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WHISTLEBLOWING POLICY

1. POLICY STATEMENT

- 1.1 This document outlines the Whistleblowing Policy and Procedure for The East of England Ambulance Service NHS Trust (the Trust). The Trust is committed to sustaining a culture of openness, accountability and probity and will encourage and support staff raising their concerns about health service issues, Trust activities, misconduct within the organisation and providing information about illegal and/or inappropriate practices.
- 1.2 Employees raising concerns under this policy must have an honest and reasonable suspicion of malpractice, must not be acting for personal gain and should initially raise their concerns internally (unless there are good reasons for not doing so – see section 8).
- 1.3 This policy meets the requirements of the Public Interest Disclosure Act 1998. The Act provides general protection for whistleblowers who follow the procedures laid down in the legislation in disclosing specific categories of malpractice, or making a 'protected disclosure'. A disclosure will qualify for protection if, in the reasonable belief of the employee, it relates to one or more of the following actions which has been, is being or is likely to be committed:
 - A criminal offence;
 - Failure to comply with a legal obligation;
 - A miscarriage of justice;
 - Breach of health and safety endangering an individual(s);
 - Damage to the environment;
 - Deliberately concealing information relating to any of the above.
- 1.4 Employees raising any concerns, through the correct channels under this policy should do so without fear of victimisation, or suffering detriment for doing so.
- 1.5 The victimisation of an employee following disclosure, or deterring an employee from raising a concern, will be treated as a serious conduct matter, as will false and malicious allegations or an unjustified external disclosure. Such incidents will be dealt with in line with the Trust's Disciplinary Policy (Managing Staff Conduct and Performance Procedure).
- 1.6 The confidentiality undertaking in an employee's Statement of Terms and Conditions does not prevent a member of staff from making a protected disclosure.
- 1.7 This policy has been written in partnership by management and staff side.

2. SCOPE

2.1 This policy applies to all staff employed by the Trust.

3. ACCESS TO THE POLICY

3.1 All employees are entitled to access to this policy which is located in the HR Policies and Procedures Folders and/or on the Trust's Intranet. Copies are also available from the Human Resources Department and any employee can seek guidance from line management, their trade union representative or the Human Resources Department.

3.2 Employees may also wish to consult related Trust policies such as Dignity at Work, Grievance, and Disciplinary Policy (Managing Staff Conduct and Performance Procedure).

4. ROLES AND RESPONSIBILITIES

4.1 The Human Resources Department is responsible for keeping the provisions within this policy in line with employment legislation and best practice people management principles.

4.2 Managers, the Human Resources department and trade union representatives are responsible for providing advice and guidance to employees on the application of this policy and procedure.

4.3 Managers have a duty to ensure that staff are easily able to express their concerns through all levels of management and that any concerns are dealt with thoroughly and fairly in line with the procedure detailed in section 5 below.

4.4 All NHS staff have a duty of confidentiality to patients and to their employer in respect of information which is in itself commercially confidential. Unauthorised disclosure of personal and/or commercially confidential information about a patient and/or the Trust may result in disciplinary action being taken.

4.5 Management and trade union representatives are responsible for bringing any mutually beneficial improvements to this policy to the attention of the Trust.

5. STANDARD PROCEDURE

5.1 An individual member of staff who has any concerns about a matter relating to misconduct or malpractice should, in the first instance, raise the issue either verbally or in writing with their line manager. In circumstances where this may not be appropriate, employees should contact another manager of the same level, their trade union representative or the Human Resources Department.

5.2 Every effort should be made to resolve the issue at this level, where

protection under the 1998 Act is greatest. This is because the Trust is in the best position to resolve concerns, rather than an outside body or third party.

- 5.3 The line manager should agree a date, time and suitable location to meet with the employee as soon as practicable to discuss the details of their concerns. Notes will be taken during the meeting, including any agreed actions and reasons for these, and copies will be given to both parties.
- 5.4 Where appropriate, the line manager will arrange for another manager outside of the locality to carry out a full investigation. The identity of the employee who raised the concern will be kept confidential, in so far as possible, if he or she wishes. It may be required to use external agencies for the purposes of the investigation.
- 5.5 This process should aim to be completed promptly within a reasonable time scale suitable to the issue(s) and the employee(s) involved.
- 5.6 On completion of the investigation the Manager conducting the investigation, will compile a report detailing the nature of the concern(s), and the findings. This report will be forwarded to a General/Locality Manager, or equivalent level manager, who will determine any actions to be taken.
- 5.7 The General/Locality Manager, or equivalent level manager, will respond to the employee who raised the concern with the outcome of the investigation, highlighting any actions to be taken. They will give this response within 16 calendar days of receiving the investigation report. A copy of this letter will be sent to the relevant Locality Chief Operating Officer, Associate Director or Head of Department.
- 5.8 If the employee is dissatisfied with the decision of the General/Locality Manager they should pursue their concern(s) with the relevant Locality Chief Operating Officer, Associate Director or Head of Department, by writing to them within 16 calendar days.
- 5.9 The Locality Chief Operating Officer, Associate Director or Head of Department will discuss the concern(s) with the employee at a formal meeting, and determine how the matter should be taken forward. This will be confirmed in writing to the employee within 16 calendar days.
- 5.10 Failure to reach resolution would result in the matter being referred to the Trust Board. This can be done by either management or the employee.

6. NON-STANDARD PROCEDURE

- 6.1 It is recognised that there may be occasions when an employee may feel unable to use the standard procedure for one of the following reasons:
 - They believe the issue of concern needs addressing more urgently than the standard procedure allows;
 - They are dissatisfied at any stage in the standard procedure with the results of their meeting(s) with management;
 - They feel the issue is sufficiently serious that it should be raised at a more senior level.

- 6.2 Should an employee feel their concern(s) sufficient to necessitate the need to approach a Non-Executive Director of the Trust, Appendix 1 lists their details. A Non-Executive Director can be contacted by using a sealed envelope marked 'Addressee Only' via the central Trust Headquarters, Northgate Street, Bury St Edmunds, Suffolk.
- 6.3 The Non-Executive Director will first establish why the employee feels unable to use the formal procedure and will then satisfy themselves that one of the criteria at paragraph 6.1 above is met. Having done so, they will agree with the employee a method for dealing with the issue.

7. REPRESENTATION

- 7.1 Employees have the right to be accompanied at Whistleblowing standard and non-standard procedure meetings by a trade union representative or a fellow worker (i.e., another of the Trust's workers). Employees will not be entitled to bring a person acting in a legal capacity.
- 7.2 The chosen companion has a right to address the meeting, but no right to answer questions on behalf of the employee. However they will be allowed to participate fully in the meeting. They will also be given reasonable time to discuss the matter privately with the employee.
- 7.3 If the chosen companion cannot attend on the proposed meeting date then the employee can offer an alternative time and date so long as it is reasonable and falls before the end of the period of eight calendar days beginning with the first day after the day proposed by the employer. Where reasonably practical however arrangements will be made in agreement.

8. DISCLOSING INFORMATION EXTERNALLY

- 8.1 In certain circumstances an employee may feel compelled to make a wider disclosure to an external organisation and to ensure protection from the Act they must have sound reasons for doing so. Therefore, the employee may wish to seek advice from either a line manager, the Human Resources Department, a trade union representative or professional organisation before disclosing any information to an external organisation.
- 8.2 If having gone through all established procedures within this policy, the employee is still concerned they may decide to go to the Media. However, information given unjustifiably to the media may unreasonably undermine public confidence in the Health Service and therefore disciplinary action may ensue if the appropriate procedures within this policy have not been followed.
- 8.3 Possible sources of external, specialist advice include:
- The National Fraud and Corruption Reporting Line (0870 2400 100);
 - The NHS Fraud Hotline (0800 028 40 60);
 - The Public Concern at Work charity (Helpline on 0207 404 6609 or email helpline@pcaw.co.uk);
 - Trade Associations;
 - A registered trade union;
 - Citizens Advice Bureau;
 - A solicitor or other legal advisor;

- The Royal Colleges of Health;
- Health Professions Council;
- ACAS;
- A Member of Parliament.

9. CONFIDENTIALITY

- 9.1 All information at any stage of this procedure, whether it is written or verbal information, must be treated as confidential information by all parties. Failure to do so may result in disciplinary action being taken.
- 9.2 All records should be kept by all parties in accordance with the Data Protection Act 1998. The Data Protection Act gives employees the right to request and have access to certain personal data.

10. POLICY REVIEW

- 10.1 This policy will be reviewed on an annual basis or amended in the light of new employment legislation and/or relevant case law.

APPENDIX A

Non-Executive Directors

Maria Ball (Chair)

Caroline Bailes

Paula Grayson

Paul Remington

Jagtar Singh