

# Morecambe Bay



## Primary Care Collaborative

# Whistleblowing Policy

<b>Document Reference</b>	POL017
<b>Purpose</b>	The purpose of this document is to set out our approach to meeting our obligations in relation to The Public Disclosure Act 1998, and specifically handling cases where whistleblowing has occurred, kindly and transparently.
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<b>Application/Scope</b>	Organisation-wide
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# 1. INTRODUCTION

## 1.1 Summary

Whistleblowing helps protect the rights of patients by providing a means for MBPCC employees to report any suspected malpractice, failure or malfunction within MBPCC that could potentially endanger, or put at-risk, patients who use its services.

The Public Disclosure Act 1998; often referred to as the 'Whistleblowing Act' provides protection for workers from being subjected to any detriment by their employer, and protection against victimisation and dismissal.

MBPCC is committed to effectively and promptly dealing with any malpractice, failure or malfunction that occurs and has policies, procedures and systems in place to help prevent such occurrences.

MBPCC follows the guidelines suggested in the revised version of the GMC document "Raising and acting on concerns about patient safety", effective 12 March 2012, a copy of which can be downloaded here:

[http://www.gmc-uk.org/guidance/ethical\\_guidance/raising\\_concerns.asp](http://www.gmc-uk.org/guidance/ethical_guidance/raising_concerns.asp)

MBPCC will not tolerate victimisation, harassment or detriment to any worker who has exercised their right and raised a concern under the Act.

We will ensure that all concerns raised are taken seriously and are fully investigated.

MBPCC is committed to conducting our business with honesty and integrity, and we expect all staff to maintain high standards in accordance with our Code of Conduct. 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 or to address them when they do occur.

## 1.2 Purpose

This policy takes account of the Whistleblowing Arrangements Code of Practice issued by the British Standards Institute and Public Concern at Work and aims to:

- Encourage employees 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.
- Provide staff with guidance as to how to raise those concerns.
- Reassure staff that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.

## 1.3 Scope

This policy applies to all MBPCC employees and directors.

From time-to-time MBPCC may utilise the resources of sub-contractors to deliver contractual obligations. For avoidance of doubt, where a sub-contractor is providing care to patients, as laid out in the contracts between MBPCC and subcontractors, they are solely responsible for delivery of the regulated activity they are providing and must ensure all their employees operate under their own policies which must meet the relevant CQC standards. MBPCC will seek assurance from all sub-



contractors that suitable policies are in place and may at their discretion request copies of any relevant policies for review and for verification. In such cases this policy document does not apply.

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

- a) criminal activity.
- b) miscarriages of justice.
- c) danger to health and safety.
- d) damage to the environment.
- e) failure to comply with any legal or professional obligation or regulatory requirements.
- f) financial fraud or mismanagement.
- g) negligence.
- h) breach of our internal policies and procedures including our Code of Conduct.
- i) conduct likely to damage our reputation.
- j) unauthorised disclosure of confidential information.
- k) the deliberate concealment of any of the above matters.
- l) Safeguarding.

A whistle-blower 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 your own personal circumstances, such as the way you have been treated at work. In those cases, you should use the Grievance policy as appropriate.

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

## 2. PROCEDURE

### 2.1 Raising a whistleblowing concern

We hope that in many cases you will be able to raise any concerns with your line manager. 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 Whistleblowing 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) Dr Gerry Murray, Director for Governance
- (b) Dr Arun Thimmiah, Chair
- (c) Peter Higgins, Freedom to Speak up Guardian, Chief Executive at the Local Medical Committee:

01772 863 806



We will arrange a meeting with you as soon as possible to discuss your concern. You may bring a colleague or union representative 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.

## 2.2 Confidentiality

We hope that staff 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 staff 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.

Whistle-blowers who are concerned about possible reprisals if their identity is revealed should come forward to the Whistleblowing 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 Public Concern at Work, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are at the end of this policy.

## 2.3 External disclosures

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, Public Concern at Work, 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 patient, 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 concerns internally first. You should contact your line manager or one of the other individuals set out in paragraph above for guidance.

Where a safeguarding concern is raised, the Safeguarding policy should be consulted as this will likely lead to an external disclosure of information to meet safeguarding requirements. See section on Safeguarding.



## 2.4 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 whistle-blower has made false allegations maliciously or with a view to personal gain, the whistle-blower will be subject to disciplinary action.

## 2.5 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.

## 2.6 Protection and support for whistle-blowers

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

Staff must not suffer any detrimental treatment as a result of raising a concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform the Director for Governance immediately. If the matter is not remedied, you should raise it formally using our Grievance Procedure.

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

## 2.7 Responsibility for the success of this policy

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

The Chief Executive has day-to-day 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 Director for Governance in conjunction with the Board should review this policy from a legal and operational perspective at least once a year.

All employees are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing. Team 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 Director for Governance.

## 2.8 Whistle blowing and safeguarding

If there are concerns regarding safeguarding of children or adults raised via the whistleblowing process these may need to be shared with a third party. You must consult the adult and child safeguarding policies in cases where they apply, considered in conjunction with the policies of Safeguarding Children's Partnership and Adult Safeguarding Board.

## 3. REFERENCES

General Medical Council (2012). Raising and acting on concerns about patient safety. [Accessed August 2020] From: [https://www.gmc-uk.org/-/media/documents/raising-and-acting-on-concerns-about-patient-safety---english-0617\\_pdf-48902813.pdf?la=en&hash=FB640A4DD572F0212BE069FE5EE46ECC4112D68A](https://www.gmc-uk.org/-/media/documents/raising-and-acting-on-concerns-about-patient-safety---english-0617_pdf-48902813.pdf?la=en&hash=FB640A4DD572F0212BE069FE5EE46ECC4112D68A)

## 4. DEFINITIONS/GLOSSARY OF TERMS

Abbreviation or Term	Definition
MBPCC	Morecambe Bay Primary Care Collaborative
CQC	Care Quality Commission

## 5. CONSULTATION WITH STAFF, PRACTICES AND PATIENTS

Enter the names and job titles of staff and stakeholder that have contributed to the document

Name	Job Title	Date Consulted
Jane Jones	CCG Head of Safeguarding	27/08/2020
Sue Bishop	CCG Quality and Performance Manager	14/09/2020

## 6. DISSEMINATION/TRAINING PLAN

Action by	Action Required	Implementation Date
Jo Knight/Boyana Konar	Upload policy to MBPCC website	Following approval of V1.1 end Sept 2020
Jo Knight	Delete out of date copies and host current copy on Federation G Drive (supporting induction process), updating Policy tracker	Following approval of V1.1 end Sept 2020
Andrew Giles	Ensure all employees are aware of the policy and are asked to read and understand it	MBPCC Board Meeting 22/09/20
Liz Stedman	Upload to TeamNet	Jan 2021



## 7. AMENDMENT HISTORY

Version No.	Date of Issue	Section/Page changed	Description of change	Review Date
V1.0	27/07/20	Approved Policy	New Policy	01/12/2023
V1.1	20/09/20	All	New format	N/A
		1.3 page 4 2.1 page 4 2.3 Page 5	amendments in line with CCG review to include Safeguarding and Freedom to Speak up references	
V2.0	22/09/20	N/A	MBPCC Board Approval	22/09/2022
V2.1	19/01/21	Page 7	Additional Definitions/Glossary of Terms added	
V2.2	19/01/23		Amends to grammar only.	01/24
V3.0	01/04/20 23		MBPCC Board Approval	01/04/2026

## 8. APPENDICES

### Appendix 1: Contacts

Director for Governance, Dr Gerry Murray: [Gerry.Murray@GP-A82003.nhs.uk](mailto:Gerry.Murray@GP-A82003.nhs.uk)

Chair, Dr Arun Thimmiah: [Arun.Thimmiah@gp-A82010.nhs.uk](mailto:Arun.Thimmiah@gp-A82010.nhs.uk)

Chief Executive, Andrew Giles: [Andrew.giles4@nhs.net](mailto:Andrew.giles4@nhs.net)

Whistleblowing at Work Helpline: [www.wbhelpline.org](http://www.wbhelpline.org) Tel: 08000 724 725

Public Concern at Work (Independent whistleblowing charity): Helpline: (020) 7404 6609, [whistle@pcaw.co.uk](mailto:whistle@pcaw.co.uk); [www.pcaw.co.uk](http://www.pcaw.co.uk)