

THE DEPARTMENT OF HEALTH

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21 June 2016

AQW 651/16-21

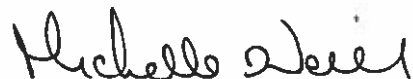
Maurice Morrow asked:

To ask the Minister of Health whether the whistle-blowing policy in place is the same across all Health and Social Care Trusts or each have their own policy; and in either event to have a copy of same placed in the Assembly Library.

ANSWER

Each Health and Social Care Trust has its own Whistle-blowing Policy.

A copy of each Policy has been made available to the NI Assembly Library.



MICHELLE O'NEILL MLA

This is an official Northern Trust policy and should not be edited in any way			
Please note that the policy library on Staffnet will contain the most up to date version of Trust policies			
Reference No:	NHSCT/14/786		
Title:	Whistleblowing Policy (Right to raise concerns in the public interest)		
Policy Author(s):	Elizabeth Brownlees – Assistant Director of Human Resources Janet McCartney – Senior HR Manager		
Responsible Director:	Damian McAlister, Director of Human Resources		
Policy Type:	Trust Wide <input checked="" type="checkbox"/>	Directorate <input type="checkbox"/> Specific	Clinical <input type="checkbox"/>
Policy Replacement:	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Whistleblowing Policy (NHSCT/12/495)	
Directorates policy to be issued to:	Finance <input checked="" type="checkbox"/>	Medical & Governance <input checked="" type="checkbox"/>	Children's <input checked="" type="checkbox"/>
	Human Resources <input checked="" type="checkbox"/>	Mental Health & Disability <input checked="" type="checkbox"/>	Acute Hospital Services <input checked="" type="checkbox"/>
	Primary & Comm Care <input checked="" type="checkbox"/>	Nursing & User Exp <input checked="" type="checkbox"/>	Planning, Performance Management & Support Services <input checked="" type="checkbox"/>
Target Audience, ie, specific staff groups	This policy applies to all employees of the Trust, including permanent, temporary, bank staff and staff in training working within the Trust. It also applies to students, agency staff and volunteers.		
Approved by:	Policy Committee	20 June 2014	
Operational Date:	3 July 2014		
Review Date:	30 June 2015		
Policy Library Categories: (Please tick as appropriate)	<u>Clinical & Social Care</u> Hospital (incl Comm Hosp) <input type="checkbox"/> Children's Hospital & Community <input type="checkbox"/> Mental Health, Learning & Physical Disability <input type="checkbox"/> Community <input type="checkbox"/> Finance <input type="checkbox"/> Estates <input type="checkbox"/> Health & Safety <input type="checkbox"/> Human Resources <input checked="" type="checkbox"/> Palliative Care <input type="checkbox"/> Major Incident Plan <input type="checkbox"/> Infection Control <input type="checkbox"/> Information Management <input type="checkbox"/> Family Planning <input type="checkbox"/> Allied Health Professions <input type="checkbox"/> Maternity & Gynae <input type="checkbox"/> Trust Wide <input checked="" type="checkbox"/>		
NHSCT Mission Statement			
To provide for all the quality of services we would expect for our families and ourselves			

Whistleblowing Policy

(Right to raise concerns in the public interest)

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1.0 Summary of Policy – Introduction

All of us at one time or another may have concerns about what is happening at work.

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 department/Trust. 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.

When it is about unlawful conduct, a possible fraud or a danger to the public or the environment, or other serious malpractice, it can also be difficult to know what to do.

Whistleblowing refers to ‘making a disclosure in the public interest’ and it means that concerns relating to unlawful conduct, financial malpractice, dangers to the public or the environment, or actions otherwise contrary to the public interest can be reported in the workplace following the correct procedures and protecting employment rights.

The purpose of these arrangements is to reassure you that it is safe and acceptable to speak up. They also enable you to raise your concern about such malpractice at an early stage and in the right way. Rather than wait for proof, the Trust would prefer you to raise the matter when it is still a concern. All HSC staff have a moral duty to pass on any concerns to someone who can deal with it.

The Public Interest Disclosure (Northern Ireland) Order 1998 provides employees with protection against victimisation should they reasonably and in good faith report such concerns (“blow the whistle”).

If something is troubling you of which you think the Trust should know about or look into, please let us know. If, however, you wish to make a complaint about your employment or how you have been treated, please use the Trust’s Grievance Procedure.

The Trust has implemented these whistleblowing arrangements for you to raise any concern where the interests of others or the organisation itself are at risk.

If your concern is about possible fraud, you may also wish to refer to the Trust’s Anti-Fraud policy and Fraud Response plan available on the Trust’s website at www.northerntrust.hscni.net.

We want to encourage a climate of honesty and openness in which it is safe and acceptable for any members of staff to raise concerns internally and at the earliest possible time. When genuine concerns have been raised in good faith, staff in

accordance with this Policy will be protected against victimisation or any other detrimental treatment related to their act of disclosure.

If in doubt, raise it!

2.0 Responsibilities

2.1 Trust Board

The Trust's Audit Committee, which is a sub-committee of Trust Board is responsible for monitoring that concerns or issues raised under the Whistleblowing Policy have been appropriately addressed, and to considering any wider implications for the Trust.

2.2 Director of Human Resources

The Director of Human Resources is responsible for:

- the collation of information regarding the number and type of concerns raised under whistleblowing, action taken and outcome,
- reporting to the Audit Committee.
- identification of trends, collection and analysis and dissemination of lessons learned.
- promotion of the arrangements for whistleblowing on an annual basis and publishing the number and type of cases received in order to reassure staff and promote a positive message about whistleblowing.
- ensuring that corporate staff surveys include checking the awareness of whistleblowing procedures.
- reviewing the policy.

2.3 Directors/Managers

Directors and managers at all levels are responsible for creating and sustaining an atmosphere of mutual support, mutual learning, and conduct based on the priority of the quality and safety of services and the health, well-being and dignity of the patients, clients, family members and carers whom we serve.

All those with managerial or supervisory responsibilities should recognise that raising a concern under whistleblowing can be difficult for their staff. They should:

- take any concerns reported to them seriously, and consider them fully, fairly and sympathetically;
- take appropriate action promptly, as laid down in the policy;
- seek advice from appropriate departments where necessary;
- ensure staff members raising a concern are kept fully informed of progress through the procedure, and are not victimised/harassed as a result;
- ensure documentation relating to concerns raised under the Whistleblowing Policy, is maintained, stored securely and remains confidential; and

- notify the Director of Human Resources of those concerns as and when they arise/are dealt with under the Whistleblowing policy to enable the Director of Human Resources to discharge her functions

2.4 **All staff**

All staff raising a concern under whistleblowing have a responsibility to:

- raise a concern immediately rather than waiting for proof or investigating the matter themselves;
- raise concerns in good faith, with a true belief that wrongdoing or malpractice have or may have occurred; and
- not to raise concerns with any malicious intent.

3.0 **Policy Statement**

This policy applies to all employees of the Trust, including permanent, temporary and bank staff, and staff in training working within the Trust. It also applies to students, agency staff, and volunteers who are engaged in directly providing services personally to the Trust. However, this does not cover those individuals who are employees or workers of organisations with whom the Trust contracts services for the provision of service delivery to clients.

The Whistleblowing Policy should be followed if an employee reasonably believes that one of the following either has occurred, is in the process of occurring, or is likely to occur:

- misconduct or poor practice which could place service users at risk of harm;
- knowledge of any employee's behaviour which may pose a risk to children or vulnerable adults, or any service user;
- financial malpractice including fraud or suspected fraud;
- breach of Trust's standing financial instructions;
- showing undue favour over a contractual matter;
- belief that a criminal offence has been committed or is likely to be committed;
- dangers to health and safety including disregard for legislation;
- failure to comply with any legal duty (including breach of contract, negligence or breach of administrative law)
- damage to or the risk of damage to the environment; or
- the concealing of information regarding any of the above.

This list is illustrative and is not intended to be exhaustive.

4.0 **Our Assurances to you**

4.1 **Your safety**

The Trust is committed to making whistleblowing work. If you raise a genuine concern under these arrangements, you will not be at risk of 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.

4.2 Confidentiality

The Trust will not tolerate the harassment or victimisation of anyone who raises a genuine concern and with these assurances, the Trust hopes you will raise your concern openly. Victimisation of staff who raise issues under this policy is a serious offence and may be viewed as gross misconduct which will be dealt with under the Trust's Disciplinary procedure.

However, the Trust recognises that there may be circumstances when you would prefer to speak to someone in confidence first. If this is the case, please say so at the outset. If you ask the Trust not to disclose your identity, it will not do so without your consent unless required by law. You should understand that there may be times when the Trust is unable to resolve a concern without revealing your identity, for example where your personal evidence is essential. In such cases, the Trust will discuss with you whether and how the matter can best proceed.

If you need to make a disclosure in the public interest it is important to be mindful of the need to avoid a breach of the privacy and confidentiality of personal information. It is wrong to give details of the condition or treatment of any patient or client without their explicit consent. Also, personnel records are protected by Data Protection legislation and there are procedures for investigation and accountability of all staff within the HSC which should not be prejudiced or undermined by public or any other inappropriate disclosures of information.

There are independent watchdog organisations, including the Northern Ireland Audit Office and the Regulation and Quality Improvement Authority which have specific duties to investigate confidential disclosure while protecting the person making the disclosure. The Patient and Client Council exists to act in the interests of Patients and clients and to help with complaints. Where the duty to protect personal information is broken, it is sometimes necessary to investigate, however, any such investigation process should create no difficulty and hold no fear for anyone acting to disclose legitimate concerns in the public interest.

4.3 Anonymity

Remember that if you do not tell the Trust who you are, it will be much more difficult for the Trust to look into the matter, to protect your position, or to give you feedback. Accordingly, while the Trust 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 at Work (see contact details under Independent Advice).

5.0 **How to raise a concern internally**

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

Concerns raised should be factual (to the best of the person's knowledge) and should cover the following:

- What has occurred (or thought to have occurred);
- When it occurred;
- Where it occurred;
- Who was involved;
- Have patients/staff/the public been put at risk as a result?
- Has it happened before?
- Are there any other witnesses?
- Is there any supporting information?
- How the matter came to light;
- Has it been raised with anyone else? If so, details of when/whom.

The attached proforma (Appendix 1) may be used for this purpose.

5.1 **Step One**

If you have a concern about malpractice, the Trust hopes you will feel able to raise it first with your line manager or with their immediate manager. This can be done orally or in writing.

5.2 **Step Two**

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

Director of Human Resources* (028 9442 4940)

Director of Finance* (028 9442 4260)

Medical Director* (028 9442 4259)

Executive Director of Nursing* (028 9442 4261)

Executive Director of Social Work* (028 2563 3703)

Internal Audit (028 2563 3970)

If you want to raise the matter in confidence, please say so at the outset so that appropriate arrangements can be made.

5.3 **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:

The Chief Executive* or The Chairman*

(* Trust Headquarters, Bretten Hall, Antrim Area Hospital, Bush Road, Antrim BT41 2RL)

Or

Ultimately the Minister for Health Social Services and Public Safety, or with anybody they designate for these purposes.

6.0 **How the Trust will handle the matter**

6.1 **Receipt of concerns**

Once you have told the Trust of your concern, the Trust 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' who is impartial and independent. In any event, the Trust 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, the Trust will write to you summarising your concern and setting out how the Trust proposes 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, the Trust does ask that you state this at the outset. If your concern falls more properly within the Trust's Grievance Procedure the Trust will tell you.

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

Any internal investigation should be undertaken without undue delay with the aim of completion within 12 weeks.

Information regarding the number and type of concerns raised under whistleblowing, action taken and outcome will be maintained and reported to Audit Committee.

Whilst the Trust would encourage all staff to raise issues of concern as allowed for under this policy, it should be noted that issues raised, which after investigation are concluded as being malicious or vexatious, will be considered under the Disciplinary Procedure.

6.2 Trade Union representation

Some employees may prefer to raise their concerns initially with their Trade Union side representative for advice and/or representation. The Trade Union side representative will advise the employee how to use the Whistleblowing policy or any of the other policies of the Trust, which may be more appropriate.

Employees may be supported at any stage by their Trade Union side representative or by a work colleague.

6.3 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 union. You may also contact the independent charity Public Concern at Work on 02074046609 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

6.4 The media

Staff may consider going to the media in respect of their concerns if they feel the Trust has not properly addressed them. Staff should carefully consider any information they choose to put into the public domain to ensure that patient/client confidentiality is maintained at all times. The Trust reserves the right to take disciplinary action if patient/client confidentiality is breached.

Communications with the media are coordinated by the Corporate Communications Department on behalf of the Trust. Staff approached by the media should direct the media to this department in the first instance.

6.5 External disclosures

While the Trust hopes it has given you the reassurance you need to raise your concern internally, the Trust recognises that there may be circumstances where you can properly report a concern to an outside body including those listed below:

- Department of Health, Social Services and Public Safety;
- General Medical Council, Nursing and Midwifery Council, Health

Professions Council, Northern Ireland Social Care Council, General Dental Council, General Optical Council, Pharmaceutical Society Northern Ireland, Northern Ireland Commissioner for Children and Young People, Royal Colleges and other professional organisations/bodies;

- The Ombudsman;
- The Regulation and Quality Improvement Authority;
- The Health and Safety Executive;
- Serious Fraud Office, HMRC, Police Service for Northern Ireland;
- Comptroller and Auditor General;
- Counter Fraud and Probity Services, Business Services Organisation (BSO);
- Information Commissioner.

Disclosure to these organisations/persons would be protected provided the employee honestly and reasonably believes the information and associated allegations are substantially true.

Patient and Client Confidentiality – Responsibility of all staff

All Trust staff have a duty of confidentiality to patients and clients. Unauthorised disclosure of personal or confidential information about a patient or client is a serious matter which will result in disciplinary action. This may apply even if a staff member believes he/she is acting in the best interests of a patient or client by disclosing the information. Employees have a duty of confidentiality. Breach of that duty may result in disciplinary action.

7.0 Conclusion

While the Trust cannot guarantee that it will respond to all matters in the way that you might wish, the Trust will strive to handle the matter fairly and properly. By using these whistleblowing arrangements you will help the Trust to achieve this.

Please note, this document has been developed to meet best practice and comply with the Public Interest Disclosure (NI) Order 1998 (PIDO) which provides employment protection for whistleblowing.

8.0 Personal & Public Involvement (PPI)/Consultation Process

Trade Union side were consulted.

9.0 Equality, Human Rights & DDA

This policy has been drawn up and reviewed in the light of Section 75 of the Northern Ireland Act (1998) which requires the Trust to have due regard to the need to promote equality of opportunity. It has been screened to identify any adverse impact on the 9 equality categories.

The policy has been **screened out** without mitigation or an alternative policy proposed to be adopted.

10.0 Alternative Formats

This document can be made available on request on disc, larger font, Braille, audio-cassette and in other minority languages to meet the needs of those who are not fluent in English.

11.0 Sources of advice in relation to this document

The Policy Author, responsible Assistant Director or Director as detailed on the policy title page should be contacted with regard to any queries on the content of this policy.

12.0 Policy Sign Off

Janet McCartney

Lead Policy Author

Date 20 May 2014

Elizabeth Brownlees

Assistant Director

Date 20 May 2014

Whistleblowing Policy – Details of concern(s)

What has occurred (or thought to have occurred)?

When did it occur?

Where did it occur?

Who was involved?

Have patients /staff / the public been put at risk as a result? YES
NO

Has it happened before? YES
NO

If yes, please give details

Are there any other witnesses? YES
NO

Please provide details



Is there any supporting information?

Please provide details

How did the matter come to light?

Has it been raised with anyone else?

YES

NO

If so, please provide details of when / whom

Print Name: _____ Signed: _____

Date: _____



Northern Health and Social Care Trust

Job Title: _____ Department: _____

Work Address: _____

Contact Number: _____

FROM THE MINISTER FOR HEALTH,
SOCIAL SERVICES AND PUBLIC SAFETY
Edwin Poots MLA



Department of
**Health, Social Services
and Public Safety**
www.dhsspsni.gov.uk

Castle Buildings
Stormont Estate
BELFAST BT4 3SQ
Tel: 028 90 520642
Fax: 028 90 520557
Email: private.office@dhsspsni.gov.uk

For Action:

**Chief Executives of HSC Bodies¹;
Chief Fire Officer**

For information:

Director of Human Resources of each body

Our Ref: SUB/325/2012

22 March 2012

Dear Colleague

Please bring the content of this letter to the attention of all your employees, and make available with it your whistleblowing policy.

MESSAGE FROM EDWIN POOTS

YOUR RIGHT TO WHISTLE BLOW

1. I am committed to the highest possible standards of conduct, openness, honesty and accountability in our Services. In line with that commitment I expect staff to act on any genuine concerns they might have about any aspect of an organisation's work or colleagues, in the knowledge that such action has support from the highest level. I want every member of staff to be very confident that managers at all levels will respond positively to expressions of concern, and that, should it be necessary, you will be protected from victimisation if you make a genuine concern known under the whistleblowing arrangements.

You have the right to be heard by management if you have concerns about any ethical or safety issue, and a responsibility to speak up

2. The first kind of action that is appropriate is to speak up within your team or to the appropriate manager. The principles of clinical and social care governance empower all staff to speak up if they see or become aware of practice which is unsafe or which creates unacceptable risks to patients or clients.

¹ The Health and Social Care Board, HSC Trusts, the Public Health Agency, the Business Services Organisation, the Northern Ireland Blood Transfusion Service Agency, the Northern Ireland Guardian and Litem Agency, the Northern Ireland Practice & Education Council for Nursing, Midwifery & Health Visiting (NIPEC), the Northern Ireland Social Care Council (NISCC), the Patient & Client Council, the Northern Ireland Regulation and Quality Improvement Authority and the Northern Ireland Medical and Dental Training Agency (NIMDTA)

It is the responsibility of any member of staff who is challenged on that basis to give proper consideration to the points being made by any colleague.

Similar principles should apply in all the other aspects of our services away from the clinical or social care front line. Managers and leaders at all levels are responsible for creating and sustaining an atmosphere of mutual support, mutual learning, and conduct based on the priority of the quality and safety of services and the health, well-being and dignity of the patients, clients, family members and carers whom we all serve. By far the most important concern for me, and for all who lead and manage HSC organisations, all DHSSPS' Arms Length Bodies and the Department itself, is to ensure that we provide the best possible services to patients, clients, and the wider public, and I am sure you share that commitment.

If speaking up is a problem, whistleblowing is both your right and your duty

3. If you have any concern that speaking up in good faith in the way I have described would lead to a problem, there are statutory procedures that protect you if you chose to blow the whistle and draw attention to something that is a cause for concern. All HSC staff have a moral duty to pass on any concerns to someone who can deal with it. I should therefore personally encourage you to speak up where you have genuine concerns about issues such as patient safety or possible malpractice in your workplace and reassure you that genuine concerns will be resolved quickly and effectively.
4. There is a common misconception that whistle blowing is solely fraud related. In effect whistle blowing can be wide ranging covering issues around health and safety e.g. unsafe products or working conditions.
5. Whistle blowing refers to "making a disclosure in the public interest" and it means that concerns relating to unlawful conduct, financial malpractice, dangers to the public or the environment, or actions otherwise contrary to the public interest can be reported in the workplace following the correct procedures and protecting employment rights. There should be an established whistle blowing policy and procedure within your organisation which should be followed for reporting your concerns.
6. I fully recognise that the decision to report a concern can be a difficult one to make. However, if what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer and those for whom you provide a service.
7. I will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith. If you report concerns reasonably and in good faith you are also formally protected against victimisation under The Public Interest Disclosure (Northern Ireland) Order 1998 (revised 2004).
8. Your organisation's whistleblowing policy sets out how to go about expressing a concern both internally and, should it be necessary, outside line management. Each organisation's policy should make it clear that ultimately, you have the right to direct your concern to me.



**Western Health
and Social Care Trust**

**PUBLIC INTEREST DISCLOSURE
(WHISTLEBLOWING) POLICY**

AUGUST 2015

Policy Name:	Public Interest Disclosure (Whistleblowing) Policy
Policy Reference Number:	MED08/004
Original Implementation date:	<i>January 2008</i>
Revised Date:	<i>August 2015</i>
Review Date:	<i>August 2018</i>
Name of Responsible Officer:	Director of Human Resources

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INTRODUCTION

1. The Trust is committed to achieving and sustaining high standards with regard to behaviour at work, service to the public and in all its working practices. Staff and agents of the Trust are therefore expected to conduct themselves with integrity, impartiality and honesty at all times.
2. The Francis Report of the Mid Staffordshire NHS Foundation Trust Public Inquiry clearly indicated that the staff did not feel safe raising their concerns about the patient care that was being delivered. A key theme of the report was the requirement for openness, transparency and candour about matters of concern. Sir Robert's 'Freedom to Speak Up' Report 2015 recommends that every organisation involved in providing NHS healthcare should 'actively foster a culture of safety and learning in which all staff feel safe to raise concerns'.
3. The Trust seeks to foster a climate of openness and a culture where it is safe and acceptable to raise concerns about inappropriate behaviour at any level of the organisation. To achieve this aim, the Trust wishes to encourage employees to report genuine concerns without fear of reprisal or victimisation.
4. The Public Interest Disclosure (Northern Ireland) Order 1998 (amended 2014) provides employees with protection against victimisation should they reasonably and in good faith report such concerns ("blow the whistle").
5. In March 2012 Mr Edwin Poots Minister for Health Social Services and Public Safety wrote a letter for the attention of all employees re-enforcing the message of their 'Right to Blow the Whistle' Appendix 1.
6. Whistleblowing refers to "making a disclosure in the public interest" and it means that concerns relating to unlawful conduct, financial malpractice, dangers to the public or the environment, or actions otherwise contrary to the

public interest can be reported in the workplace following the correct procedures and protecting employment rights.

PURPOSE

7. The principal emphasis of this policy is to ensure that action is taken to investigate any matters of concern raised by staff and to enable the Trust to initiate corrective action where deemed necessary and appropriate. The policy ensures that the provisions of the Public Interest Disclosure (Northern Ireland) Order 1998, amended 2014 are complied with in terms of safeguards for those raising genuine concerns. The Policy reflects the good practice contained within the NIAO Good Practice Guide “Whistleblowing in the Public Sector”.
8. In accordance with Section 21 of the NHS Terms and Conditions of Service Handbook, all employees working in the NHS have a contractual right and a duty to raise genuine concerns they have with their employer about malpractice, patient safety, financial impropriety or any other serious risks they consider to be in the public interest.
9. The policy is intended to address concerns promptly where the interests of others or the Trust itself are at risk and to provide a mechanism to address issues which are not already provided for within existing policies, e.g. Policy on Harassment, Grievance Procedure, Theft, Fraud and Corruption Response Plan, etc. This policy is not intended to substitute for those policies or other normal management reporting mechanisms, which are already in place within the Trust.

SCOPE OF THE POLICY

10. This Policy applies to all current Trust employees, bank workers, agency workers, students and those holding honorary contracts. The policy is designed to ensure that concerns around issues that are in the public interest

are raised with an appropriate officer of the Trust so that they can be dealt with effectively and in a spirit of openness.

11. The Whistleblowing Policy should be followed if an employee reasonably believes that one of the following either has occurred, is in the process of occurring, or is likely to occur:

- A criminal offence
- The abuse of children and / or vulnerable adults
- Failure to comply with a legal obligation or a Trust policy
- A miscarriage of justice
- Endangering of an individual's health and safety
- Fraud and corruption (including fraud or misconduct in a research project) or the unauthorised use of public funds
- Damage to the environment (e.g pollution)
- Failing to safeguard personal and or sensitive information (data protection)
- Concerns about malpractice, maladministration or ethical conduct
- Any other matter that may be of public concern
- Deliberate concealment of any of the above

12. Such concerns should be raised at the earliest opportunity in order for the Trust to investigate the matter. Inevitably some concerns will be genuinely misconceived because, for example, the full facts have not emerged. However, it should be noted that the malicious raising of unfounded allegations will be treated as misconduct and may lead to disciplinary action.

PROCEDURE FOR RAISING CONCERNS

13. Concerns may be raised verbally or in writing. Employees are encouraged to raise concerns internally at work through their line manager in the first instance. Where they feel unable to do so the employee should contact Ann McConnell, Director of Human Resources,

Ann.McConnell@westerntrust.hscni.net or DDL, 028 71611189, Ext 214411, who is the nominated officer for receiving reports under the Whistleblowing Policy. Employees may seek the advice of their Trade Union or Professional Association/Organisation to support them in raising concerns.

14. If the concern surrounds the Director of Human Resources or another Trust Director, it should be reported to the Chief Executive. If the concern relates to the Chief Executive then it should be raised with the Chairman. If the concern involves the Chairman, it should be reported to the Chief Internal Auditor or the Chair of the Audit Committee.
15. As set out in the Health Minister's communication (appendix 1) ultimately you have the right to direct their concern to the Health Minister.
16. Concerns raised should be factual (to the best of the person's knowledge) and should cover the following:
 - What has occurred (or thought to have occurred);
 - When it occurred;
 - Where it occurred;
 - Who was involved;
 - Have patients/staff/the public been put at risk as a result;
 - Has it happened before;
 - Are there any other witnesses;
 - Is there any supporting information;
 - How the matter came to light;
 - Has it been raised with anyone else? If so, details of when/whom;
17. In accordance with the Public Interest Disclosure order employees are entitled to raise concerns externally with a prescribed regulatory body, but only in certain circumstances. Appendix 1 of the order provides a list of prescribed persons and descriptions of matters in respect of which they are prescribed.

18. If an employee wants independent advice at any stage, he/she may contact the independent charity Public Concern at Work on 020 7404 6609 or www.pcaw.co.uk. Their lawyers can give free confidential advice at any stage on how to raise a concern about serious malpractice at work. Employees can, of course, seek legal advice of their own choice at their own expense.

CONFIDENTIALITY AND ANONYMITY

19. If you want to raise the matter in confidence you should say so at the outset so that appropriate arrangements can be made.
- 19.1 Whilst it is possible to raise such matters anonymously staff should not feel inhibited in identifying themselves. If staff request that their identity should not be disclosed, the Organisation will not disclose it without consent. If the situation arises where a concern cannot be investigated or resolved without revealing the employee's identity, or if there is a legal imperative to disclose the identity, the Trust will discuss this with the employee and decide how the issue will be progressed.

PROCESS FOR DEALING WITH CONCERNS

20. When an employee advises the Trust of a concern, the nominated officer will determine what action, if any, is appropriate. The matter may be addressed by another existing procedure as described in Paragraph 9 or alternatively, it will be managed under the Public Interest Disclosure Policy (Whistleblowing Policy). (See flowchart outlining whistleblowing process – appendix 2).
21. The employee will receive a formal acknowledgement of receipt of their concern.
22. The employee who raised the concern will be informed of the method by which the concern will be progressed and the timescale for feedback. They

will be advised if his/her further involvement is required, (unless the concern has been issued anonymously). It may also be necessary to meet with the individual to fully discuss the issues raised.

23. If the concern is already, or has previously been, the subject of an investigation it will not be appropriate to categorise it under the Whistleblowing Policy.
24. The Trust will ensure that any concern raised by an employee will be dealt with as soon as practicable.
25. The Trust will support employees who raise concerns and will take all reasonable steps to ensure that they are not victimised. Victimisation of staff who raise issues under this policy is a serious offence and will be viewed as misconduct. Such instances will be dealt with under the Trust's Disciplinary Procedure.

OUTCOME OF INVESTIGATIONS

26. On completion of the investigation process, the employee who raised the concern will be informed through appropriate feedback of the outcome of the investigation, including any corrective action.
27. If an employee who raised the concern feels their concern has not been addressed or resolved to achieve a solution and positive outcome, they have the right to use external sources of support and help raise their concern.
28. If following investigation an employee's concerns were unfounded, provided that the employee acted in good faith then no further action will be taken. Where it is considered that an employee has made a frivolous, vexatious or malicious complaint, the Trust will consider whether any further action is appropriate, including disciplinary proceedings. In these circumstances the

Trust will ensure that appropriate protection and support will be offered to the employee who has been accused of wrongdoing.

29 The Director of Human Resources will report the outcomes of concern to the Governance Committee.

30. **ROLES AND RESPONSIBILITIES**

30.1 *Managers are responsible for:*

- Ensuring that all staff are familiar with and have access to this policy.
- Complying with the Trust's procedures and principles as outlined.
- Ensuring concerns raised are taken seriously and responded to in a timely fashion.
- Evaluating the basis of any claim brought to their attention and referring upwards to a more senior manager if appropriate.
- Keeping a record of concerns raised and action taken.

30.2 *The Director of Human Resources has responsibility for:*

- Ensuring new staff are made aware of this policy and how they can access it.
- Advising managers and individuals in the application of the policy and procedures.
- Monitoring the application of the policy to ensure it is applied in a fair and consistent way to each concern raised.
- Keeping records, monitoring and auditing the number and nature of claims made, actions taken, and reporting this information to Governance Committee.

30.3 *The Individual raising the concern is responsible for:*

- Raising the concern as soon as possible in an objective and factual way, using this policy and accompanying procedure.
- Keeping records where possible of any incidents and potential witnesses.
- Cooperating with any investigation, if appropriate, including being available for interview (notice will be given), providing a statement and/or documentation.
- Maintaining confidentiality of patients and staff.

31. **COMMUNICATION**

- This policy will be communicated to all persons working for the Trust and a copy is accessible on the Trust Internet.

- The Trust will ensure this Policy is communicated consistently through induction training, raising concerns awareness training, and regular reminders.

32. **POLICY REVIEW**

Overall responsibility for this policy and procedure rests with the Director of Human Resources.

This policy and any associated procedure (s) will be reviewed at the date stated and may be subject to change at that time, or at an earlier date if necessary, subject to consultation with staff representatives recognised for that purpose.

OTHER RELATED POLICIES/PROCEDURES

- Policy on Harassment, 1st April 2007. (HR07/011)
- Trust Grievance procedure, September 2007. (HR08/015)
- Incident Reporting Policy and Procedures, August 2014 (Med 08/08)
- Western Trust Fraud Policy Statement, January 2008 (Fin 08/001(B))
- DHSS&PS, Fraud Reporting Hotline – 08000963396.

Equality and Human Rights

EQUALITY AND HUMAN RIGHTS STATEMENT: The Western Health and Social Care Trust's equality and human rights statutory obligations have been considered during the development of this policy.

FROM THE MINISTER FOR HEALTH,
SOCIAL SERVICES AND PUBLIC SAFETY
Edwin Poots MLA



Castle Buildings
Stormont Estate
BELFAST BT4 3SQ
Tel: 028 90 520642
Fax: 028 90 520557
Email: private.office@dhsspsni.gov.uk

For Action:

Chief Executives of HSC Bodies¹;
Chief Fire Officer

For information:

Director of Human Resources of each body

Our Ref: SUB/325/2012
22 March 2012

Dear Colleague

Please bring the content of this letter to the attention of all your employees, and make available with it your whistleblowing policy.

MESSAGE FROM EDWIN POOTS

YOUR RIGHT TO WHISTLE BLOW

1. I am committed to the highest possible standards of conduct, openness, honesty and accountability in our Services. In line with that commitment I expect staff to act on any genuine concerns they might have about any aspect of an organisation's work or colleagues, in the knowledge that such action has support from the highest level. I want every member of staff to be very confident that managers at all levels will respond positively to expressions of concern, and that, should it be necessary, you will be protected from victimisation if you make a genuine concern known under the whistleblowing arrangements.

You have the right to be heard by management if you have concerns about any ethical or safety issue, and a responsibility to speak up

2. The first kind of action that is appropriate is to speak up within your team or to the appropriate manager. The principles of clinical and social care governance empower all staff to speak up if they see or become aware of practice which is unsafe or which creates unacceptable risks to patients or clients.

¹ The Health and Social Care Board, HSC Trusts, the Public Health Agency, the Business Services Organisation, the Northern Ireland Blood Transfusion Service Agency, the Northern Ireland Guardian and Litem Agency, the Northern Ireland Practice & Education Council for Nursing, Midwifery & Health Visiting (NIPEC), the Northern Ireland Social Care Council (NISCC), the Patient & Client Council, the Northern Ireland Regulation and Quality Improvement Authority and the Northern Ireland Medical and Dental Training Agency (NIMDTA)



INVESTORS
IN PEOPLE

It is the responsibility of any member of staff who is challenged on that basis to give proper consideration to the points being made by any colleague.

Similar principles should apply in all the other aspects of our services away from the clinical or social care front line. Managers and leaders at all levels are responsible for creating and sustaining an atmosphere of mutual support, mutual learning, and conduct based on the priority of the quality and safety of services and the health, well-being and dignity of the patients, clients, family members and carers whom we all serve. By far the most important concern for me, and for all who lead and manage HSC organisations, all DHSSPS' Arms Length Bodies and the Department itself, is to ensure that we provide the best possible services to patients, clients, and the wider public, and I am sure you share that commitment

If speaking up is a problem, whistleblowing is both your right and your duty

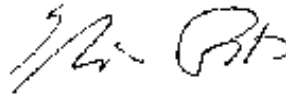
1. If you have any concern that speaking up in good faith in the way I have described would lead to a problem, there are statutory procedures that protect you if you chose to blow the whistle and draw attention to something that is a cause for concern. All HSC staff have a moral duty to pass on any concerns to someone who can deal with it. I should therefore personally encourage you to speak up where you have genuine concerns about issues such as patient safety or possible malpractice in your workplace and reassure you that genuine concerns will be resolved quickly and effectively.
2. There is a common misconception that whistle blowing is solely fraud related. In effect whistle blowing can be wide ranging covering issues around health and safety e.g. unsafe products or working conditions.
3. Whistle blowing refers to "making a disclosure in the public interest" and it means that concerns relating to unlawful conduct, financial malpractice, dangers to the public or the environment, or actions otherwise contrary to the public interest can be reported in the workplace following the correct procedures and protecting employment rights. There should be an established whistle blowing policy and procedure within your organisation which should be followed for reporting your concerns.
4. I fully recognise that the decision to report a concern can be a difficult one to make. However, if what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer and those for whom you provide a service.
5. I will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith. If you report concerns reasonably and in good faith you are also formally protected against victimisation under The Public Interest Disclosure (Northern Ireland) Order 1998 (revised 2004).
6. Your organisation's whistleblowing policy sets out how to go about expressing a concern both internally and, should it be necessary, outside line management. Each organisation's policy should make it clear that ultimately, you have the right to direct your concern to me.

Confidentiality of personal information about patients, families and members of staff must be protected

1. If you need to make a disclosure in the public interest it is important to be mindful of the need to avoid a breach of the privacy and confidentiality of personal information. It is wrong to give details of the condition or treatment of any patient or client without their explicit consent. Also, personnel records are protected by Data Protection legislation, and there are procedures for investigation and accountability of all staff in the HSC, in ALBs or within DHSSPS as part of the NI Civil Service, which should not be prejudiced or undermined by public or any other inappropriate disclosures of information. There are independent watchdog organisations, including the Northern Ireland Audit Office and the Regulation and Quality Improvement Authority which have specific duties to investigate confidential disclosure while protecting the person making the disclosure. The Patient and Client Council exists to act in the interests of patients and clients and to help with complaints. Where the duty to protect personal information is broken, it is sometimes necessary to investigate, however, any such investigation process should create no difficulty and hold no fear for anyone acting to disclose legitimate concerns in the public interest, as described above.

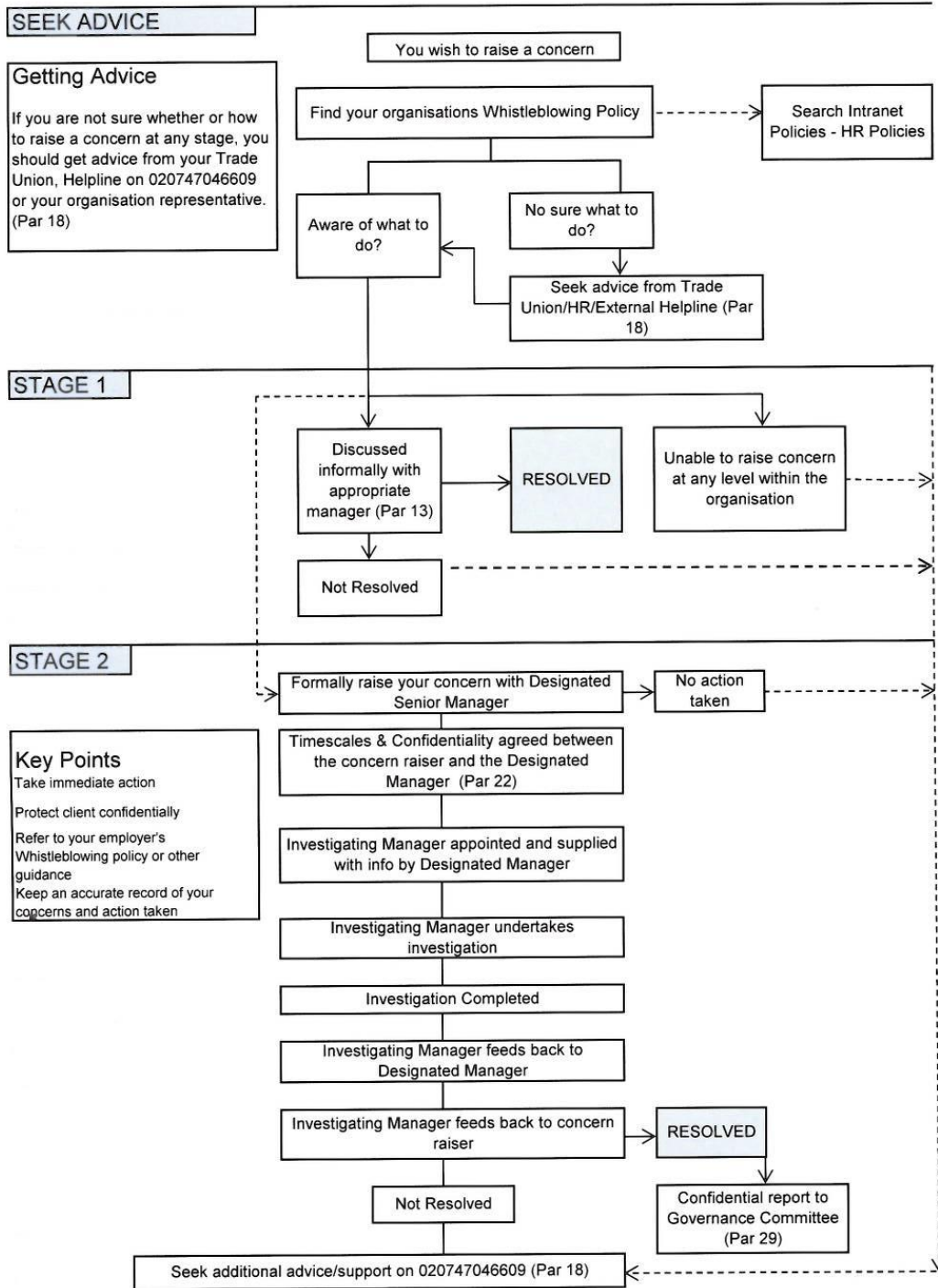
Conclusion

2. Finally, I would like to encourage you to feel confident in raising concerns and to question and act upon genuine concerns that you may have in relation to your workplace. This is a vital element of good public service based on the values and principles that are at the heart of Health and Social Care and all the related organisations.



**Edwin Poots MLA
Minister for Health Social Services and Public
Safety**

FLOWCHART FOR RAISING CONCERNS UNDER WHISTLEBLOWING POLICY



Adapted from Raising Concerns at Work: Whistleblowing Guidance for Workers and Employers in Health and Social Care



Reference No: TP022/08

Title:	Whistleblowing Policy
--------	-----------------------



1.0 INTRODUCTION

- 1.1 The Term “whistleblowing” refers to the disclosure by employees, of wrong doing including fraud, financial irregularity, serious maladministration arising out of improper conduct, unethical activities which may be of a criminal nature or acts or omissions which create a risk to the health and safety within the Organisation to which we belong.

This policy has been developed in recognition of the fact that individual members of staff in the Belfast Health & Social Care Trust have a right and a duty to raise with the Trust any matter of concern that they may have.

The policy seeks to encourage staff to use internal mechanisms, in the first place, at an early stage and in the right way.

1.2 Suspected Fraud

If your concern is about a possible fraud you should also refer to our Fraud Policy Statement and Fraud Response Plan which can be found at <http://intranet.belfasttrust.local/policies/Pages/Policies/Finance.aspx>. Should you wish to report any concerns or allegations in respect of suspected fraud you can contact the Trust’s Fraud Liaison Officer on Tel: 028 9082 1311, Email: fraud@belfasttrust.hscni.net or alternatively ring the confidential HSC Fraud Hotline on Tel: 08000 96 33 96.

The Bribery Act 2010, which became effective from 1 July 2011, has introduced new statutory offences for activities in the public or private sector including a new corporate offence. It also places specific responsibility on organisations to have in place sufficient and adequate procedures to prevent bribery and corruption taking place.

Under the Bribery Act 2010, it is an offence to:

- Pay bribes – to offer or give a financial or other advantage with the intention of inducing that person to perform a relevant function or activity improperly or to reward that person for doing so.
- Receive bribes – to receive a financial or other advantage intending that a relevant function or activity should be performed improperly as a result.
- ‘Relevant function or activity’ includes any function of a public nature and any activity connected with a business.
- Fail to prevent bribery – an organisation is guilty of an offence if Trust personnel or a third party connected to it bribes another person intending to obtain or retain business or a business advantage.

The prevention, detection and reporting of bribery and other forms of corruption are the responsibility of all those working for the Trust or under its control. The Trust expects all personnel and third parties to perform their duties impartially, honestly, with integrity, and in good faith.



1.2.1 The policy takes account of the Public Interest Disclosure (NI) Order 1998 and Circular HSS (Gen) 1/2000. It does not affect existing complaint procedures and it complements professional and ethical rules, guidelines and codes of conduct relating to complaints and freedom of speech.

1.2.2 Public Interest Disclosure (NI) Order

This policy and procedure has been introduced in compliance with the provisions of the above order which took effect 31 October 1999. The order gives significant statutory protection to employees who disclose information reasonably and responsibly in the public interest. It sets out the circumstances in which disclosures of information are protected. To be protected under the law an employee must act in good faith with an honest and reasonable belief that a malpractice has occurred, is occurring or is likely to occur. Disclosures may also be made to certain prescribed persons or bodies external to the Trust listed in the order. The Order does not normally protect employees making rash disclosures for example to the media, when the subject could have been raised internally.

The Trust Medical Director is the designated Executive responsible for ensuring the appropriate protections are applied. The Head of Office is the Designated Person to be the initial point of contact for complaints under this Procedure.

Staff are expected to treat many matters confidentially however the Trust does not operate any policy or clause in employee contracts which prevent staff from raising issues of concern protected by the Order. Where staff raise genuine, but unfounded concerns they will not face disciplinary action. Disciplinary action would only be considered if the disclosure was made in bad faith e.g. falsely or maliciously or in pursuit of a personal grudge.

If a member of staff is penalised or victimised for making a protected disclosure he or she can bring their case to an industrial tribunal. However the Trust has agreed that it expects staff to raise concerns about malpractices and that deterring someone from using the procedure or victimising someone who does will be viewed as a disciplinary matter.

1.3 Objectives

1.3.1 The aim of the Policy is to promote a culture of openness, transparency and dialogue which at the same time: -

- reassures staff that they will not be penalised for raising a genuine concern and gives them a process to follow
- upholds patient confidentiality
- does not unreasonably undermine confidence in the service
- meet the obligations of staff to their employer
- Contribute towards improving services provided by the Trust



The Objectives of the Procedure: -

- Encourage staff to raise matters of concern internally and advise on how the matter should be raised:
- Provide an effective and confidential process by which staff can raise genuine concerns so that patients, clients and the public can be safeguarded
- Ensure staff have the opportunity of free speech without fear of victimisation, reprisal or reproach from the Trust Board or its Management
- Assist in the prevention of fraud and mismanagement
- Demonstrate to staff and the public that the Trust is ensuring its affairs are carried out ethically, honestly and to high standards

The Trust recognises that employees may wish to contact outside bodies, however, the Trust would encourage staff to use the internal process set out in this policy.

2.0 **SCOPE OF THE POLICY**

2.1 The Trust recognises that existing policies and procedures which deal with conduct and behaviour at work (Disciplinary, Grievance, Harassment and Bullying, the Complaints Procedure and the Accident/Incident Reporting Procedure) may not always be appropriate to extremely sensitive issues which may need to be handled in a different way. The Whistleblowing Policy provides a procedure for staff to raise genuine concerns internally on malpractice relating to criminal activity, failure to comply with a legal duty, miscarriages of justice, danger to health and safety or the environment and the concealment of any of these issues in the workplace.

Examples may be: -

- Malpractice or ill treatment of a patient by a member of staff
- Repeated ill treatment of a patient despite a complaint being made
- Where a criminal offence has been committed, is being committed or is likely to be committed
- Suspected fraud
- Disregard for legislation, particularly in relation to Health and Safety at Work
- The environment has been, or is likely to be, damaged
- A miscarriage of justice has occurred, is occurring, or is likely to occur
- Breach of Standing Financial Instructions
- Showing undue favour over a contractual matter or to a job applicant
- Research misconduct
- Information on any of the above has been, is being, or is likely to be concealed

This list is not intended to be exhaustive or restrictive.

2.2 The policy is not intended for personal issues that should be properly raised under existing Grievance Procedure arrangements.

2.3 This policy compliments professional and ethical rules, guidelines and codes of conduct and freedom of speech. It is not intended to replace professional codes and mechanisms which allows questions about professional competence to be raised. (However such issues can be raised under this process if no other more appropriate avenue is apparent).



3.0 ROLES/RESPONSIBILITIES

3.1 The Trust

- To ensure that this policy enables genuine issues that are raised to be dealt with effectively
- To promote a culture of openness and honest and ensure that issues are dealt with responsibly and taken seriously
- To ensure that employees who raise any issues are not penalised for doing so unless other circumstances come to light which require this, e.g. where a member of staff knowingly raises an issue regarding another member of staff which they know to be untrue.

3.2 Managers

- To take any concerns reported to them seriously and consider them fully and fairly
- To recognise that raising a concern can be a difficult experience for some staff and to treat the matter in a sensitive manner if required
- To seek advice from other professionals within the Trust where appropriate
- To invoke the formal procedure and ensure the designated officer is informed, if the issue is appropriate

3.3 All Members of Staff

- To recognise that it is their duty to draw to the Trust's attention any matter of concern
- To adhere to the procedures set out in this policy
- To maintain their duty of confidentiality to patients and the Trust and consequently, where any disclosure of confidential information is to be justified, the employee should first, where appropriate, seek specialist advice from for example a representative of a regulating organisation such as the Nursing & Midwifery Council or the General Medical Council.

3.4 Role of Trade Unions and other Organisations

All staff have the right to consult and seek guidance and support from their Professional Organisations, Trade Union or from statutory bodies such as the Nursing & Midwifery Council, the General Medical Council, Health Professional Council and the Social Care Council for Northern Ireland.

3.5 Ombudsman

The Ombudsman may investigate complaints by staff on behalf of a patient, provided he/she is satisfied there is no one appropriate, such as an immediate relative, to act on the patient's behalf.

Contact Number – 028 9023 3821



4.0 POLICY STATEMENT ON WHISTLE BLOWING AT WORK

The Belfast Health & Social Care Trust is committed to achieving the highest possible standards of service and the highest ethical standards in all its practices. To achieve these ends it promotes openness and encourages staff to speak freely and contribute their views on health and social care activities especially those relating to the delivery of care to patients and clients.

In introducing the Whistle Blowing Policy the Trust strives to encourage a climate of honesty and openness in which it is safe and acceptable for any member of staff to raise concerns internally and at the earliest possible time.

Staff are recommended to use internal procedures for reporting genuine concerns regarding malpractice or illegal acts at work by Trust employees. When genuine concerns have been raised in good faith, staff in accordance with this procedure will be protected against victimisation or any other detrimental treatment related to their act of disclosure.

The Trust Board and Chief Executive are fully committed to this Policy and its implementation.

POLICY STATEMENTS

4.1 External Contracts

The Trust hopes this Policy reassures staff of its commitment to have concerns raised under it taken seriously and fully investigated, and to protect an individual who brings such concerns to light. Whilst there may be occasions where individuals will wish to report their concerns to external agencies or the Police, the Trust would hope that the robust implementation of this Policy will reassure staff that they can raise such concerns internally in the first instance.

4.2 Members of Parliament/Members of Parliament/MLA's/External Agency

A member of staff has the right to consult with their Member of Parliament, Member of the Legislative Assembly in Northern Ireland or relevant agency. However the Trust expects staff to follow these procedures before taking such a step so that the Trust has the opportunity to take appropriate action.

4.3 The Media

Staff who feel their concerns have not been properly addressed through the procedure may be considering going to the media. However staff should carefully consider what they are putting into the public domain and ensure that patient confidentiality is protected at all times. The Trust reserves the right to take disciplinary action if patient confidentiality is breached.

Communication with the media is coordinated by the Communications Department. Staff approached by the media should direct the media to the Trust's telephone number 028 90960096.



4.4 Patient and Client Confidentiality – Responsibility of all Staff

All Trust staff have a duty of confidentiality to patients and clients. Unauthorised disclosure of personal or confidential information about a patient or client is a serious matter which will result in disciplinary action. This may apply even if staff members believes he/she is acting in the best interests of a patient or client by disclosing the information. Employees have a duty of confidentiality. Breach of the duty may result in disciplinary action. Staff should seek specialist advice to ensure cases involving disclosure of confidential information are soundly based before considering action.

5.0 IMPLEMENTATION OF POLICY

5.1 Dissemination

This policy will be circulated to all staff.

5.2 Resources

This policy will be available on the Hub

5.3 Exceptions

None

6.0 MONITORING

Reports will be monitored within the Chief Executive's office.

7.0 EVIDENCE BASE / REFERENCES – list legislation

- DHSSPS Circular Ref HSS(F)07/2009

8.0 CONSULTATION PROCESS

- Governance Steering Group
- Workforce, Governance and Policy Review Subcommittee
- Finance Governance

9.0 APPENDICES / ATTACHMENTS

Appendix 1 – Procedure

Appendix 2 - Minister of Health Letter of 22 March 2012

10.0 EQUALITY STATEMENT

In line with duties under the equality legislation (Section 75 of the Northern Ireland Act 1998), Targeting Social Need Initiative, Disability discrimination and the Human Rights Act 1998, an initial screening exercise to ascertain if this policy should be subject to a full impact assessment has been carried out.

The outcome of the Equality screening for this policy is:

Major impact

Minor impact

No impact.



SIGNATORIES

Name Colm Donaghy
Title Chief Executive

Date: 22 May 2013

Name Professor Eileen Evason
Title Chairman

Date: 22 May 2013



Appendix 1
PROCEDURE

1.1 Informal Procedure

If an employee has a genuine concern about what they believe might be malpractice and have an honest and reasonable suspicion that the malpractice has occurred, is occurring, or is likely to occur, then the matter should be raised in the first instance with their Line Manager, or if there are specific reasons for not doing so the matter should be reported to the appropriate Senior Manager/Director.

- 1.2 Employees are entitled to representation from a Trade union/fellow worker or companion in assisting them raise such a matter of concern.
- 1.3 If the concern can be resolved at a local level, then the Line Manager will take the appropriate action and the staff member will be notified of the action taken within five working days of having raised the concern. If additional time is needed the timescale will be reviewed and communicated.

Where action is not considered practicable or appropriate the staff member should be provided with an explanation of the reasons within the timescale or revised timescale.

- 1.4 If informal action does not allay concerns, then the employee should invoke the formal procedure outlined below.
- 1.5 Where appropriate the Manager may decide to refer the issue to the Trust Designated Person to be dealt with under the formal procedure below).

2 Formal Procedure

In the event that the matter raised cannot be dealt with informally or under any of the Trusts other Procedures for dealing with conduct and behaviour at work, as specified at paragraph 3, then the following Procedure should be invoked:-

- 2.1 The Trust has appointed a Designated Person to be the initial point of contact for complainants under this Procedure. The Designated Person will have direct access to the Chair/Chief Executive. In some situations a member of staff may have initially discussed the matter with their Line Manager. It is important that the matter is immediately brought to the attention of the Designated Person.

Designated Person:	Mrs Claire Cairns
Title:	Head of Office
Location:	Chief Executive's Office
Telephone Number:	028 95040114



- 2.2 The Designated Person will arrange an initial interview with the complainant, which will be strictly confidential and will ascertain the area of concern. The complainant may be represented by a Trade Union representative or fellow worker/companion. The Designated Person will seek to reassure the complainant about protection from possible reprisals or victimisation and give them a copy of this Policy. The Designated Person will write a summary report of the interview which will be agreed by both parties, and will ask the complainant to make a written statement.

- 2.3 The Designated Person will report to the Chief Executive. However, if the complaint is about the Chief Executive the Designated Person should report to the Chair. In the event the complaint is about the Chair of the Trust it should be referred to the Permanent Secretary, Department of Health, Social Services & Public Safety. If the complaint concerns the improper use of public funds then the Designated Person should have direct access to the Chair of the Trust's Audit Committee.

- 2.4 The Chief Executive, or the Chair or Designate Person as appropriate, will be responsible for the commission of the investigation. This investigation will be carried out by an independent individual(s) (Investigating Officer(s))/Panel. The Investigating Officer(s)/Panel will conduct a full investigation which will be carried out under the terms of strict confidentiality. The Designated Person will be kept informed of progress.

- 2.5 In serious cases, for example allegations of ill treatment of patients, fraud, consideration will have to be given by the Designated Person, Chief Executive or the Chair to immediate suspension from work. The suspension and subsequent investigation will be conducted under the Trust's Disciplinary Procedure(s) and guidelines and if, as a result of the investigation there is a case to be answered and it is deemed appropriate for formal disciplinary action, a Disciplinary Hearing will be convened under the Trust Disciplinary Procedure and as appropriate maintaining high professional standards for Medical staff. In other cases the investigation will be carried out in accordance with the principles, time periods and rights to representation as set out in the Trust's Disciplinary Procedure and Guidelines.

- 2.6 Following the investigation the Investigation Officer(s)/Panel will produce an investigation report will report back to the Designated Officer, Chief Executive, or the Chair as appropriate, who will implement the recommendations and ensure appropriate action is taken which may include changes in practise or disciplinary action. Where applicable, to ensure consistency, the Investigating Officer(s) will present the case at a Disciplinary Hearing. Otherwise the Presenting Officer(s) for any Disciplinary Hearings will be convened in accordance with the normal Disciplinary arrangements, will be fully briefed and be provided with the complete investigation report so that the case can be presented to the Disciplinary Panel.



- 2.7 If there is no case to answer the Chief Executive, Chair or Designated Person will take into account that protection should be afforded to an employee who was not in an informed position to form a belief on reasonable grounds about the truth of information, but believed nonetheless that the information may have been true and is of sufficient importance to justify its disclosure so that the truth can be investigated.
- 2.8 The Chief Executive, Chair or Designated Officer may conclude in circumstances where false or malicious allegations have been made that it is appropriate to invoke the Disciplinary Procedure against the person or persons who made these.
- 2.9 The Designated Person will provide the individual who raised the concerns with as much feedback on the outcome of the investigation as is proper in the circumstances. However, the Trust may not be in a position to disclose the precise action taken where it would infringe a duty of confidence owed to someone else. In particular precise details of any disciplinary action will not be provided.



Appendix 2 – Ministers letter

FROM THE MINISTER FOR HEALTH,
SOCIAL SERVICES AND PUBLIC SAFETY
Edwin Poots MLA



Department of
**Health, Social Services
and Public Safety**
www.dhsspsni.gov.uk

Castle Buildings
Stormont Estate
BELFAST BT4 3SQ
Tel: 028 90 520642
Fax: 028 90 520557
Email: private.office@dhsspsni.gov.uk

For Action:

**Chief Executives of HSC Bodies¹;
Chief Fire Officer**

For information:

Director of Human Resources of each body

Our Ref: SUB/325/2012

22 March 2012

Dear Colleague

Please bring the content of this letter to the attention of all your employees, and make available with it your whistleblowing policy.

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You have the right to be heard by management if you have concerns about any ethical or safety issue, and a responsibility to speak up

2. The first kind of action that is appropriate is to speak up within your team or to the appropriate manager. The principles of clinical and social care governance empower all staff to speak up if they see or become aware of practice which is unsafe or which creates unacceptable risks to patients or clients.

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It is the responsibility of any member of staff who is challenged on that basis to give proper consideration to the points being made by any colleague. Similar principles should apply in all the other aspects of our services away from the clinical or social care front line. Managers and leaders at all levels are responsible for creating and sustaining an atmosphere of mutual support, mutual learning, and conduct based on the priority of the quality and safety of services and the health, well-being and dignity of the patients, clients, family members and carers whom we all serve. By far the most important concern for me, and for all who lead and manage HSC organisations, all DHSSPS' Arms Length Bodies and the Department itself, is to ensure that we provide the best possible services to patients, clients, and the wider public, and I am sure you share that commitment.

If speaking up is a problem, whistleblowing is both your right and your duty

3. If you have any concern that speaking up in good faith in the way I have described would lead to a problem, there are statutory procedures that protect you if you chose to blow the whistle and draw attention to something that is a cause for concern. All HSC staff have a moral duty to pass on any concerns to someone who can deal with it. I should therefore personally encourage you to speak up where you have genuine concerns about issues such as patient safety or possible malpractice in your workplace and reassure you that genuine concerns will be resolved quickly and effectively.
4. There is a common misconception that whistle blowing is solely fraud related. In effect whistle blowing can be wide ranging covering issues around health and safety e.g. unsafe products or working conditions.
5. Whistle blowing refers to "making a disclosure in the public interest" and it means that concerns relating to unlawful conduct, financial malpractice, dangers to the public or the environment, or actions otherwise contrary to the public interest can be reported in the workplace following the correct procedures and protecting employment rights. There should be an established whistle blowing policy and procedure within your organisation which should be followed for reporting your concerns.
6. I fully recognise that the decision to report a concern can be a difficult one to make. However, if what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer and those for whom you provide a service.
7. I will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith. If you report concerns reasonably and in good faith you are also formally protected against victimisation under The Public Interest Disclosure (Northern Ireland) Order 1998 (revised 2004).
8. Your organisation's whistleblowing policy sets out how to go about expressing a concern both internally and, should it be necessary, outside line management. Each organisation's policy should make it clear that ultimately, you have the right to direct your concern to me.



Confidentiality of personal information about patients, families and members of staff must be protected

9. If you need to make a disclosure in the public interest it is important to be mindful of the need to avoid a breach of the privacy and confidentiality of personal information. It is wrong to give details of the condition or treatment of any patient or client without their explicit consent. Also, personnel records are protected by Data Protection legislation, and there are procedures for investigation and accountability of all staff in the HSC, in ALBs or within DHSSPS as part of the NI Civil Service, which should not be prejudiced or undermined by public or any other inappropriate disclosures of information. There are independent watchdog organisations, including the Northern Ireland Audit Office and the Regulation and Quality Improvement Authority which have specific duties to investigate confidential disclosure while protecting the person making the disclosure. The Patient and Client Council exists to act in the interests of patients and clients and to help with complaints. Where the duty to protect personal information is broken, it is sometimes necessary to investigate, however, any such investigation process should create no difficulty and hold no fear for anyone acting to disclose legitimate concerns in the public interest, as described above.

Conclusion

10. Finally, I would like to encourage you to feel confident in raising concerns and to question and act upon genuine concerns that you may have in relation to your workplace. This is a vital element of good public service based on the values and principles that are at the heart of Health and Social Care and all the related organisations.

Edwin Poots MLA
Minister for Health Social Services and Public Safety

Working for a Healthier People

WHISTLEBLOWING POLICY

Policy Checklist

Name of Policy:	Whistleblowing Policy and Procedure for Raising Concerns at Work	
Purpose of Policy:	The Public Interest Disclosure (Northern Ireland) Order 1998 was introduced to safeguard anyone who raises concerns, and this policy encompasses the requirements of that Order. The policy provides a mechanism for staff to raise concerns about a range of matters at an early stage and in the right way thereby developing a culture of responsible openness and constructive criticism regarding all aspects of the Trust's activities including clinical care.	
Directorate responsible for Policy	Directorate of Human Resources & Organisational Development	
Name & Title of Author:	Vivienne Toal - Head of Employee Engagement & Relations	
Does this meet criteria of a Policy?	Yes	
Staff side consultation?	Yes	
Equality Screened by:	Vivienne Toal – Head of Employee Engagement & Relations	
Date Policy submitted to Policy Scrutiny Committee:	30 th March 2015	
Policy Approved/Rejected/Amended	Approved subject to amendments	
Communication / Implementation Plan required?	Yes	
Any other comments:		
Date presented to SMT	April 2015	
Director Responsible	Mr Kieran Donaghy	
SMT / Trust Board Approved/Rejected/Amended	Approved	
Date returned to Directorate Lead for implementation (DHR& OD)	30 th March 2015	
Date received by Employee Engagement & Relations for database/Intranet/Internet	30 th March 2015	
Date for further review	March 2017	

POLICY DOCUMENT – VERSION CONTROL SHEET

Title	Title: Whistleblowing Policy Version: 2_0 Reference number/document name:
Supersedes	Supersedes: Whistleblowing Policy version 1
Originator	Name of Author: Vivienne Toal Title: Head of Employee Engagement & Relations
Policy Scrutiny Committee & SMT approval	Referred for approval by: Vivienne Toal Date of Referral: Policy Scrutiny Committee Approval SMT approval: As Above
Circulation	Issue Date: September 2017 Circulated By: Vivienne Toal Issued To: Directors, Assistant Directors, Heads of Service for onward distribution to staff.
Review	Review Date: March 2017 Responsibility of (Name): Vivienne Toal Title: Head of Employee Engagement & Relations

WHISTLEBLOWING POLICY

AND

PROCEDURE FOR RAISING ISSUES OF CONCERN AT WORK

Author	Vivienne Toal, Head of Employee Engagement & Relations
Directorate responsible	Human Resources & Organisational Development
Date	March 2015
Review date	March 2017

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1.0 INTRODUCTION TO POLICY

The Southern Health & Social Care Trust is committed to promoting a culture of openness in which staff are encouraged to raise concerns without fear of reprisal and victimisation; and to ensuring that health and social care services are provided with the highest standards of integrity and honesty. The Trust expects all employees to maintain high standards in all areas of practice. All employees are therefore strongly encouraged to report any perceived wrongdoing by the organisation, its employees or workers that fall short of these principles.

Each of us at one time or another has concerns about what is happening at work. Usually these concerns are easily resolved. However, when they are about dangers to or ill treatment of service users, staff or the public, issues relating to the quality of care provided, patient safety, professional misconduct, unlawful conduct, financial malpractice, fraud, health and safety, or dangers to the environment, it can be difficult to know what to do.

You may be worried about raising such issues. You may want to keep the concerns to yourself, perhaps feeling it's none of your business or that it's only a suspicion. You may feel that raising the matter would be disloyal to colleagues, managers or the organisation. You may decide to say something but find you have spoken to the wrong person or raised the issue in the wrong way and are not sure what to do next. You may also not be clear how your own professional code of conduct relates to Trust procedures.

2.0 PUBLIC INTEREST DISCLOSURE (NORTHERN IRELAND) ORDER 1998

The Public Interest Disclosure (Northern Ireland) Order 1998 was introduced to protect anyone who raises concerns from detriment and / or dismissal, and this policy encompasses the requirements of that Order. The Order protects employees or workers who make "protected disclosures", i.e. who reports wrongdoing within the workplace. This policy provides a process to enable employees or workers to inform the organisation about any wrongdoing in the workplace which they believe has occurred, or is likely to occur. Protection is against victimisation, disciplinary action or dismissal for employees who raise genuine concerns.

The Order 1998 has a tiered approach to disclosures which most easily gives workers protection for raising a concern internally. It is intended that this policy and associated procedure provide reassurance to staff who wish to raise such matters internally. Guidance from a range of regulatory / professional bodies encourages registrants to raise their concerns internally to ensure maximum level of protection under the Public Interest Disclosure Act.

Further details of the Order can be found using the following web address:
<http://www.pcaw.co.uk/law/pida.htm>.

3.0 PURPOSE AND AIMS

Purpose

The Senior Management Team of the Trust is committed to running the organisation in the best way possible and to do so we need the help of those who work for us. We have this policy in place to reassure those who work for us that it is safe and acceptable to speak up and to enable all workers to raise any concerns that they may have at an early stage and in the right way.

There may be times when, after staff have raised a concern under this policy, it is deemed to be more appropriate to be dealt with differently. However this should not stop staff raising concerns under this Policy.

This policy aims to:

- Provide an avenue for you to raise a concern internally as a matter of course, and receive feedback on any action taken;
- Provide for matters to be dealt with quickly and appropriately and ensure that they are taken seriously;
- Reassure you that you will be protected from reprisals or victimisation for raising the concern in good faith;
- Allow you to take the matter further if you are dissatisfied with the Trust's response.

4.0 POLICY STATEMENT

The Trust would rather that you raised the matter when it is just a concern rather than waiting for proof. It is important to raise any concerns at an early stage, on the basis of any level of concern or relevant information. Indeed, if you have serious suspicions that an offence has been committed, you have a responsibility to report them as soon as possible. We all have a responsibility to protect the Trust, its service users, staff and public. **If in doubt – raise it!**

If something is troubling you that you think the Trust should know about or look into, please use the Procedure for Raising Concerns at Work – see section 10.0. You should never accuse individuals directly, and telling the wrong persons may jeopardise an investigation.

What we do ask is that in order to qualify for protection under this policy, you must:

- Act in good faith (effectively this means honestly) and

- Genuinely believe the information you are going to impart is accurate and
- Not act maliciously.

Our assurances to you

Your safety

The Chair, Chief Executive & Trust Board are committed to this Policy. If you raise a genuine concern under this Policy, 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 same assurance is not extended to someone who maliciously raises a matter they know is untrue, and in such cases disciplinary action will be considered.

Your confidence

Confidentiality

The Trust will not tolerate the harassment or victimisation of anyone raising a genuine concern under this Policy. However, we recognise that you may nonetheless want to raise a concern in confidence. If you ask us to protect your identity by keeping your confidence, we will respect your request and it will not be disclosed without your consent. However a situation may arise where we are not able to resolve the concern without revealing your identity (for instance because evidence is needed in court, or the Trust has to act on the information), and this will be discussed with you in advance of any disclosure.

Anonymous allegations

Remember that if you do not tell us who you are, it will be much more difficult for us to look into the matter or to protect your position or to give you feedback. You are encouraged to put your name to any issue of concern you are raising. Allegations expressed anonymously and/or with little detail or information are much less powerful and more difficult to address but may be considered at the discretion of the Trust. Whilst we will give due consideration to anonymous reports, we cannot follow the procedure set out in Section 11.0 for any concerns raised anonymously. The Trust endeavours to promote a supportive environment in which you are able to express your concerns in confidence, thereby hopefully negating the need for raising concerns anonymously.

5.0 SCOPE OF POLICY

This Policy applies to you whether you are a permanent, temporary or bank employee. The Trust is also very dependent on a wide range of contractors, suppliers, and others not directly employed by the Trust such as agency staff, trainees, volunteers, secondees, or a student or anyone on a work experience placement – the policy applies to all individuals in these categories where there are concerns about the activities of the Trust.

6.0 HOW WE WILL HANDLE YOUR CONCERN

Members of staff, including students, can seek support and guidance from their Trade Union or professional organisation when raising a concern. Staff may be represented at any stage of the procedure by a trade union representative or colleague where appropriate.

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 internal enquiry or a more formal investigation. We will tell you who is handling the matter, how you can contact him/her, the timescale for action and whether your further assistance may be needed.

All staff who raise a concern will be automatically allocated support from the Head of Employee Engagement & Relations or a nominated deputy throughout the investigation process in line with section 8.0.

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.

While the purpose of this policy is to enable us to investigate possible malpractice and take appropriate steps to deal with it, we will give you as much feedback as we properly can and confirm our response in writing. Please note that 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.

7.0 RESPONSIBILITIES

7.1 Your responsibilities

The Trust wishes to encourage you to highlight areas where you are aware of inadequacies in the provision of services. In doing so concerns can be addressed at the earliest opportunity thus ensuring an overall improvement in the level of services provided to service users.

In particular you have a responsibility to:

- report any genuine concern of wrongdoing or malpractice preferably to your line manager or alternatively via one of the other options set out in the procedure in section 10.0. Proof of wrongdoing is not required, merely a genuine and reasonable concern. At the same time, you have an equal responsibility not to raise issues maliciously, where no potential evidence or indication of malpractice or danger exists; and

- familiarise yourself with and to understand the procedure for raising concerns outlined in section 11.0.
- be aware that information given unjustifiably to the media may unreasonably undermine public confidence in the Trust and Health and Social Care generally.

7.2 Our Responsibilities

All **managers** contacted by a member of staff, are responsible for:

- ensuring at the earliest opportunity that the appropriate action is taken in line with section 10, considering the nature and seriousness of the concern raised, including informing others, responding to concerns quickly and in confidence, taking all concerns seriously. This action will include deciding how any person, against whom an allegation is made, is informed of the matter, ensuring that the investigation is not jeopardised by the disclosure.
- supporting and reassuring those raising concerns – it is recognised that raising concerns can be difficult and stressful
- responding to all concerns without pre-judging
- recording all concerns, including the date the concern was raised, dates of interviews with employees, who was present at each interview and the action agreed
- keeping all records safely and securely

The **Trust's Senior Management Team**, through the Director of Human Resources & Organisational Development is responsible for:

- ensuring that these procedures are explained to all new staff, as part of Trust Induction
- protecting the interests and confidentiality of staff, for treating any concerns raised seriously, and for investigating them fairly and thoroughly
- ensuring that an investigation report relating to each Whistleblowing concern raised is considered as part of the Trust's Corporate / Clinical & Social Care Governance arrangements.

8.0 SUPPORT FOR EMPLOYEES

It is recognised that raising concerns can be difficult and stressful. Advice and support is available from the Head of Employee Engagement & Relations or a nominated deputy

throughout any investigation process. The Head of Employee Engagement & Relations will not undertake an investigation role in any whistleblowing case but will oversee any investigation undertaken and provide support to the individual raising the concern throughout the process, ensuring that feedback is provided at appropriate stages of the investigation.

The Trust also provides Carecall services to all employees through its Employee Assistance Programme; this service is free to all employees and is available 24/7. Contact details are: 0808 800 0002.

The Trust will take steps to minimise any difficulties which you may experience as a result of raising a concern. For example if you are required to give evidence at disciplinary proceedings, the Head of Employee Engagement & Relations will arrange for you to receive advice about the process.

If you are dissatisfied with the resolution of the concern you have raised or you consider you have suffered a detriment for having raised a concern, this should be raised initially with the Head of Employee Engagement & Relations.

9.0 EQUALITY AND HUMAN RIGHTS CONSIDERATIONS

This policy has been screened for equality implications as required by Section 75 and Schedule 9 of the Northern Ireland Act 1998. Equality Commission guidance states that the purpose of screening is to identify those policies which are likely to have a significant impact on equality of opportunity so that greatest resources can be devoted to these.

Using the Equality Commission's screening criteria, no significant equality implications have been identified. The policy will therefore not be subject to an equality impact assessment.

Similarly, this policy has been considered under the terms of the Human Rights Act 1998, and was deemed compatible with the European Convention Rights contained in the Act.

10.0 ALTERNATIVE FORMATS

This document can be made available on request in alternative formats, e.g. plain English, Braille, disc, audiocassette and in other languages to meet the needs of those who are not fluent in English.

11.0 COPYRIGHT

The supply of information under the Freedom of Information does not give the recipient or organisation that receives it the automatic right to re-use it in any way that would infringe

copyright. This includes, for example, making multiple copies, publishing and issuing copies to the public. Permission to re-use the information must be obtained in advance from the Trust.

12.0 PROCEDURE FOR RAISING CONCERNS AT WORK

There are a range of options from which you can choose if you wish to raise a concern.

Concerns are best raised in writing. You should set out the background and history of the concerns, giving where possible:

- names,
- dates,
- places, and
- the reasons why you are particularly concerned about the situation.

If you do not feel able to put the concern in writing, you can of course raise your concern via telephone or in person. A statement can be taken of your concern which can be recorded for you to verify and sign.

12.1 How to raise a concern internally

Staff should raise any concern internally using one of the options listed below:

➤ Option 1

Managers have a vital role to play in ensuring that you and your colleagues are able to make constructive contributions and to feel that your ideas are welcomed, appreciated and where appropriate, acted upon in a positive manner.

You are therefore encouraged in the first instance to raise concerns with your line manager. You may wish to involve a Trade Union representative or colleague to advise or assist you. As soon as you have a concern, you should make an immediate note of it. You should write down all the relevant details – what was said or done, date, time, names etc.

➤ Option 2

If, for any reason, you feel unable to raise the concern with your line manager, please raise the matter with another senior person you can trust. This might be another manager or a Senior HR representative and again you may wish to involve a Trade Union representative or colleague.

➤ Option 3

If you feel that the concern is so serious that it cannot be discussed with any of the above you can contact:-

- Director of Human Resources & OD direct line 028 3861 3969
- Chief Executive direct line 028 3861 3961
- Non –Executive Director contacted through the Chair’s office
(See Appendix 2 for names) direct line 028 3861 3962

The contact address for any of the above is: -

Southern HSC Trust Headquarters, Craigavon Area Hospital, Lurgan Road, PORTADOWN, BT63 5QQ

12.2 Response required from internal managers / Director to whom concerns are reported

Stage 1

ALL whistleblowing concerns MUST be notified by internal managers to the Director of Human Resources & Organisational Development for logging and investigation. The Director of Human Resources & Organisational Development will ensure that the Head of Employee Engagement & Relations is notified of the concern to ensure support can be provided to the employee.

The manager / Director should be clear on the range of other Trust policies and procedures in the event that the concern raised might be more appropriately dealt with under another policy / procedure e.g. Grievance Procedure, Working Well Together Procedure, Maintaining High Professional Standards (Medical & Dental staff). Advice from Employee Engagement & Relations may help to clarify this at any early stage.

Any internal manager / Director to whom a concern is raised must then arrange to meet with the employee to discuss the concern without delay along with a representative from the Employee Engagement & Relations team.

The manager / Director and HR representative should establish the background and history of the concerns, including names, dates, places, where possible, along with any other relevant information. The manager should also explore the reason why the employee is particularly concerned about the matter.

A record should be made of all discussions at this stage by the manager and Employee Engagement & Relations.

It may be necessary with anonymous allegations to consider whether it is possible, based on limited information provided in the complaint, to take any further action. Where it is

decided that further action cannot be justified, the reasons for this decision should be documented and retained by the Employee Engagement & Relations Department.

Stage 2

Once the preliminary facts / issues of concern have been established, the approach to investigating the concern must be discussed and agreed. A record should be made of the decisions and/or agreed actions which should be signed and dated.

Stage 3

Within 10 working days of the concern being received, the manager receiving the concern must write to the employee:

- Acknowledging that the concern has been received;
- Indicating how the matter will be dealt with;
- Providing an estimate as to how long it will take to provide a final response; and/or
- Telling the employee whether any initial enquiries have been made; and
- Telling the employee whether further investigations will take place and if not why not; and /or
- Letting the employee know when s/he will receive further details if the situation is not yet resolved; and
- Providing the employee with details of whom to contact should s/he be dissatisfied with this response (see 10.4 below)

Advice from Employee Engagement & Relations should be sought when drafting the letter of response.

11.3 How to raise a concern externally

If you are unable to raise the matter internally as outlined above in Options 1 to 3, or if you feel it has not been dealt with properly, we would rather you raise it with an appropriate external agency, detailed in Option 4 below, than not at all.

➤ **Option 4.**

Provided that you are acting in good faith and have evidence to back up the concern, your concern may also be raised with: -

- Relevant Professional / Regulatory Bodies (e.g. Nursing & Midwifery Council, General Medical Council, Northern Ireland Social Care Council, Health Care Professions Council etc.)
- Statutory Bodies (e.g., Mental Health Commission, Regulation & Quality Improvement Authority (RQIA))
- The Health and Safety Executive for N. Ireland
- Department of Health, Social Services and Public Safety.

Contact addresses and telephone numbers are included in Appendix 1.

11.4 If You Remain Dissatisfied

If you are unhappy with the response you receive when you use this procedure, remember you can go to the other levels and bodies detailed in Section 10.3. While we cannot guarantee that we will always respond to all matters in the manner you might wish, we will do our best to handle the matter fairly and properly. By using this procedure, you will help us to achieve this.

12.0 SOURCES OF INDEPENDENT ADVICE AND FURTHER INFORMATION

You may also wish to access independent advice for example,

- A Trust JNCF Trade Union representative or any other recognised Trade Union official;

or

- The independent charity *Public Concern at Work*
 - telephone 0207 404 6609 where lawyers can give free confidential advice at any stage about how to raise a serious concern.

Northern Ireland Social Care Council

7th Floor Millennium House
Great Victoria Street
BELFAST
BT2 7AQ
028 90 417600

Nursing & Midwifery Council

23 Portland Place
LONDON
W1B 1PZ
020 76377181

**Regulation & Quality Improvement
Authority (RQIA)**

9th Floor Riverside Tower
5 Lanyon Place
BELFAST
BT1 3BT
028 90 517500

General Medical Council

20 Adelaide Street
BELFAST
BT2 8GD
028 90 517022

Health Professions Council

184 Kennington Park Road
LONDON
SE11 4BU
020 78409814

**Department of Health, Social Services &
Public Safety (DHSSPSNI)**

Castle Buildings
Stormont
BELFAST
BT4 3SJ
028 90 520500

**Health & Safety Executive for Northern
Ireland**

83 Ladas Drive
BELFAST
BT6 9FR
028 90243249 (Free phone 0800 0320 121)

**Mental Health Commission for Northern
Ireland**

4th Floor – Lombard House
10-20 Lombard Street
BELFAST
BT1 1RD

DHSSPS Fraud Hotline

Tel 08000 963396

List of Non-Executive Directors with whom a concern can be raised

Mrs Deirdre Blakely

Mr Edwin Graham

Mrs Siobhan Rooney

Mrs Hester Kelly

Mrs Elizabeth Mahood

Mr Raymond Mullan

Mr Roger Alexander

Contact can be made with any of the above Non-Executive Directors through the Office of the Chair on 028 38 613962.



Title:	Whistle Blowing Policy		
Author(s)	Reviewed by Mary Crawford		
Ownership:	Director of HR & Corporate Services		
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1. INTRODUCTION

All of us at one time or another may have concerns about what is happening at work. However, when it is about unlawful conduct, a possible fraud or a danger to the public or 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 Northern Ireland Ambulance Service (NIAS). 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.

1.2 The purpose of these arrangements is to reassure you that it is safe and acceptable to speak up. They also enable you to raise your concern about such malpractice at an early stage and in the right way. Rather than wait for proof, we would prefer you to raise the matter when it is still a concern.

If something is troubling you of which you think we should know about or look into, please let us know. If, however, you wish to make a complaint about your employment or how you have been treated, please use the Trust's Grievance Procedure.

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 your concern is about possible fraud, you may also wish to refer to our Fraud Policy Statement and Fraud Response Plan which can be found at http://www.niamb.co.uk/docs/published_info.html or by contacting the Finance Department at Trust Headquarters on 028 90400999.

If in doubt, raise it!

2. OUR ASSURANCES TO YOU

Your safety

We are 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.

Confidentiality

We will not tolerate the harassment or victimisation of anyone who raises a genuine concern and with these assurances, we hope you will raise your concern openly. However, we recognise that there may be circumstances when you would prefer to speak to someone 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 at Work (see contact details under Independent Advice).

3. 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 or with their immediate manager. This can be done orally or in writing. *The Line manager will inform the Trust's Designated Person of the details of the malpractice.*

Step Two

If, for whatever reason, you feel that raising it with your immediate line manager is not appropriate or it has not worked, please raise the matter with the Head of Department/Division or with one of the following:

Director	Name	Tel Number	Email Address
Director of HR & Corporate Services	Ms R O'Hara	028 90400740	Roisin.ohara@nias.hscni.net
Director of Finance & ICT	Mrs S McCue	028 90400750	Sharon.mccue@nias.hscni.net
Director of Operations	Mr B McNeill	028 90400720	Brian.mcneill@nias.hscni.net
Medical Director	Dr D McManus	028 90400738	David.mcmanus@nias.hscni.net

If you want to raise the matter in confidence, please say so at the outset so that appropriate arrangements can be made.

Step Three

If these channels have been followed or 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 the Trust has

appointed a Designated Person as a direct point of contact for anyone wishing to raise a direct concern.

The Designated Person will have direct access to the Trust's Chairman and Chief Executive. It is recognised that in some situations, an employee may have initially discussed the matter with his / her Manager. It is therefore important that this fact is brought to the attention of the Designated Person. Details of the Designated Person are:

Name: Dr Jim Livingstone

Designation: Non-Executive Director

Tel No: 028 90400713 (**Confidentially** via Chairman's Office)

Email: nias.wb@gmail.com

Ultimately the matter can be referred to the Minister for Health Social Services and Public Safety (Please see Appendix 1: correspondence dated 22 March 2012 from the Minister for Health Social Services and Public Safety).

If you want to raise the matter in confidence, please say so at the outset so that appropriate arrangements can be made.

4. 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.

5. 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 union. 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.

6. EXTERNAL DISCLOSURES

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 or the Health and Safety Executive of Northern Ireland - than not at all. Public Concern at Work (or your Trade Union) 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.

7. CONTACTS

To make a disclosure to the Comptroller and Auditor General write to:
The Comptroller and Auditor General
Northern Ireland Audit Office
106 University Street
Belfast
BT7 1EU

Alternatively, in respect of disclosure email: whistleblowing@niauditoffice.gov.uk or telephone: **028 90251023**.

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 document 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

9. EQUALITY IMPACT ASSESSMENT

This policy has been screened in line with the Trust's responsibilities under Section 75 of the Northern Ireland Act 1998. It has been determined that an Equality Impact Assessment is not required.

10. REVIEW OF POLICY

This policy will be will be monitored on an ongoing basis and formally reviewed every three years, or at times considered necessary as a result of operational changes, legislative changes or risk assessments that have occurred.

Paul Archer
CHAIRMAN

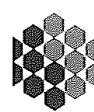
Liam McIvor
CHIEF EXECUTIVE

Date: _____

Date: _____

Appendix 1

FROM THE MINISTER FOR HEALTH,
SOCIAL SERVICES AND PUBLIC SAFETY
Edwin Poots MLA



Department of
**Health, Social Services
and Public Safety**
www.dhsspsni.gov.uk

Castle Buildings
Stormont Estate
BELFAST BT4 3SQ
Tel: 028 90 520642
Fax: 028 90 520557
Email: private.office@dhsspsni.gov.uk

For Action:

**Chief Executives of HSC Bodies¹;
Chief Fire Officer**

For information:

Director of Human Resources of each body

Our Ref: SUB/325/2012

22 March 2012

Dear Colleague

Please bring the content of this letter to the attention of all your employees, and make available with it your whistleblowing policy.

MESSAGE FROM EDWIN POOTS

YOUR RIGHT TO WHISTLE BLOW

1. I am committed to the highest possible standards of conduct, openness, honesty and accountability in our Services. In line with that commitment I expect staff to act on any genuine concerns they might have about any aspect of an organisation's work or colleagues, in the knowledge that such action has support from the highest level. I want every member of staff to be very confident that managers at all levels will respond positively to expressions of concern, and that, should it be necessary, you will be protected from victimisation if you make a genuine concern known under the whistleblowing arrangements.

You have the right to be heard by management if you have concerns about any ethical or safety issue, and a responsibility to speak up

2. The first kind of action that is appropriate is to speak up within your team or to the appropriate manager. The principles of clinical and social care governance empower all staff to speak up if they see or become aware of practice which is unsafe or which creates unacceptable risks to patients or clients.

¹ The Health and Social Care Board, HSC Trusts, the Public Health Agency, the Business Services Organisation, the Northern Ireland Blood Transfusion Service Agency, the Northern Ireland Guardian ad Litem Agency, the Northern Ireland Practice & Education Council for Nursing, Midwifery & Health Visiting (NIPEC), the Northern Ireland Social Care Council (NISCC), the Patient & Client Council, the Northern Ireland Regulation and Quality Improvement Authority and the Northern Ireland Medical and Dental Training Agency (NIMDTA)

It is the responsibility of any member of staff who is challenged on that basis to give proper consideration to the points being made by any colleague. Similar principles should apply in all the other aspects of our services away from the clinical or social care front line. Managers and leaders at all levels are responsible for creating and sustaining an atmosphere of mutual support, mutual learning, and conduct based on the priority of the quality and safety of services and the health, well-being and dignity of the patients, clients, family members and carers whom we all serve. By far the most important concern for me, and for all who lead and manage HSC organisations, all DHSSPS' Arms Length Bodies and the Department itself, is to ensure that we provide the best possible services to patients, clients, and the wider public, and I am sure you share that commitment.

If speaking up is a problem, whistleblowing is both your right and your duty

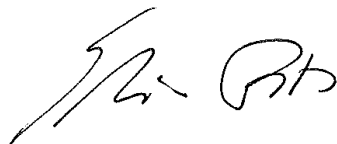
3. If you have any concern that speaking up in good faith in the way I have described would lead to a problem, there are statutory procedures that protect you if you chose to blow the whistle and draw attention to something that is a cause for concern. All HSC staff have a moral duty to pass on any concerns to someone who can deal with it. I should therefore personally encourage you to speak up where you have genuine concerns about issues such as patient safety or possible malpractice in your workplace and reassure you that genuine concerns will be resolved quickly and effectively.
4. There is a common misconception that whistle blowing is solely fraud related. In effect whistle blowing can be wide ranging covering issues around health and safety e.g. unsafe products or working conditions.
5. Whistle blowing refers to "making a disclosure in the public interest" and it means that concerns relating to unlawful conduct, financial malpractice, dangers to the public or the environment, or actions otherwise contrary to the public interest can be reported in the workplace following the correct procedures and protecting employment rights. There should be an established whistle blowing policy and procedure within your organisation which should be followed for reporting your concerns.
6. I fully recognise that the decision to report a concern can be a difficult one to make. However, if what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer and those for whom you provide a service.
7. I will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith. If you report concerns reasonably and in good faith you are also formally protected against victimisation under The Public Interest Disclosure (Northern Ireland) Order 1998 (revised 2004).
8. Your organisation's whistleblowing policy sets out how to go about expressing a concern both internally and, should it be necessary, outside line management. Each organisation's policy should make it clear that ultimately, you have the right to direct your concern to me.

Confidentiality of personal information about patients, families and members of staff must be protected

9. If you need to make a disclosure in the public interest it is important to be mindful of the need to avoid a breach of the privacy and confidentiality of personal information. It is wrong to give details of the condition or treatment of any patient or client without their explicit consent. Also, personnel records are protected by Data Protection legislation, and there are procedures for investigation and accountability of all staff in the HSC, in ALBs or within DHSSPS as part of the NI Civil Service, which should not be prejudiced or undermined by public or any other inappropriate disclosures of information. There are independent watchdog organisations, including the Northern Ireland Audit Office and the Regulation and Quality Improvement Authority which have specific duties to investigate confidential disclosure while protecting the person making the disclosure. The Patient and Client Council exists to act in the interests of patients and clients and to help with complaints. Where the duty to protect personal information is broken, it is sometimes necessary to investigate, however, any such investigation process should create no difficulty and hold no fear for anyone acting to disclose legitimate concerns in the public interest, as described above.

Conclusion

10. Finally, I would like to encourage you to feel confident in raising concerns and to question and act upon genuine concerns that you may have in relation to your workplace. This is a vital element of good public service based on the values and principles that are at the heart of Health and Social Care and all the related organisations.



**Edwin Poots MLA
Minister for Health Social Services and Public Safety**



SOUTH EASTERN TRUST

Title:	Whistleblowing Policy		
Author(s)	Jennifer Buchanan, Assistant Director Employee Relations Martin O'Toole, Human Resources Manager		
Ownership:	Eamonn Molloy, Director of Human Resources and Corporate Affairs		
Approval by:	4th Level HR Managers JNC Policy Sub Group	Approval date:	June 2014
Operational Date:	June 2014	Next Review:	June 2017
Version No.	V2	Supersedes	SET/HR (04) 2010
Key words:	Raising Concerns, Public Interest Disclosure		
Links to other policies	Raising Concerns about Care or Practice Guidance		

1.0 INTRODUCTION / PURPOSE OF POLICY

The Trust is committed to achieving and sustaining high standards with regard to behaviour at work, service to the public and in all its working practices. All staff and agents of the Trust are therefore expected to conduct themselves with integrity, impartiality and honesty at all times.

The Trust seeks to foster a climate of openness and a culture where it is safe and acceptable to raise concerns about inappropriate behaviour at any level of the organisation. To achieve this aim, the Trust wishes to encourage employees to report genuine concerns without fear of reprisal or victimisation.

The Public Interest Disclosure (Northern Ireland) Order 1998 provides employees with protection against victimisation should they reasonably and in good faith report such concerns (“blow the whistle”).

1.1 Purpose

The principal emphasis of this policy is to ensure that action is taken to investigate any matters of concern raised by staff and to enable the Trust to initiate corrective action where deemed necessary and appropriate. The policy ensures that the provisions of the Public Interest Disclosure (Northern Ireland) Order 1998 are complied with in terms of safeguards for those raising genuine concerns.

The policy is intended to provide a mechanism to address issues which are not already provided for within existing policies, e.g. policy on Harassment, Grievance Procedure, Theft, Fraud and Corruption Response Plan, etc. This policy is not intended to substitute for those policies or other normal management reporting mechanisms which are already in place within the Trust.

2.0 SCOPE OF THE POLICY

The Whistleblowing Policy is designed to ensure that concerns around issues that are in the public interest are raised with an appropriate officer of the Trust so that they can be dealt with effectively and in a spirit of openness.

The Whistleblowing Policy should be followed if an employee reasonably believes that one of the following either has occurred is in the process of occurring, or likely to occur. This list is not exhaustive.

- A criminal offence
- Failure to comply with a legal obligation or a Trust policy
- A miscarriage of justice
- Endangering of an individual's health and safety
- Damage to the environment
- Deliberate concealment of any of the above

Concerns raised should be factual (to the best of the persons knowledge) and should cover the following:

- What has occurred (or thought to have occurred)
- When it occurred
- Where it occurred
- Who was involved
- Have patients / staff / the public been put at risk as a result
- Has it happened before
- Are there any other witnesses
- Is there any supporting information
- How the matter came to light
- Has it been raised with anyone else? If so, details of when/who.

Such concerns should be raised at the earliest opportunity in order for the Trust to investigate the matter. Inevitably some concerns will be genuinely misconceived because, for example the full facts have not emerged.

However, it should be noted that the malicious raising of unfounded allegations will be treated as misconduct and may lead to disciplinary action.

3.0 PROCEDURE FOR RAISING CONCERNS

Concerns may be raised verbally, in writing or through i-connect. Employees are encouraged to raise concerns internally at work through their manager in the first instance. Where this is not appropriate the employee should contact the Trust's Director of Human Resources & Corporate Affairs who is the nominated officer receiving reports under the Whistleblowing Policy. Staff may, of course seek the advice of their Trade Union or Professional Association/Organisation to support them in raising concerns (contact details available on i-connect).

If the concern surrounds the Director of Human Resources & Corporate Affairs or another Trust Director, it should be reported to the Chief Executive. If the concern relates to the Chief Executive then it should be raised with the Chairman. If the concern involves the Chairman, it should be reported to the Chief internal Auditor or the Chair of the Audit Committee.

Employees are entitled to raise concerns externally with a prescribed regulatory body, but only in certain circumstances. Employees should read Circular HSS (Gen 1) 1/2000 (**The public interest disclosure (Northern Ireland) order 1998 - Whistleblowing in the HPSS**) before making a disclosure. This circular can be accessed from the DHSS&PS via its extranet at <http://extranet.dhsspsni.gov.uk> or by emailing p&e@dhsspsni.gov.uk.

4.0 CONFIDENTIALITY AND ANONYMITY

Whilst it is possible to raise such matters anonymously staff should not feel inhibited in identifying themselves. If staff request that their identity should not be disclosed, the organisation will not disclose it without consent. If the situation arises where a concern cannot be investigated or resolved without revealing the employee's identity, or if there is a legal imperative to disclose the identity, the Trust will discuss this with the employee and decide how the issue will be progressed. Staff may also report suspicions directly to the PSNI at Call Management by telephoning 02890 650222 extension 19849 for Ards, Down & Ulster areas & extension 19869 for Lisburn.

If an employee wants independent advice at any stage, he/she may contact the independent organisation Public Concern at Work on 020 7404 6609 or www.pcaaw.co.uk. They can offer free advice to employees unsure of whether or how to raise a concern about workplace wrongdoing.

Employees can, of course, seek legal advice of their own choice at their own expense.

5.0 PROCESS FOR DEALING WITH CONCERNS

When an employee advises the Trust of a concern, the appropriate officer will determine what action, if any, is appropriate. The matter may be addressed by

another existing procedure as described in Paragraph 5 or alternatively, it will be investigated.

The employee who raised the concern will be informed of the method by which the concern will be progressed and will be advised if his/her further involvement is required.

If the concern is already, or has previously been, the subject of an investigation it will not be appropriate for inclusion under the Whistleblowing Policy.

The Trust will ensure that any concern raised by an employee will be dealt with as soon as practicable.

The Trust will support employees who raise concerns and will take all reasonable steps to ensure that they are not victimised. Victimisation of staff who raise issues under this policy is a serious offence and will be viewed as misconduct. Such instances will be dealt with under the Trust's Disciplinary Procedure.

6.0 OUTCOME OF INVESTIGATIONS

On completion of the investigation process, the employee who raised the concern will be informed through appropriate feedback of the outcome of the investigation, including any corrective action.

If following investigation an employee's concerns were unfounded, provided that the employee acted in good faith then no further action will be taken. Where it is considered that an employee has made a frivolous, vexatious or malicious complaint, the Trust will consider whether any further action is appropriate, including disciplinary proceedings.

7.0 CONSULTATION PROCESS

4th Level HR Managers
Policy Sub Group
Raising Concerns Group

9.0 APPENDICES / ATTACHMENTS

The following appendices have been attached for information:

- Appendix 1 Summary of the main provisions of the Public Interest Disclosure (NI) Order 1998
- Appendix 2 List of persons prescribed by the Department for Employment and Learning to whom disclosures of information may be made under the Public Interest Disclosure (NI) Order 1998

10.0 EQUALITY STATEMENT

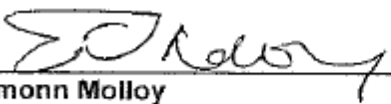
In line with duties under the equality legislation (Section 75 of the Northern Ireland Act 1998), Targeting Social Need Initiative, Disability discrimination and the Human Rights Act 1998, an initial screening exercise to ascertain if this policy should be subject to a full impact assessment has been carried out. The outcome of the Equality screening for this policy is:

Major impact

Minor impact

No impact.

SIGNATORIES



Eamonn Molloy
Director of Human Resources and Corporate Affairs

Date: 30th June 2014



Marion Ritchie
Trade Union Chair

Date: 30th June 2014

Summary of the main provisions of the Public Interest Disclosure (Northern Ireland) Order 1998

Malpractice

The Order applies to people at work raising genuine concerns about crime, breach of a legal obligation (including negligence, breach of contract, breach of administrative law), miscarriage of justice, danger to health and safety or the environment and any cover up of these. In the HPSS this would include a worker raising concerns about risks to patients/clients or about financial malpractice. It applies whether or not the information is confidential.

Individuals Covered

In addition to employees, it covers other workers, trainees, agency staff, home workers and all self-employed HPSS professionals (i.e. doctors, dentists, ophthalmologists and pharmacists). The usual employment law restrictions on minimum qualifying period and age do not apply. It does not cover the genuinely self-employed (other than in the HPSS), volunteers, the intelligence services, the army or the police.

Internal Disclosures

A disclosure to the employer will be protected if the whistleblower has an honest and reasonable suspicion that the malpractice has occurred, is occurring or is likely to occur. For the purposes of the Order, the employer of self-employed HPSS professionals is deemed to be the Health and Social Services Boards. Where a third party is responsible for the malpractice this same test applies to disclosures made to it.

Legal Advice

To ensure that people concerned about malpractice can get independent and confidential advice about how the Order works, disclosures to lawyers are protected.

HPSS and Quango's

To promote accountability in public life, the same protection as for the internal disclosures applies where someone in the HPSS or a public body blows the whistle direct to the sponsoring Department. There is no requirement that such concerns should be raised internally first.

Regulatory Disclosures

Special provision is made for disclosures to persons and bodies which are prescribed under the Order. Such disclosures will be protected where the whistleblower meets the tests for internal disclosures and, additionally, honestly and reasonably believes that the information and any allegation contained in it are substantially true.

Wider Disclosures

Wider disclosures (e.g. to the police, the media, MPs and non-prescribed regulators) are protected if, in addition to the tests for regulatory disclosures, they are not made for personal gain and if they satisfy a further two provisions. That is the concern must have been raised with the employer or a prescribed regulator, unless, there was reasonable belief that there would be a cover up, and the matter was exceptionally serious. If one of these preconditions is met and the tribunal is satisfied that the disclosure was reasonable, the whistleblower will be protected.

Full Protection

Where a worker or employee is victimised for blowing the whistle in breach of the Order, they may bring a claim to an employment tribunal. Workers and employees who lose their jobs in breach of the Order will be fully compensated for their losses. Awards for victimisation short of dismissal will also be uncapped and based on what is just and equitable in all the circumstances.

Gagging Clauses

Such clauses in employment contracts and severance agreements are void insofar as they conflict with the Order's protection.

Appendix 2

Extract from List of Prescribed Persons and description of matters in respect of which they are prescribed (as of October 2012)

Certification Officer for Northern Ireland

Certification Office
10-12 Gordon Street
BELFAST
BT1 2LG
Telephone: 028 9023 7773

Fraud and other irregularities relating to the financial affairs of trade unions and employers' associations.

Comptroller and Auditor General for Northern Ireland

Northern Ireland Audit Office
106 University Street
BELFAST
BT7 1EU
Telephone: 028 9025 1023

The proper conduct of public business, value for money, fraud and corruption in relation to the provision of centrally funded public services and health service bodies.

Director of the Serious Fraud Office

Elm House
10-16 Elm Street
LONDON
WC1X 0BJ
Telephone: 020 7239 7272

Serious or complex fraud and corruption

Health and Safety Executive for Northern Ireland

83 Ladas Drive
BELFAST
BT6 9FR
Telephone: 028 9024 3249

Matters which may affect the health or safety of any individual at work; matters which may affect the health and safety of any member of the public, arising out of, or in connection with, the activities of persons at work.

Information Commissioner

51 Adelaide Street
BELFAST
BT2 5GS
Telephone: 028 9027 0254

Compliance with the requirements of legislation relating to data protection and to freedom of information.

Northern Ireland Commissioner for Children and Young People

Millennium House
17-25 Great Victoria Street
BELFAST
BT2 7BR
Telephone: 028 9031 1616

Matters relating to the rights and best interests of children and young people.

Northern Ireland Human Rights Commission

Temple Court
39 North Street
BELFAST
BT1 1NA
Telephone: 028 9024 3987

Matters which engage human rights.

Northern Ireland Social Care Council

7th Floor
Millennium House
19-25 Great Victoria Street
BELFAST
BT2 7AQ
Telephone: 028 9041 7600

Matters relating to:

- (a) The registration and regulation of social care workers under the Health and Personal Social Services Act (Northern Ireland) 2001; and
- (b) The regulation of education and training in social work and social care work.

Regulation and Quality Improvement Authority

9th Floor
Riverside Tower
5 Lanyon Place
BELFAST
BT1 3BT
Telephone: 028 9051 7500

Matters relating to the quality, safety and availability of health and social care services provided by statutory, independent, community and voluntary providers in Northern Ireland.