

## WHISTLEBLOWING POLICY

Policy ID	HR09
Version:	V1
Date ratified by Governing Body	29/09/13
Author	South Commissioning Support Unit
Date issued:	21/10/13
Last review date:	N/A
Next review date:	September 2014

### EQUALITY STATEMENT

Surrey Downs Clinical Commissioning Group (Surrey Downs CCG) aims to design and implement services, policies and measures that meet the diverse needs of our service, population and workforce, ensuring that none are placed at a disadvantage over others. It takes into account the Human Rights Act 1998 and promotes equal opportunities for all. This document has been assessed to ensure that no-one receives less favourable treatment on grounds of their gender, sexual orientation, marital status, race, religion, age, ethnic origin, nationality, or disability.

Members of staff, volunteers or members of the public may request assistance with this policy if they have particular needs. If the person requesting has language difficulties and difficulty in understanding this policy, the use of an interpreter will be considered.

Surrey Downs CCG embraces the four staff pledges in the NHS Constitution. This policy is consistent with these pledges.

### EQUALITY STATEMENT

Surrey Downs Clinical Commissioning Group (Surrey Downs CCG) aims to design and implement services, policies and measures that meet the diverse needs of our service, population and workforce, ensuring that none are placed at a disadvantage over others. It takes into account the Human Rights Act 1998 and promotes equal opportunities for all. This document has been assessed to ensure that no-one receives less favourable treatment on grounds of their gender, sexual orientation, marital status, race, religion, age, ethnic origin, nationality, or disability.

Members of staff, volunteers or members of the public may request assistance with this policy if they have particular needs. If the person requesting has language

difficulties and difficulty in understanding this policy, the use of an interpreter will be considered.

Surrey Downs CCG embraces the four staff pledges in the NHS Constitution. This policy is consistent with these pledges.

## 1. EQUALITY ANALYSIS

This policy has been subject to an Equality Analysis, the outcome of which is recorded below.

		Yes, No or N/A	Comments
1.	Does the document/guidance affect one group less or more favourably than another on the basis of:		
	• Race	No	
	• Ethnic origins (including gypsies and travellers)	No	
	• Nationality	No	
	• Gender	No	
	• Culture	No	
	• Religion or belief	No	
	• Sexual orientation including lesbian, gay and bisexual people	No	
	• Age	No	
	• Disability - learning disabilities, physical disability, sensory impairment and mental health problems	No	
2.	Is there any evidence that some groups are affected differently?	No	
3.	If you have identified potential discrimination, are there any exceptions valid, legal and/or justifiable?	N/A	
4.	Is the impact of the document/guidance likely to be negative?	N/A	
5.	If so, can the impact be avoided?	N/A	
6.	What alternative is there to achieving the document/guidance without the impact?	N/A	
7.	Can we reduce the impact by taking	N/A	

different action?		
-------------------	--	--

For advice in respect of answering the above questions, please contact the Corporate Office, Surrey Downs CCG. If you have identified a potential discriminatory impact of this procedural document, please contact as above.

Names and Organisation of Individuals who carried out the Assessment	Date of the Assessment
Justin Dix, Governing Body Secretary	28/10/13
Cliff Bush, Lay member	

## 1. Purpose and Scope

1.1 Surrey Downs Clinical Commissioning Group (“The CCG”) are committed to conducting our business with honesty and integrity, and The CCG expect all staff to maintain high standards, in accordance with our Values and HR framework. However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring or to address them when they do occur.

1.2 The aims of this policy are:

- To encourage staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected.
- To provide staff with guidance as to how to raise those concerns.
- To reassure staff that they should be able to raise genuine concerns in good faith without fear of reprisals, even if they turn out to be mistaken.

1.3 This procedure has been agreed with our Staff Side colleagues.

1.4 This whistleblowing policy does not form part of your contract of employment and it may be amended at any time. The CCG may also vary any parts of this procedure, including any time limits, depending on the circumstances of particular cases.

## 2. Coverage of policy

2.1 This procedure applies to all employees regardless of length of service (called “staff” in this Policy). It does not apply to agency workers or self-employed contractors.

## 3. What is whistleblowing?

3.1 **Whistleblowing** is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:

- a) criminal activity;
- b) miscarriages of justice;
- c) danger to health and safety;
- d) damage to the environment;
- e) failure to comply with any legal [or professional] obligation or regulatory requirements;
- f) bribery;
- g) financial fraud or mismanagement;
- h) unauthorised disclosure of confidential information;
- i) Breach of our internal policies and procedures
- j) conduct likely to damage our reputation;
- k) the deliberate concealment of any of the above matters.
- l) External issues with provision of care to patients, commissioned by this CCG; If you are concerned that people using the service are not being cared for properly or you have a concern about the safety of vulnerable adults or children, you can raise your concern with the local authority (local council) under their safeguarding procedures or whistleblowing to CQC (or another body).

3.2 A whistleblower is a person who raises a genuine concern in good faith relating to any of the above. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of our activities (a whistleblowing concern) you should report it under this policy.

3.3 This policy should not be used for complaints relating to your own personal circumstances, such as the way you have been treated at work. In those cases you should use the Grievance Procedure.

3.4 If you are uncertain whether something is within the scope of this policy you should seek advice from the HR Service Provider, whose contact details are at the end of this policy.

#### **4. Raising a whistleblowing concern**

4.1 The CCG hope that in many cases you will be able to raise any concerns with your line manager. You may tell them in person or put the matter in writing if you prefer. They may be able to agree a way of resolving your concern quickly and effectively. In some cases they may refer the matter to the HR Service Provider.

4.2 However, where the matter is more serious, or you feel that your line manager has not addressed your concern, or you prefer not to raise it with them for any reason, you should contact one of the following:

- o The HR service provider

- Other trusted high profile position within the CCG, such as our Chief Operating Officer, Accountable Officer or Chief Financial Officer (Contact details are set out at the end of this policy)
- 4.3 The CCG will arrange a meeting with you as soon as possible to discuss your concern. You may bring a colleague or union representative to any meetings under this policy. Your companion must respect the confidentiality of your disclosure and any subsequent investigation.
- 4.4 The CCG will take down a written summary of your concern and provide you with a copy after the meeting. The CCG will also aim to give you an indication of how the CCG propose to deal with the matter.

## **5. Confidentiality**

- 5.1 The CCG hope that staff will feel able to voice whistleblowing concerns openly under this policy. However, if you want to raise your concern confidentially, The CCG will make every effort to keep your identity secret. If it is necessary for anyone investigating your concern to know your identity, the CCG will discuss this with you.
- 5.2 The CCG do not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if the CCG cannot obtain further information from you. It is also more difficult to establish whether any allegations are credible and have been made in good faith. Whistleblowers who are concerned about possible reprisals if their identity is revealed should come forward to the HR Service Provider [or one of the other contact points listed in paragraph 4] and appropriate measures can then be taken to preserve confidentiality. If you are in any doubt you can seek advice from the HR service provider or Public Concern at Work, the independent whistleblowing charity, who offer a confidential helpline (020 7404 6609 or go to [www.pcaw.org.uk](http://www.pcaw.org.uk))

## **6. External disclosures**

- 6.1 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases you should not find it necessary to alert anyone externally.
- 6.2 The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. The CCG strongly encourage you to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Public Concern at Work, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern.
- 6.3 Whistleblowing concerns usually relate to the conduct of our staff, but they may sometimes relate to the actions of a third party, such as a customer,

supplier or service provider. The law allows you to raise a concern in good faith with a third party, where you reasonably believe it relates mainly to their actions or something that is legally their responsibility. However, the CCG encourage you to report such concerns internally first. You should contact your line manager or one of the other individuals set out in paragraph 4 for guidance.

## **7. Investigation and outcome**

- 7.1 Once you have raised a concern, the CCG will carry out an initial assessment to determine the scope of any investigation. The CCG will inform you of the outcome of our assessment. You may be required to attend additional meetings in order to provide further information.
- 7.2 In some cases the CCG may appoint an investigator or team of investigators including staff with relevant experience of investigations or specialist knowledge of the subject matter. The investigator(s) may make recommendations for change to enable us to minimise the risk of future wrongdoing.
- 7.3 The CCG will aim to keep you informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent us giving you specific details of the investigation or any disciplinary action taken as a result. You should treat any information about the investigation as confidential.
- 7.4 If the CCG conclude that a whistleblower has made false allegations maliciously, in bad faith or with a view to personal gain, the whistleblower will be subject to disciplinary action.

## **8. If you are not satisfied**

- 8.1 While the CCG cannot always guarantee the outcome you are seeking, the CCG will try to deal with your concern fairly and in an appropriate way. By using this policy you can help us to achieve this
- 8.2 If you are not happy with the way in which your concern has been handled, you can raise it with one of the other key contacts in paragraph 4. Alternatively you may contact the chairman of the Audit Committee OR our Governing Body (or our external auditors). Contact details are set out at the end of this policy.

## **9. Protection and support for whistleblowers**

- 9.1 It is understandable that whistleblowers are sometimes worried about possible repercussions. The CCG aim to encourage openness and will support staff who raise genuine concerns in good faith under this policy, even if they turn out to be mistaken.

- 9.2 Staff must not suffer any detrimental treatment as a result of raising a concern in good faith. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform the HR Service Provider immediately. If the matter is not remedied you should raise it formally using our Grievance Procedure.
- 9.3 Staff must not threaten or retaliate against whistleblowers in any way. Anyone involved in such conduct will be subject to disciplinary action.
- 9.4 The HR Service provider and an Employee Assistance Programme, which offers a confidential support and counselling hotline is available to whistleblowers who raise concerns under this policy.

## 10. Responsibility for the success of this policy

- 10.1 The Workforce and Remuneration Committee has overall responsibility for this policy, and for reviewing the effectiveness of actions taken in response to concerns raised under this policy.
- 10.2 The HR Service Provider and the CCG has day-to-day operational responsibility for this policy, and must ensure that all managers and other staff who may deal with concerns or investigations under this policy receive regular and appropriate training.
- 10.3 All staff are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing. Staff are invited to comment on this policy and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to the HR service Provider.

## 11. Contacts

Accountable Officer	
Chief Operating Officer	
Chief Finance Officer	
Chairman of the Workforce and Remuneration Committee	
HR Service Provider (between 9am and 5pm)	NHS South Commissioning Support Unit Human Resources Omega House 02380627444
(Employee Assistance Programme)	080??
Public Concern at Work (Independent whistleblowing charity)	Helpline: (020) 7404 6609 E-mail: <a href="mailto:whistle@pcaw.co.uk">whistle@pcaw.co.uk</a> Website: <a href="http://www.pcaw.co.uk">www.pcaw.co.uk</a>

Policy Approved by:       Governing Body

Date:

Review:                 3 Years

Policy Owner:            Chief Operating Officer