

POLICY TITLE:	Whistleblowing (Protected Disclosure)
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Author:	The Risk & Audit Team and the People Team
Ratified by:	Carol Stevenson, Group Policy, Information Governance and Accreditation Manager
Responsible signatory:	David Watts, Director of Risk & Safety
Outcome:	This policy: <ul style="list-style-type: none"> • aims to ensure that colleagues feel confident in raising serious concerns and to question and act upon concerns about practice • provides details for ordering posters for display at all sites
Cross Reference:	Employee Handbook Bank Workers Handbook HR04.3 Grievance HR04.6 Your Say Forums: Local, Divisional and Group HR04.10 Anti-Bullying and Harassment OP02 Data Protection OP03 Complaints OP04 Incident Management, Reporting and Investigation
EQUALITY AND DIVERSITY STATEMENT	
Priory Group is committed to the fair treatment of all in line with the Equality Act 2010. An equality impact assessment has been completed on this policy to ensure that it can be implemented consistently regardless of any protected characteristics and all will be treated with dignity and respect.	

In order to ensure that this policy is relevant and up to date, comments and suggestions for additions or amendments are sought from users of this document. To contribute towards the process of review, e-mail RARHelpdesk@priorygroup.com.

WHISTLEBLOWING (PROTECTED DISCLOSURE)

1 INTRODUCTION

- 1.1 Priory Group is committed to an open, safe and supportive culture. Priory Group aims to put people first and does this by valuing colleagues, service users and their families. Priory Group strives to act with integrity in an honest and decent way and engender a culture of safety which enables colleagues to raise concerns and to ensure an effective response to those concerns.
- 1.2 This policy has been introduced to comply with the Employment Rights Act 1996 together with the principles and actions that can be transferred to Priory Group outlined in Freedom to Speak Up (February 2015) the report arising from the review, undertaken by Robert Francis QC, into the creation of an honest and open reporting culture in the NHS. The 'Freedom to Speak Up lead' for Priory Group is the Head of People Services.
- 1.3 Colleagues may be the first to realise that there may be something seriously wrong at work. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to Priory Group. They may also fear harassment or victimisation. In these circumstances the colleague may find it preferable not to report the concern.
- 1.4 Priory Group is committed to the highest possible standards of service user care, probity and accountability. In line with that commitment we encourage and expect our colleagues, and others that we deal with who have concerns about any aspect of Priory Group's work, to come forward and voice these concerns. It is recognised that wherever possible, a case should proceed on a confidential basis.
- 1.5 This policy makes it clear that colleagues can report any concerns without fear of victimisation, subsequent discrimination or disadvantage. This policy is intended to encourage and enable colleagues to raise serious concerns within the company rather than ignoring or overlooking a problem or 'blowing the whistle' to an external agency.
- 1.6 Depending on the nature, extent and seriousness of the concern raised, the appropriate specialist Director or Divisional CEO will take responsibility for ensuring that effective action is taken in response. On a day-to-day basis, this responsibility is delegated to the Director of Risk & Safety who works closely with the Divisional CEOs, specialist Directors and the People Team to ensure an effective response to any concerns that are raised. All concerns of a high level of severity will be escalated to the Board.
- 1.7 This Policy applies to all:
- (a) Colleagues (and former colleagues)
 - (b) Contractors (e.g. agency staff, those on Practising Privileges)
 - (c) Students, apprentices and trainees on placement
 - (d) Volunteers
- 1.8 The procedures set out in this policy are in addition to any statutory reporting procedures applying to some services.

2 AIMS AND SCOPE

- 2.1 This policy aims to:
- (a) Encourage colleagues to feel confident in raising concerns and to question and act upon concerns about practice
 - (b) Provide avenues for colleagues to raise those concerns and receive feedback on any action taken
 - (c) Ensure that colleagues receive a response to their concerns and that they are aware of

- how to pursue them if they are not satisfied
- (d) Reassure colleagues that they will be protected from possible reprisals or victimisation where they have a reasonable belief that they may have made any disclosure in good faith.
- 2.2 This policy is intended to cover major concerns that fall outside the scope of other procedures. These include:
- (a) Criminal offences
 - (b) Failure to comply with legal obligations
 - (c) Miscarriages of justice
 - (d) Actions that endanger the health or safety of colleagues or the public
 - (e) Actions that cause damage to the environment
 - (f) Abuse of service users
 - (g) Unacceptable care or medical practices
 - (h) Possible fraud and corruption
 - (i) Misuse or abuse of company assets
 - (j) Actions that are intended to conceal any of the above
 - (k) A culture of systematic bullying, harassment and/or victimisation (NB: Personal grievances for example bullying, harassment and discrimination are not covered by whistleblowing law, unless your particular case is in the public interest)
- 2.3 Thus, any serious concerns that colleagues have about any aspect of service provision, or the conduct of colleagues, or others acting on behalf of Priory Group, can be reported under this policy. Concerns meeting these conditions are known as 'protected disclosures by workers' in the Public Interest Disclosure Act 1988. This may be about something that:
- (a) Makes you feel uncomfortable in terms of known standards, your experience or the standards you believe Priory Group subscribes to
 - (b) Is against Priory Group policies
 - (c) Falls below established standards of practice and care
 - (d) Amounts to improper conduct.
- 2.4 This policy and procedure will only be used to investigate protected disclosure, therefore, unless they also meet the definition of 'whistleblowing', this policy will not be used to investigate:
- (a) Complaints from service users, their carers and other stakeholders – refer to OP03 Complaints
 - (b) Colleague grievances – refer to HR04.3 Grievance.
 - (c) Anonymous disclosures – these may fall within or outside the policy at the company's discretion. Having given due consideration to the disclosure a judgement will be made as to whether to treat each matter as a whistleblowing.

3 SAFEGUARDS

- 3.1 Priory Group is committed to good practice and high standards and being supportive of colleagues.
- 3.2 Priory Group recognises that the decision to report a concern can be a difficult one to make. If what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer and those for whom you are providing a service.
- 3.3 Priory Group will not tolerate harassment, bullying or victimisation of any kind and will take appropriate action to protect you when you raise a concern in good faith. (Refer to HR04.10 Anti-Bullying and Harassment).

4 CONFIDENTIALITY

- 4.1 As far as it is possible, all concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, it may be

necessary for your identity to be made known to, amongst others, a relevant public body and the accused colleague(s) through the disciplinary procedure and you may be required to come forward as a witness.

5 ANONYMOUS ALLEGATIONS

- 5.1 This policy encourages you to put your name to your allegation whenever possible.
- 5.2 Concerns expressed anonymously are much less powerful, but will be considered at the discretion of Priory Group.

6 UNTRUE ALLEGATIONS

- 6.1 If you make an allegation in good faith, but it is not confirmed by the subsequent investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, action may be taken against you, which could include disciplinary action.
- 6.2 HR04.2 Disciplinary Procedure may be applied where:
 - (a) A malicious trivial or unreasonable allegation is represented as a whistleblowing
 - (b) The whistleblower does not believe that their allegations are true
 - (c) Any disclosure of personal or medical information about a service user is given without their consent to sources external to the organisation (refer to OP02 Data Protection)

7 HOW TO RAISE A CONCERN

- 7.1 As a first step, you should normally raise concerns with your immediate manager or their superior. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that your management team is involved you should consider approaching your Regional Manager or Operations Director or where you feel the need to go outside of your division, then you should approach the Director of Risk & Safety or use one of the options set out in paragraph 7.5.
- 7.2 Complaints may be raised verbally or in writing. Colleagues who wish to make a written report are invited to use the following format:
 - (a) The background and history of the concern (giving relevant dates)
 - (b) The reason why you are particularly concerned about the situation.
- 7.3 The earlier you express the concern, the easier it is to take action.
- 7.4 Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person you have contacted that there are reasonable grounds for your concern.
- 7.5 Options for action within Priory Group include:
 - (a) HR04.3 Grievance policy which is outlined in the Employee Handbook and Bank Workers Handbook, or
 - (b) Contacting a director directly (see Paragraph 7.2 above), or
 - (c) Making use of Priory Group's 24 hour free-phone line 0800 484 0816 which is private and confidential
 - (d) Sending your concerns directly to whistleblowing@priorygroup.com
- 7.6 Details of the options for action will be displayed in colleague communal areas. Information posters are available for this purpose from the on-line print shop. (See associated forms at the foot of this policy).
- 7.7 Priory Group procedures, and the law, encourage colleagues to exhaust internal processes before considering any course of action external to the company.

8 HOW PRIORY GROUP WILL RESPOND

- 8.1 Priory Group will respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting them or rejecting them. Where appropriate, the matters raised may:
- (a) Be investigated quickly by a sufficiently independent and trained manager and/or investigated through the disciplinary process
 - (b) Be referred to the police
 - (c) Form the subject of an independent inquiry
 - (d) Be referred to an external professional body.
- 8.2 In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations that fall within the scope of specific procedures (for example, clinical practice or discrimination issues) will normally be referred for consideration under those procedures.
- 8.3 Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.
- 8.4 In exercising their discretion, factors to be taken into account by the managers considering the issues on behalf of Priory Group would include:
- (a) The seriousness of the issues raised
 - (b) The credibility of the concern
 - (c) The likelihood of confirming the allegation from attributable sources
 - (d) The managers considering the issues will endeavour to contact you in a timely manner, with regard to the nature and complexity of matters raised of a concern being received and you will receive:
 - i) Acknowledgement that the concern has been received
 - ii) Indication of how we propose to deal with the matter
 - iii) An estimate of how long it will take to provide a final response
 - iv) Information regarding whether any initial enquiries have been made
 - v) Information regarding whether any further investigations will take place and if not, why not.
- 8.5 The amount of contact between the managers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, Priory Group will seek further information from you.
- 8.5.1 The Employee Assistance Helpline can be approached where colleagues feel the need to seek external support or counselling. The Helpline is independent of Priory Group and can be contacted by phoning 0800 088 2600 at any time of the day and night.
- 8.6 Where any meeting is arranged, to discuss the issues raised, you can be accompanied by a work colleague.
- 8.7 Priory Group will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance we will take the following actions:
- (a) We will consider with you about you and your working environment to ensure that it is tolerable (and where necessary take action in response) and
 - (b) We will arrange for you to receive support and advice if you are required to give evidence in disciplinary or criminal proceedings.
- 8.8 Priory Group accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will provide you with feedback and inform you of the outcome of any investigation, although the outcome of any disciplinary proceedings must remain confidential.

- 8.9 Priory Group will report serious concerns to regulators and commissioners where the concerns that are raised meet the threshold for external reporting to be made and will aim to learn from these events and make improvements in response to the content of any allegation and any improvements that follow.

9 HOW THE MATTER CAN BE TAKEN FURTHER

- 9.1 Priory Group hopes you will be satisfied with any action taken internally, but if you feel that the internal avenues have not resolved the issues satisfactorily, or you feel unable to raise the matter internally yourself in the first place, and you feel it is right and necessary to take the matter outside the company, the following are possible contact points:
- Relevant regulatory bodies (e.g. CQC, RQIA, Care Inspectorate, HIS, CSSIW, HIW, Ofsted)
 - The charity 'Public Concern at Work'
 - Your local Citizens Advice Bureau
 - Relevant professional bodies (e.g. GMC, NMC)
 - A relevant voluntary organisation
 - The police
 - The Health and Safety Executive
 - Your local authority Safeguarding team.

10 CONTACT DETAILS OF REGULATORY BODIES

10.1	CQC	0300 061 6161	enquiries@cqc.org.uk
	RQIA	028 9051 7500	info@rqia.org.uk
	Care Inspectorate	0345 600 9527	enquiries@careinspectorate.com
	CSSIW	0300 7900 126	cssiw@wales.gsi.gov.uk
	Ofsted	0300 123 3155	whistleblowing@ofsted.gov.uk
	HIW	0300 062 8387	hiw@wales.gsi.gov.uk
	HIS	0131 623 4300	comments.his@nhs.net

11 REFERENCES

- 11.1 Access to Health Records Act 1990
 Access to Medical Records Act 1988
 Data Protection Act 1998
 Employment Rights Act 1996
 Equality Act 2010
 Health and Safety at Work etc. Act 1974 S7
 Misuse of Drugs Act 1971
 Public Interest Disclosure Act 1988
 The Working Time Directive
 The Working Time Regulations 1998
 ACAS Advice Booklet
 Advisory Council on the Misuse of Drugs
 Department for Business, Energy & Industrial Strategy (2016) Guidance – Whistleblowing: List of prescribed people and bodies
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/431221/bis-15-289-blowing-the-whistle-to-a-prescribed-person-list-of-prescribed-persons-and-bodies-2.pdf
 Francis, R. (2015) Freedom to Speak Up

Associated Forms (available to order from www.printpriory.co.uk or via Proactis):
PG04725 and PG04726 – Priory Whistleblowing Poster