

## **Lead Employer Trust**

# **Raising Concerns (Whistleblowing) Policy**

## POLICY INFORMATION SHEET

|                                     |   |
|-------------------------------------|---|
| Reference Number                    | HR/LET-027                                      |
| Title                               | <b>Raising Concerns (Whistleblowing) Policy</b> |
| Version Number                      | 5.0   |
| Document Type                       | Policy  |
| Original policy date                | 1 <sup>st</sup> February 2012                   |
| Date approved                       | March 2012                                      |
| Effective date                      | As above  |
| Approving body                      | LET Management Group                            |
| Originating Department              | LET HR Department                               |
| Scope                               | LET wide  |
| Last review date                    | May 2023  |
| Next review date                    | May 2026  |
| Reviewing department/body/committee | LET Management Group                            |
| Document owner                      | Head of HR for the LET                          |
| Equality impact assessed            | Yes   |
| Date superseded                     |   |
| Status                              | Approved  |
| Confidentiality                     | Unrestricted                                    |
| Business Criticality                |   |
| Keywords                            | Raising Concerns                                |

## Summary of Changes

| <b>Date of Change</b>       | <b>Changes made</b>   | <b>Location of changes</b> | <b>Changes approved</b>       | <b>Version Control</b> |
|-----------------------------|---|----------------------------|-------------------------------|------------------------|
| 11 <sup>th</sup> March 2014 | Remove all references to Northern Deanery. Change to Health Education North East (HENE) | Pages: 7                   | 17 <sup>th</sup> January 2014 | Now version 2          |
| February 2015               | Update to include GP  | Page 5                     | May 2015                      | Version 3              |
| 14 <sup>th</sup> March 2018 | No changes  |                            |                               | Version 4              |
| April 2022                  | Annual review   |                            |                               | Version 5              |
| May 2023                    | Annual Review and Equality Impact Assessment  | All Pages                  | 30 <sup>th</sup> May 2023     | Version 5              |

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## **DEFINITION**

The provisions of the Public Interest Disclosure Act 1998 protect those workers who disclose certain types of information, reasonably and responsibly in the public interest, to certain individuals, in certain circumstances and who are victimised as a result. This is commonly known as Whistleblowing.

### **1 INTRODUCTION**

This policy applies to all staff employed by the Lead Employer Trust (LET).

All of us at one time or another has concerns about what is happening at work. Usually these concerns are easily resolved. However, when a concern feels serious because it is about unlawful conduct, malpractice (financial, clinical or other) or possible dangers to the public, the environment, patients or your colleagues, it can be difficult to know what to do.

You may be worried about raising such issues or 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, and the host training organisation or to the LET. 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.

The LET has introduced this policy to enable you to raise your concerns about such issues at an early stage and in the right way. We would rather that you raised the matter when it is just a concern rather than wait for proof.

It should be noted that this policy is not a grievance procedure and grievances or concerns relating to an individual's personal position should be raised via the LET's grievance procedure, or Host Training Organisations complaints procedure

If something is troubling you which you think we should know about or look into, please use this procedure. This policy is primarily for concerns regarding matters which are in the public interest, where the interests of others or of the organisation itself are at risk. If in doubt, raise it.

### **2 POLICY STATEMENT**

The LET is committed to achieving the highest possible standard of service and the highest possible ethical standards in public life and in all of its practices. To achieve these ends, it encourages freedom of speech. It also encourages staff to use internal mechanisms for reporting any malpractice or illegal acts or omissions by its employees or ex-employees.

### **3 OUR ASSURANCES TO YOU**

- 3.1 The LET HR team are committed to this policy. If you raise a concern it will be taken seriously and thoroughly investigated.
- 3.2 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, and you have an honest and reasonable suspicion that the malpractice has occurred, it does not matter if you are mistaken or there is an innocent explanation. You will be supported and protected during this process.
- 3.3 Employees who make rash disclosures, for example, telling the media about a matter which could and should have been raised internally, will not be protected. Disclosures of this nature may result in a disciplinary investigation.
- 3.4 The LET will not tolerate the harassment or victimisation of anyone raising a genuine concern. However, it is recognised that you may nonetheless want to raise a concern in

confidence under this policy. In these circumstances you can contact your LET HR representative. If you ask for your identity to be protected it will not be disclosed without your consent. However, if the situation arises where it is not possible to resolve the concern without revealing your identity (for instance because your evidence is needed at a court or disciplinary hearing), it may be necessary to reveal the source of the evidence, but we will discuss this with you and tell you how we can proceed.

- 3.5 Remember that if you do not reveal your identity, it will be much more difficult to look into the matter, to protect your position, or to give you feedback. Accordingly, whilst anonymous reports will be considered, this policy is not appropriate for concerns raised anonymously.
- 3.6 Employees who are victimised, penalised or dismissed for making a disclosure can bring action for compensation at an Employment Tribunal.

#### **4 OTHER POLICIES AND PROCEDURES**

The LET has a range of policies and procedures which deal with standards of behaviour at work, i.e. discipline, grievance, harassment etc. Employees are encouraged to use the provisions of these procedures where appropriate.

However, there may be times when the matter is not about your personal employment position and needs to be handled in a different way.

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
- A criminal offence has been committed, is being committed, or is likely to be committed
- Suspected fraud
- Disregard for legislation
- Breach of Standing Financial Instructions
- Showing undue favour over a contractual matter or to a job applicant
- Danger to health and safety
- Sexualised behaviour towards an individual
- Information on any of the above has been, is being, or is likely to be concealed

(This list is not exhaustive)

#### **6 REPRESENTATION**

Under the *ACAS Code of Practice 2009 - Disciplinary and Grievance Procedures*, the employee has a right to be accompanied by a 'companion' at formal meetings that may result in a warning or some other action. However, the LET will continue to extend the right to be accompanied at any formal meeting which is part of the process e.g. investigatory interviews. The employee may be accompanied by a trade union representative, an official employed by a trade union or a colleague from within the Trust but not someone acting in a legal capacity. Employees may only have one companion and the companion should not be someone who would prejudice the investigation/hearing process. These representatives must not be involved in the issue/area which is causing concern.

The LET also allows employees being investigated, or witnesses, to be accompanied at the investigation stages of the procedure, as long as that will not delay the investigation or the companion is not part of the investigation.

A LET employee who has agreed to accompany a colleague (also employed by the LET) is entitled to take reasonable paid time off to fulfil that responsibility, where possible.

The companion should be allowed to address the hearing and to put and sum up the employee's case, but does not have the right to answer questions on the employee's behalf.

It is the employee's responsibility to arrange their own representation.

## **7 HOW TO RAISE A CONCERN**

### **7.1 Stage 1**

If you have a concern about malpractice, it is hoped that you will feel able to raise it first with your Line Manager, Lead Clinician, Training Programme Director or your HR LET Contact. This may be done orally or in writing. Where a concern can be addressed satisfactorily and acted upon expeditiously, appropriate steps will be taken by the Manager.

**Where there is a suspicion of fraud, staff should contact Audit North - the Local Counter Fraud Service. (Contact details at Appendix A)**

### **7.2 Stage 2**

If you feel unable to raise the matter with your manager, for whatever reason, or the concern has not been resolved promptly under step one, please raise the matter with your LET HR Contact, if you have not already done so in Stage 1.

### **7.3 Stage 3**

If these channels have been followed and you still have concerns, or if you feel that the matter is so serious that you cannot discuss it with any of the above, please contact the LET's Deputy Head of HR.

## **8 HOW WE WILL HANDLE THE MATTER**

8.1 Once you have raised your concern, it will be initially assessed to establish what actions should be taken. This may involve an internal inquiry or a more formal investigation. You will be informed who is handling the matter, how you contact him/her and whether your further assistance may be needed.

8.2 When you raise your concern you may be asked how you think the matter might best be resolved. If you do have any personal interest in the matter, you need to declare this at the outset. If your concern falls more properly within the Grievance or other Procedure we will let you know

8.3 Whilst the purpose of this policy is to enable an investigation into the possible malpractice, and take appropriate steps to deal with it, you will be given as much feedback as is possible. Please note, however, that it may not be possible to tell you the precise action that has been taken where this would infringe a duty of confidence owed by the LET to someone else.

8.4 At each stage of the procedure, you will receive a written summary of your concern outlining how it is proposed to investigate the matter.

8.5 While we cannot guarantee that we will respond to all matters in the way you might wish, we will strive to handle the matter fairly and properly. By using this Policy you will help us achieve this.

## **9 SUPPORT NETWORKS**

### **9.1 Internal Support**

Support is also available from the LET Trainee Support Service and Health Education North East.

If you are unsure whether to use this procedure or you want independent advice at any stage, you may contact a LET HR Officer or a Trade Union representative.

There is an independent charity, “Public Concern at Work”, which aims to encourage and enable employees to raise concerns. Their legal team offers free confidential advice at any stage about how to raise a concern about serious malpractice at work.

“Public Concern at Work” 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. In following this avenue you must have acted in good faith and have evidence to back up your concerns.

#### 9.4 External Contacts

Whilst it is hoped that this policy gives you the reassurance you need to raise such matters internally, it is recognised that there may be circumstances where you remain dissatisfied with the response from the LET or do not believe an internal investigation is appropriate. In these circumstances, you can properly report matters to appropriate external bodies, such as Trade Union, External Auditors, a Regulatory Body or the Police.

To ensure that you can get independent and confidential advice about the act, disclosures to lawyers are protected.

An employee who has exhausted all the locally established procedures, and who has taken account of advice which may have been given, might wish to consult his/her Member of Parliament or the Secretary of State for Health, or as a last resort, contemplate the possibility of disclosing his/her concern to the media. In doing so any employee is advised to first seek further specialist guidance from professional or other representative bodies. Employees should also always bear in mind an implied duty of loyalty and good faith to the employer and the duty to respect the confidentiality of information acquired during the course of their employment and in accordance with General Data Protection Regulations.

**Remember** the LET would rather you raised a matter with the appropriate regulator than not at all. A list of external contacts and professional regulators is available at Appendix A

### 10 IF YOU ARE DISSATISFIED

If you are unhappy with the LET’s response, remember you can go to the other levels and bodies detailed in this policy. Whilst it cannot be guaranteed that the LET will respond to all matters in the way that you might wish, it will try to handle the matter fairly and properly. By using this policy you will help the LET to achieve this.

### 11 RAISING MALICIOUS CONCERNS

The LET Management Group hopes that such issues are raised in good faith. However, if an employee maliciously raises a matter they know is untrue, this will be regarded as a serious matter and dealt with through the Disciplinary Procedure for Medical and Dental Staff .

### 12 EQUALITY AND DIVERSITY STATEMENT

*The LET is committed to providing equality of opportunity, not only in its employment practices but also in all the services for which it is responsible. As such, an Equality Impact Assessment has been carried out on this policy to identify any potential discriminatory impact. The LET also values and respects the diversity of its employees and the wider community it serves. In applying this policy, representatives of the LET will have due regard for the need to:*

- Eliminate unlawful discrimination
- Promote equality of opportunity
- Provide for good relations between people of diverse groups

For further information, please refer to the LET’s Equality Diversity and Human Rights Policy.



## **14 MONITORING AND REVIEW**

The General Manager of the LET is responsible for monitoring the application of this Policy and to ensure that the procedure is reviewed no later than three years from the date of issue. The Policy may be amended at any time by joint agreement

## **15 REFERENCES/LEGISLATION**

Public Interest Disclosure Act 1998  
LET's Conduct and Capability Policy  
[www.pcaaw.co.uk](http://www.pcaaw.co.uk)

## The Lead Employer Trust

## EXTERNAL CONTACTS AND PROFESSIONAL REGULATORS

| EXTERNAL CONTACTS  | PROFESSIONAL REGULATORS   |
|--|---|
| <p><b>Public Concern at Work</b><br/>Suite 306, Baldwin Gardens,<br/>London<br/>EC2N 7RJ.</p> <p>Tel: 020 7404 6609.<br/><a href="http://www.pcaaw.co.uk">www.pcaaw.co.uk</a></p>  | <p><b>General Medical Council</b><br/>Regents Place<br/>350 Euston Road<br/>London NW1 3JN</p> <p>Tel: 0161 923 6602<br/><a href="http://www.gmc-uk.org">www.gmc-uk.org</a></p>           |
| <p><b>Audit North - Local Counter Fraud Service</b><br/>Kirkstone Villa<br/>Lanchester Road Hospital<br/>Durham DH1 5RD</p> <p>0191 441 5918/5937/5938/5939<br/><a href="http://www.auditnorth.co.uk">www.auditnorth.co.uk</a></p> | <p><b>General Dental Council</b><br/>37 Wimpole Street<br/>London<br/>WC1G 8DQ</p> <p>Tel: 020 7887 3800<br/><a href="http://www.gdc-uk.org">www.gdc-uk.org</a></p>                       |
| <p><b>Care Quality Commission</b><br/>Finsbury Tower<br/>103 – 105 Bunhill Row<br/>London<br/>EC1Y 8TG</p> <p>Tel: 020 7448 9200</p>   | <p><b>Health Professions Council</b><br/>Park House<br/>184 Kennington Park Road<br/>London SE11 4BU</p> <p>Tel: 020 7840 9802<br/><a href="http://www.hpc-uk.org">www.hpc-uk.org</a></p> |

Equality Impact Assessment

Preliminary Assessment Form

v1/2009

The preliminary impact assessment is a quick and easy screening process.

It should:

- Identify those policies, procedures, services, functions and strategies which require a full EIA by looking at:
  - negative, positive or no impact on any of the equality groups
  - opportunity to promote equality for the equality groups
  - data / feedback
- prioritise if and when a full EIA should be completed
- justify reasons for why a full EIA is not going to be completed

Division/Department

LET HR Department

Title of policy, procedure, function or service

Raising Concerns (Whistleblowing) Policy

Type of policy, procedure, function or service

- Existing
- New/proposed
- Changed



Q1 - What is the aim of your policy, procedure, project or service?

To provide guidance and support to managers and employees on raising concerns in the workplace.

Q2 - Who is the policy, procedure, project or service going to benefit?

All LET Employees

Q3 - Thinking about each group below, does, or could the policy, procedure, project or service have a negative impact on members of the equality groups below?

| Group | Yes | No | Unclear |
|-------|-----|----|---------|
|-------|-----|----|---------|

|                                |  |   |  |
|--------------------------------|--|---|--|
| Age                            |  | X |  |
| Disability                     |  | X |  |
| Race                           |  | X |  |
| Gender                         |  | X |  |
| Transgender                    |  | X |  |
| Sexual Orientation             |  | X |  |
| Religion or belief             |  | X |  |
| Marriage & Civil Partnership   |  | X |  |
| Pregnancy & Maternity Leave    |  | X |  |
| Relationships between groups   |  | X |  |
| Other socially excluded groups |  | X |  |

If the answer is “Yes” or “Unclear” you **MUST** complete a full EIA

**Q4 – Does, or could, the policy, procedure, project or service help to promote equality for members of the equality groups?**

| Group                          | Yes | No | Unclear |
|--------------------------------|-----|----|---------|
| Age                            | X   |    |         |
| Disability                     | X   |    |         |
| Race                           | X   |    |         |
| Gender                         | X   |    |         |
| Transgender                    | X   |    |         |
| Sexual Orientation             | X   |    |         |
| Religion or belief             | X   |    |         |
| Marriage & Civil Partnership   | X   |    |         |
| Pregnancy & Maternity Leave    | X   |    |         |
| Relationships between groups   | X   |    |         |
| Other socially excluded groups | X   |    |         |

**Q5 – Do you have any feedback data from equality groups that indicate how this policy, procedure, project or service may impact upon these groups?**

| Group      | Yes<br>No Impact | Yes<br>Impact | No | Unclear |
|------------|------------------|---------------|----|---------|
| Age        |                  |               | X  |         |
| Disability |                  |               | X  |         |
| Race       |                  |               | X  |         |
| Gender     |                  |               | X  |         |

|                                |  |  |   |  |
|--------------------------------|--|--|---|--|
| Transgender                    |  |  | X |  |
| Sexual Orientation             |  |  | X |  |
| Religion or belief             |  |  | X |  |
| Marriage & Civil Partnership   |  |  | X |  |
| Pregnancy & Maternity Leave    |  |  | X |  |
| Relationships between groups   |  |  | X |  |
| Other socially excluded groups |  |  | X |  |

**Q6 – Using the assessments in questions 3, 4 and 5 should a full assessment be carried out on this policy, procedure, project or service?**

|     |  |    |   |
|-----|--|----|---|
| Yes |  | No | X |
|-----|--|----|---|

If you have answered “Yes” now follow the EIA toolkit and complete a full EIA form

**Q7 – How have you come to this decision?**

No indication that equality groups would be adversely affected by this policy.

**Q8 – What is your priority for doing the full EIA**

|      |        |     |
|------|--------|-----|
| High | Medium | Low |
|      |        | X   |

**Q9 – Who was involved in the EIA?**

HR Department, Lead Employer Trust

**This EIA has been approved by:**

General Manager, Lead Employer Trust

**Date:** 18.5.2023

**Contact number:** 0191 275 4769

**Please ensure that this assessment is attached to the policy document to which it relates.**

