:

- *Are any groups under or over represented compared to what you would expect to see from the baseline data*
- *What does your monitoring data outcomes tell you? E.g. are some groups more likely to be served better by your function, service and policies etc compared to what you would expect to see from the baseline data on their needs?*

Response & Actions to be taken:

N/a

Step 4- Describe any evidence you have that indicates that the impact may be equitable to all groups?

Tip:

Look at potential sources of evidence such as:

- *Customer Satisfaction Survey results*
- *Local and national research*
- *Consultation process results*
- *Opinion Surveys*
- *Focus Group Evidence*

Response & Actions to be taken:

N/a

Step 5 - Describe any actions that have been taken to ensure that all groups are all served equitably?

Tip:

Have you:

- *Communicated the importance through staff training of how to treat individuals with specific needs?*
- *Communicated the importance of ensuring information is produced in a range of formats to assist all groups?*
- *Communicated any changes made to reflect changes in the user profile?*
- *Communicated the importance of stakeholders being consulted prior to planned changes being implemented*
- *Made staff aware of stakeholders who may be disadvantaged by existing policy, practice and procedure.*
- *Ensured staff have been consulted to assess how new policies and procedures may impact on them*

Response & Actions to be taken:

N/a

Analysing the Evidence

Step 6 - Based on the evidence gathered in Steps 2- 5 above, have you identified any potential differential impact for any of the equality groups?

Tip:

If yes, enter a response below and then go to Step 7

If No, enter a response below and then go to Step 9

Response & Actions to be taken:

No data is currently available.

Step 7 - Is the differential impact as a result of indirect or direct discrimination?

Tip:

If Yes is the impact as a result of

- *Direct discrimination? If so, this is unlawful and the organisation must decide how to ensure they act lawfully (go to Step 8).*
- *Indirect discrimination? If so is this objectively justifiable or proportionate in meeting a legitimate aim? If yes, provide details here:*

If no, enter a response below and then go to Step 8.

Response & Actions to be taken:

Determining Action

Step 8 - Based on the above decide on and describe the actions you intend to take to respond to the issues identified

Tip:

Consider things such as

- *Whether a different response needs to be made*
- *Who needs to be consulted/involved in devising a response to the issues identified*
- *The costs involved*
- *The cost of doing nothing*

Response & Actions to be taken:

Consultation

Step 9 - Identify the groups that need to be consulted and involved on the issues identified and describe how you will carry this out.

Tip:

You need to ensure you involve all those likely to be affected

Ensure you consult and follow the organisation's consultation processes.

Response & Actions to be taken

The SHA's Staff Partnership Forum will be consulted on the recently revised policy and its use across the organisation.

Decision to Proceed

Step 10 - In view of all of the foregoing, how do you intend to proceed

Tip:

At this stage you need to decide whether you intend to proceed with the proposed course of action. You should base your decision on four factors:

- *The aims of the policy*
- *The evidence you have collected*
- *The results of public involvement and consultations*
- *The relative merits of alternative approaches*

Response & Actions to be taken:

HR intends to consult on the revised policy, which will then be sent for approval to the SHA Board. The policy will be publicised widely across the SHA and incorporated into the organisations induction process.

The recording and analysis of any future use of the policy will be undertaken to measure performance and ensure equitable treatment.

Monitoring Arrangements

Step 11 - Identify and describe the monitoring arrangements required

Tip:

You will need to identify the monitoring arrangements you need to put in place to ensure that:

- *The function/policy is equitable.*

- *Any remedial plans you have devised to eliminate or minimize any potential adverse impact are effective.*
- *all groups are being treated equitably.*

Response & Actions to be taken:

HR will monitor concerns that are raised through this policy and provide feedback on an annual basis.

Sign Off

Step 12 - As this proforma will be published on the website please insert Electronic signature below

Officer Responsible for Completing the Screening

Name: S. Rawson

Signature:

Job Title: HR Manager

Executive Director Approval

Name:

Signature:

Directorate:

Equality Impact Assessment Action Plan

Use the template below to collate all the actions identified when undertaking the full EqIA ;

Department/Section: HR

Lead Officer: HR Manager

Issues identified	Action Required	How will impact be measured	Lead & Timescales
No formal recording of monitoring data in relation to concerns raised.	Establish arrangements for HR to record relevant monitoring data.	Monitoring data reported on an annual basis.	HR Manager Oct 2009
Awareness of the policy within the SHA is not high.	Ensure all new staff are aware of the policy. Wider communication of the policy to current staff.	Include in the SHA's induction process. Greater awareness of the policy demonstrated in the annual staff survey.	HR Manager July 2009 HR Manager March 2010

Please forward the completed EqIA and the supporting Action Plan to the SHA Equality & Diversity Lead for publishing on the SHA website.