group policies and procedures

# WHISTLeblowing & Freedom to speak up policy

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| Category | Human Resources |
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**Related policies and guidance**

**Document revision and approval history**

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# ABOUT THIS POLICY

Castleman (“the Company”) are committed to conducting our business with honesty and integrity and to provide our members with the assurance that they can raise any concerns at any time. 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 and to address them when they do occur.

The aims of this policy are:

(a) To encourage members 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.

(b) To provide members with guidance as to how to raise those concerns.

(c) To reassure members that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.

# personnel responsible for this policy

The board of the Company has overall responsibility for this policy, and for reviewing the effectiveness of actions taken in response to concerns raised under this policy.

The Whistleblowing / Freedom to Speak up Officer 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.

The Whistleblowing / Freedom to Speak up Officer, in conjunction with the board of the Company should review this policy from a legal and operational perspective at least once a year.

Members 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 Whistleblowing Officer.

# WHAT IS WHISTLEBLOWING / FREEDOM TO SPEAK UP?

Whistleblowing / Freedom to Speak up is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:

(a) criminal activity;

(b) failure to comply with any legal [or professional] obligation [or regulatory requirements];

(c) miscarriages of justice;

(d) danger to health and safety;

(e) damage to the environment;

(f) [bribery [under our Anti-corruption and Bribery Policy];]

(g) [facilitating tax evasion [contrary to our Anti-facilitation of tax evasion policy];]

(h) [financial fraud or mismanagement;]

(i) [breach of our internal policies and procedures [including our Code of Conduct];]

(j) [conduct likely to damage our reputation or financial wellbeing;]

(k) [unauthorised disclosure of confidential information;]

(l) [negligence;]

(m) [There may be workplace concerns specific to where the staff member is working. This policy will be adapted as required for this purpose.]

(n) the deliberate concealment of any of the above matters.

A whistleblower is a person who raises a genuine concern 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.

This policy should not be used for complaints relating to a member’s own personal circumstances. In those cases, a member should contact James Leyland, the Freedom to Speak up Officer.

If you are uncertain whether something is within the scope of this policy you should seek advice from the Freedom to Speak up Officer, whose contact details are at the end of this policy.

# RAISING A WHISTLEBLOWING CONCERN

We hope that in many cases you will be able to raise any concerns with your line manager, or James Leyland where you feel appropriate. 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 Freedom to Speak up Officer.

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:

(a) The Chair of the Board, Dominic Hennessy

(b) James Leyland

(c) Protect (or any other Independent whistleblowing charity)

Contact details in relation to (a), (b) and (c) above are set out at the end of this policy.

We will arrange a meeting with you as soon as possible to discuss your concern. You may bring a colleague to any meetings under this policy. Your companion must respect the confidentiality of your disclosure and any subsequent investigation.

We will take down a written summary of your concern and provide you with a copy after the meeting. We will also aim to give you an indication of how we propose to deal with the matter.

# CONFIDENTIALITY

We hope that members will feel able to voice whistleblowing concerns openly under this policy. However, if you want to raise your concern confidentially, we will make every effort to keep your identity secret. If it is necessary for anyone investigating your concern to know your identity, we will discuss this with you.

We do not encourage members to make disclosures anonymously. Proper investigation may be more difficult or impossible if we cannot obtain further information from you. It is also more difficult to establish whether any allegations are credible. Whistleblowers who are concerned about possible reprisals if their identity is revealed should come forward to the Freedom to Speak up Officer or one of the other contact points listed above and appropriate measures can then be taken to preserve confidentiality. If you are in any doubt you can seek advice from [Protect/the independent whistleblowing charity], who offer a confidential helpline. Their contact details are at the end of this policy.

# INVESTIGATION AND OUTCOME

Once you have raised a concern, we will carry out an initial assessment to determine the scope of any investigation. We will inform you of the outcome of our assessment. You may be required to attend additional meetings in order to provide further information.

In some cases we 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.

We 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.

If we conclude that a whistleblower has made false allegations maliciously, the whistleblower will be removed with immediate effect from our [members register].

# IF YOU ARE NOT SATISFIED

While we cannot always guarantee the outcome you are seeking, we will try to deal with your concern fairly and in an appropriate way. By using this policy you can help us to achieve this.

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 above. Alternatively you may contact Dominic Hennessy. Contact details are set out at the end of this policy.

# EXTERNAL DICLOSURES

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.

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. We strongly encourage you to seek advice before reporting a concern to anyone external. [The independent whistleblowing charity, Protect, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern. Their contact details are at the end of this policy.]

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 supplier or service provider.

In some circumstances the law will protect you if you raise the matter with the third party directly. However, we encourage you to report such concerns internally first, to one of the parties set out above.

# PROTECTION AND SUPPORT FOR WHISTLEBLOWERS

It is understandable that whistleblowers are sometimes worried about possible repercussions. We aim to encourage openness and will support members who raise genuine concerns under this policy, even if they turn out to be mistaken.

Whistleblowers must not suffer any detrimental treatment as a result of raising a concern. Detrimental treatment includes threats or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform the Whistleblowing Officer immediately. If the matter is not remedied you should raise it formally using an external whistleblowing organisation.

You must not threaten or retaliate against whistleblowers in any way. If you are involved in such conduct you may be subject to disciplinary action. In some cases the whistleblower could have a right to sue you personally for compensation in an employment tribunal.

# CONTACTS

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| **Freedom to Speak up Officer** | James Leyland  [James.leyland@dorsetgp.nhs.uk](mailto:James.leyland@dorsetgp.nhs.uk)  01202 772541 |
| **Alternative Contact** | Dr Dominic Hennessy  dominic.hennessy@nhs.net |
| **Protect**  (Independent whistleblowing charity) | Helpline: 0203 117 2520  E-mail: whistle@pcaw.co.uk  Website: www.pcaw.co.uk |

The Whistleblowers’ Support Scheme

The [Whistleblowers’ Support Scheme](https://www.england.nhs.uk/ourwork/whistleblowing/whistleblowers-support-scheme/" \t "_blank" \o "Protected by Outlook: https://ccgbulletin.cmail19.com/t/d-l-xdijtjy-gklkttrid-r/. Click or tap to follow the link.) provides confidential, practical support and advice for NHS workers – current and former – who can demonstrate they are having difficulty finding suitable employment in the NHS as a result of raising a concern in the public interest.

If you have any questions, please email [nhsi.wbss@improvement.nhs.uk](mailto:nhsi.wbss@improvement.nhs.uk).