



Whistle Blowing
Policy and Procedures
(Ambulance Services)

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1. Introduction:

1.1 All Wales Ambulance Services Limited recognises the importance of encouraging a culture of openness in which staff and contractors can freely express their concerns without any fear of reprisal. This can contribute constructively to the development and continuous improvement of AWAS's services. As a result, if a member of staff raises such a concern, the matter will be dealt with positively, professionally, quickly and reasonably.

1.2 This policy is intended to provide guidance to all staff should they wish to raise a serious concern about suspected wrongdoing at work. Officially this is called "making a disclosure in the public interest", to us, this is known as "whistleblowing".

1.3 AWAS is committed to achieving in all its practices the highest possible standards of service to staff, patients, the public and its Directors. In order to achieve this, staff are encouraged to use all internal mechanisms, as outlined below, to report malpractice or any illegal acts or omissions which may adversely affect the provision of high quality standard of care.

1.4 Concerns can be about actual events/actions that have already taken place, are currently taking place or where the "whistle-blower" genuinely and reasonably believes that there is potential for harmful events to occur.

2. Scope:

2.1 This policy applies to all employees, contractors, people who are in training with the Company, non-executive directors, volunteers and self-employed workers who are working for and are supervised by AWAS.

2.2 The Company has a range of policies and procedures relating to standards of behaviour at work, these include:

-  Disciplinary Policy and Procedure;
-  Grievance Policy;
-  Bullying and Harassment Policy;
-  Recruitment and Selection Policy;
-  Anti-Bribery Policy;

Staff are encouraged to use the provisions of these procedures whenever appropriate. The whistleblowing procedure is designed for staff members who have concerns of wrongdoing relating to public or patient interest.

3. Objectives:

3.1 The objective of this policy is to provide guidance to staff who wish to raise a serious concern which threatens the interests of the Service or its stakeholders.

3.2 The policy aims to ensure that those who make disclosures in the public interest will be protected under the terms of the Public Interest Disclosure Act 1998 and that all whistle-blowers are treated fairly and consistently (see appendix 1 for types of concerns covered by the Act).

4. Responsibilities:

4.1 All employees have a responsibility to raise 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, these should be raised within the provisions and procedures set down in this policy.

Health and Care Professional Council (**HCPC**) registrants and those registered with other statutory bodies (e.g. the Nursing and Midwifery Council and the General Medical Council) must act in the best interests of service users and provide to their statutory body and any other relevant regulators any important information about their conduct and competence and that of registered colleagues.

4.2 Operations Managers to whom disclosures are made, and the Company's designated Whistle-blowing Officer, are responsible for acting on the information they receive in accordance with the procedures set out below. They should also do everything reasonable to ensure that whistle-blowers are protected from retaliation and victimisation.

4.3 The Board of Directors are responsible for reviewing any whistle-blowing incidents which are brought to their attention by the Operations Managers.

5. Definitions:

Key definitions can be found in Appendix 1.

6. Examples of concerns or serious malpractice covered by this policy:

6.1 The following list of examples is not intended to be exhaustive. Malpractice could include:

- ✚ Ill-treatment of a patient;
- ✚ An actual or potential criminal offence;
- ✚ Suspicion of fraud;
- ✚ Suspicion of bribery;
- ✚ Disregard for legislation, particularly that relating to Health and Safety at work;
- ✚ That someone's health and safety is in danger;
- ✚ Breach of Standing Financial Instructions;
- ✚ Breach of a Code of Conduct;
- ✚ Actual or likely damage to the environment;
- ✚ Showing undue favour over a contractual matter or to an applicant for employment;
- ✚ That someone is covering up wrongdoing.

7. How to raise a concern:

7.1 If an individual has a concern, they are encouraged to raise this with their Operations Manager. This can be done orally or in writing.

7.2 Where this is not possible, for example where that manager is the person whom the member of staff has concerns about, staff may then approach a Company Director, who may involve the Chief Executive. In such instances, the Chief Executive may determine that an external inquiry is required.

Should the concern be related to the Chief Executive the matter should be discussed between the Board of Directors, who will decide how to proceed.

7.3 Concerns about fraud and financial malpractice may be raised immediately with the Chief Executive Officer.

7.4 The Bribery Act 2010 introduced the offences of offering and/or receiving a bribe. For a more detailed explanation please see the Anti Bribery Policy.

7.5 In order to obtain the protection afforded to individuals by the Acts, workers must make the disclosure with a reasonable belief that it is made in the public interest, that the malpractice has occurred, is occurring or is likely to occur and make the disclosure to the right person. An employee who makes a rash disclosure (e.g. to the media), of a matter which could and should have been raised internally will not be protected.

7.6 The Company will do everything reasonable to ensure that staff who raise concerns responsibly and reasonably will be protected against any detriment including victimisation or reprisal.

7.7 The Company will not tolerate any victimisation of a whistle-blower, including informal pressures, and will treat this as a serious disciplinary offence to be dealt with under the formal Disciplinary Procedure.

8. Seeking Advice:

8.1 An individual may wish to access confidential advice to check whether the concern comes within the scope of the whistleblowing policy.

8.2 The flowchart in Appendix 4 has been designed to assist an individual with a concern to determine the correct course of action to take.

8.3 Staff may access confidential advice from ACAS or from the charity Public Concern at Work prior to deciding whether to raise a concern.

9. Raising a concern outside of the Organisation:

9.1 In order to maintain the protection afforded by the Act, disclosure other than to AWAS must be to a prescribed person or body, see Appendix 5.

9.2 It is hoped that this policy will reassure individuals to raise concerns internally, however AWAS accepts that individuals can safely or properly contact an appropriate external body. In these exceptionally serious cases, where raising concerns through even the most senior levels of the Company's management structure would not be appropriate, staff may raise their concerns with the Department of Health and ultimately with the Secretary of State or relevant Government Minister (see Part 3, section 21 of the NHS terms and conditions of service handbook).

An example of when this may be considered appropriate is where a concern has already been raised internally and where the individual believes action has been taken to conceal the wrongdoing.

10. Procedure on receipt of a concern:

10.1 Once an individual raises a concern, the Operations Manager or designated officer will arrange to meet the staff member to record key details.

10.2 The Operations Manager or designated officer will undertake to acknowledge formally and in writing the nature of the concern, and to keep the staff member informed as far as is possible about the progress of the investigation.

10.3 An investigation will take place and external bodies such as the Local Counter Fraud Specialist, police or enforcing authorities may be involved as appropriate.

10.4 Where it is found that there is no case to answer and/or no formal corrective action is taken, but there was a genuine concern and no malicious intent, the Operations Manager or designated officer will as far as reasonable ensure that there is no victimisation of the staff member who raised the concern.

10.5 In circumstances where it is established that false allegations have been made maliciously, it may be necessary to consider action under the disciplinary policy against the whistle-blower.

10.6 Due to legal obligations of confidentiality owed to other employees, it may not be possible to provide feedback on the outcome of any formal actions taken against another employee. Any outcomes and resultant findings should respect the confidentiality of others at all times.

10.7 Unless provided earlier, feedback should be arranged within ten days of the conclusion of any investigation or disciplinary proceedings. The reasons for any failure to meet this deadline must be recorded.

10.8 If the whistle-blower remains dissatisfied with the outcome of the investigation, he/she has the right to draw the matter to the attention of the prescribed authorities or persons detailed at Appendix 5.

10.9 The Operations Manager or designated officer should report instances of whistle-blowing to the Directors for monitoring purposes. A staff member's request for confidentiality or anonymity should be respected subject to the proceeding section of this policy.

11. Confidentiality and Anonymity:

11.1 If an employee asks to raise a concern confidentially, the Company will not disclose the name of the individual raising the concern without his or her consent. Where the Company is unable to resolve the issue without revealing a person's identity (e.g. evidence required at a disciplinary hearing or in court) this will be discussed with that person to establish how the Company may proceed. If the employee is not willing to identify himself/herself at all, and wishes to raise the concern anonymously, it should be made clear that it may be impossible to investigate the concern, or provide feedback to him/her.

12. Monitoring and Audit:

12.1 Concerns raised formally through the whistle-blowing arrangements will be recorded centrally and reported to the Board of Directors, along with other employee relations activities. The Board of Directors will consider whether the instances were appropriate to the procedure and, retrospectively, whether other significant adverse incidents the Company has had to deal with had underlying issues that should have been picked up earlier. If it is apparent to the Company that an employee could reasonably have been expected to raise a concern, then this should be explored and lessons learnt.

Reviewing an adverse incident may identify for example:

- ✚ That employees in the area were unaware of the policy, or lacked confidence in it;
- ✚ The concern was raised locally but ignored;
- ✚ Employees had assumed that the practise was approved by management;
- ✚ Nobody identified any wrongdoing;
- ✚ Senior management and board commitment did not filter through.

12.2 To facilitate accurate monitoring of the use of the whistle-blowing policy, Operations Managers or designated officers should report instances of whistleblowing to the Board of Directors. A staff member's request for confidentiality or anonymity should be respected subject to section 10 of this policy.

12.5 The Board of Directors will review any incidents that come to their attention relating to the unfair treatment of a member of staff who has raised a concern.

13. Review:

13.1 This policy will be regularly reviewed by the Senior Management Team; the next review will take place in June 2017.

Appendix 1

Definitions

Whistleblowing	<p>Whistleblowing is when a worker reports suspected wrongdoing at work to their employer, or where this isn't appropriate, to a prescribed person or body. Officially this is called "making a disclosure in the public interest". A worker can report things that aren't right, are illegal or if anyone at work is neglecting their duties including:</p> <ul style="list-style-type: none">✚ Where someone's health and safety is in danger✚ Damage to the environment✚ A criminal offence✚ Where the organisation isn't obeying the law✚ Covering up wrongdoing✚ Examples are given in 6.1
Protected Disclosure	<p>A disclosure which affords the whistle-blower protection from retaliation or victimisation under the Public Interest Disclosure Act 1998. To be protected, the disclosure must be made within the terms of the Act and from 25 June 2013 it must also meet the public interest test, as set out in the Enterprise and Regulatory Reform Act 2013</p>
Public Interest Test	<p>Qualifying public interest disclosures are those where the worker reasonably believes one or more of the following matters is either happening, has taken place, or is likely to happen in the future: a criminal offence; failure to comply with a legal obligation; a miscarriage of justice; a danger to the health and safety of an individual; damage to the environment; and any deliberate attempt to conceal any of the above.</p>

Appendix 3

Further Assistance

Public Concern at Work is a charitable body with a number of years' experience of running a confidential helpline for employees with serious concerns about malpractice. The helpline is open Monday-Friday 09:00 – 18:00 and is staffed by lawyers.

They may be contacted at:

Public Concern at Work
3rd Floor, Bank Chambers
6-10 Borough High Street
London SE1 9QQ

Telephone Whistleblowing Advice Line: 020 7404 6609 General enquiries: 020 3117 2520

Email UK advice line: whistle@pcaw.org.uk

Whistle-blowing flowchart



