

Policy/Procedure/Guideline

<u>Whistle Blowing Policy</u>

Version no: 1.0

Issue Status: Approved

Date of Ratification: April 2016

Ratified by: Clinical Governance
& Risk Board

Policy Author: Bradley Woods

Policy Owner: CG&RB

Review Frequency: 2 years

Identifiable Document Code: PTUK032

Last Review: April 2020

Next Review: April 2022

POLICY AWARENESS	
People who need to know this policy in detail	All staff
People who need to have a broad understanding of this policy	All staff
People who need to know this policy exists	All staff

CHANGE CONTROL DETAILS			
Date DD/MM/YY	Version	Description	Reason for changes
11/04/2016	1.0	New policy	New policy

Policy location:

Main Policy Folder in Control Room and Crew Room
On PTUK Server

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1 Introduction

A whistleblower is someone who discovers something that is wrong and alerts his employer or the relevant authorities to what is going on. The law recognises that Whistleblowing occurs and protects employees who are whistleblowers from detrimental treatment such as dismissal. To be protected by the law a whistleblower must fall within the stringent legal rules. Anyone who does not act in good faith or is motivated by personal gain will not be protected.

2 Scope

This policy covers all Patient Transport UK (PTUK) employees, bank and agency workers acting on behalf of or representing PTUK.

3 Whistleblowing Statement

Our business is run in accordance with the law. It is our policy as an employer to ensure that at every level of management our business is conducted in such a way as to comply with all legal requirements that govern our activities. This policy applies to the way that we employ and manage our staff. We operate as a team and we expect our employees to all play their part as members of the team for the good of the business as a whole. We do not believe that any of our employees will ever feel the need to become a whistleblower. There is no reason for any employee to believe that he or she will suffer detriment for speaking up if they believe that something is wrong or that if we are alerted to it we will conceal or destroy evidence. However we are fully aware of our responsibility under the law and we will respect the legal protection afforded to a whistleblower.

4 Public Interest Disclosure Act 1998

The Act protects “whistleblowers” from suffering detriment in employment and makes dismissal for certain disclosure automatically unfair. There is no qualifying period of employment for this protection.

Police officers, civilian police employees and those who work in the Security Service, Secret Intelligence Service or Government Communications Headquarters are NOT protected.

5 Who is protected?

A worker who makes a qualifying disclosure that is made to one of a category of persons set out in the Act and which is therefore a protected disclosure. 'Worker' is widely defined and includes employees and other workers as normally understood by the expression, but also contractors under an employer's control & persons on training schemes.

6 What is protected?

A 'qualifying disclosure' is one of information that in the reasonable belief of the disclosing worker shows wrongdoing of one or more of the following kinds:

- (1) A criminal offence was committed or is being or is likely to be committed,
- (2) A person has or is or is likely to fail to comply with a legal obligation,
- (3) A miscarriage of justice has occurred or is or is likely to occur,
- (4) The health and safety of any individual has been or is being or is likely to be endangered,
- (5) The environment has been, is being or is likely to be damaged,
- (6) That information tending to show any matter falling within any one of the above categories has been, is being, or is likely to be deliberately concealed.

However if the person making the disclosure commits a criminal offence by making it or makes it in breach of legal professional privilege (e.g. solicitor's secretary disclosing client information) it is not a qualifying disclosure.

To be a 'Protected Disclosure' the 'Qualifying Disclosure' must only be made to one of the following categories of person:

- a) The employer or (where the disclosure relates to the conduct of another person or matters for which another person other than the employer has legal responsibility) that other person;
- b) A legal adviser in the course of getting legal advice;
- c) A Minister of the Crown (where the worker is employed by someone appointed by a Minister of the Crown or a body whose members are so appointed);
- d) To one of the prescribed persons set out in the Public Interest Disclosure (prescribed Persons) Order 1999 (e.g. health and safety problem disclosure is to the Health and Safety Executive; Fraud : Secretary of State for Trade and Industry; consumer protection matters: Local Authority Consumer Protection unit; tax matters: the Inland Revenue);
- e) A person other than those set out above where the worker acts in good faith, reasonably believes the information to be substantially true, does not make the disclosure for personal gain, and it is in all the circumstances reasonable to make the disclosure AND

- i. the worker reasonably believes he will be subjected to a detriment if the disclosure is made to his employer or the prescribed person;
 - ii. there is no prescribed person and the worker believes that the wrongdoing will be concealed or destroyed by the employer;
 - iii. the worker has previously disclosed the same information to the employer or the prescribed person;
- f) Any other person where the disclosure is one of an “exceptionally serious failure” made in good faith, not for personal gain, where it was reasonable to make the disclosure.

7 What Protection does the worker have?

He is protected from detriment or dismissal as a result of making a protected disclosure. Dismissal is automatically unfair, and there is no limit on compensation for such a dismissal. Complaint of detriment or dismissal is made to an Employment Tribunal.

8 References

Public Interest Disclosure (prescribed Persons) Order 1999

Public Interest Disclosure Act 1998

9 Appendices

Appendix 1

Appendix 2

Appendix 1 - Equality Impact Assessment Tool

To be completed and attached to any procedural document when submitted to the appropriate committee for consideration and approval.

	Yes/No	Comments
Does the policy/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 any exceptions valid, legal and/or justifiable?	No	
4 Is the impact of the policy/guidance likely to be negative?	No	
5 If so can the impact be avoided?	N/A	
6 What alternatives are there to achieving the policy/guidance without the impact?	N/A	
7 Can we reduce the impact by taking different action?	N/A	

If you have identified a potential discriminatory impact of this procedural document, please refer it to Human Resources, together with any suggestions as to the action required to avoid/reduce this impact.

Appendix 2 - Checklist for the Review and Approval of Procedural Document

To be completed and attached to any document which guides practice when submitted to the appropriate committee for consideration and approval.

	Title of document being reviewed:	Yes/No/Unsure	Comments
1.	Title		
	Is the title clear and unambiguous?	Yes	
	Is it clear whether the document is a guideline, policy, protocol or standard?	Yes	
2.	Rationale		
	Are reasons for development of the document stated?	Yes	
3.	Development Process		
	Is the method described in brief?	Yes	
	Are people involved in the development identified?	No	
	Do you feel a reasonable attempt has been made to ensure relevant expertise has been used?	Yes	
	Is there evidence of consultation with stakeholders and users?	No	
4.	Content		
	Is the objective of the document clear?	Yes	
	Is the target population clear and unambiguous?	Yes	
	Are the intended outcomes described?	Yes	
	Are the statements clear and unambiguous?	Yes	
5.	Evidence Base		
	Is the type of evidence to support the document identified explicitly?		
	Are key references cited?	Yes	
	Are the references cited in full?	Yes	
	Are supporting documents referenced?	No	
6.	Approval		

	Title of document being reviewed:	Yes/No/Unsure	Comments
	Does the document identify which committee/group will approve it?	Yes	
	If appropriate have the joint Human Resources/staff side committee (or equivalent) approved the document?	Yes	
7.	Dissemination and Implementation		
	Is there an outline/plan to identify how this will be done?	Yes	
	Does the plan include the necessary training/support to ensure compliance?	Yes	
8.	Document Control		
	Does the document identify where it will be held?	Yes	
	Have archiving arrangements for superseded documents been addressed?	Yes	
9.	Process to Monitor Compliance and Effectiveness		
	Are there measurable standards or KPIs to support the monitoring of compliance with and effectiveness of the document?	Yes	
	Is there a plan to review or audit compliance with the document?	No	
10.	Review Date		
	Is the review date identified?	Yes	
	Is the frequency of review identified? If so is it acceptable?	Yes	
11.	Overall Responsibility for the Document		
	Is it clear who will be responsible for co-ordinating the dissemination, implementation and review of the document?	Yes	

Individual Approval			
If you are happy to approve this document, please sign and date it and forward to the chair of the committee/group where it will receive final approval.			
Name		Date	11/04/2020
Signature			
Committee Approval			
If the committee is happy to approve this document, please sign and date it and forward copies to the person with responsibility for disseminating and implementing the document and the person who is responsible for maintaining the organisation's database of approved documents.			
Name		Date	11/04/2020
Signature			