# Corporate policy

## Whistleblowing Policy (Concern at Work)

### Issue sheet

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### Revision details

<table>
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<tr>
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<tr>
<td>1</td>
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<td>Lisa McAlister</td>
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<td>Gordon Wanless</td>
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<td>David Jukes</td>
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1. Introduction

Whistleblowing is when a worker raises a concern about a wrongdoing, risk or malpractice with someone in authority either internally and/or externally.

This policy incorporates the requirements of the Public Interest Disclosure Act 1998 (PIDA) and follows best practice as highlighted in the National Audit Office Report ‘Making a whistleblowing policy work, March 2014. In addition, this policy was reviewed following the publication of the Sir Robert Francis Report in 2015, all his recommendations were reviewed and where deemed appropriate incorporated in to the NHSBSA Whistleblowing Policy.

This policy aims to:

- Encourage NHSBSA employees, agency or contract staff to feel confident in raising any concerns regarding the practice of the NHSBSA.
- Provide avenues for NHSBSA employees, agency or contract staff to raise those concerns.
- Ensure that NHSBSA employees, agency or contract staff receive a response to their concerns and feedback on any action taken.
- Reassure NHSBSA employees, any agency or contract staff that they will be protected from possible reprisals, subsequent discrimination, victimisation or disadvantage if they have a reasonable belief that they have made any disclosure in the public interest.

2. Definition of Whistleblower

A Whistleblower is defined as an NHSBSA employee, agency or contract staff who raises a concern about wrongdoing or malpractice in the workplace that has a public interest aspect to it, and is in accordance with the Authority’s Equality and Diversity Policy. Officially this is called ‘making a disclosure in the public interest’. GOV.UK defines whistleblowing as “when a worker reports suspected wrongdoing at work”. These wrong doings cover a range of issues such as things that aren’t right, are illegal or if anyone at work is neglecting their duties, including:

- someone’s health and safety is in danger
- damage to the environment
- a criminal offence
- the company isn’t obeying the law
- covering up wrongdoing

Whistleblowing does not apply to personal grievances, including employment issues about individual employees. If you are in doubt as to whether your concern should be raised under the whistleblowing policy or under the internal procedure, the NHSBSA encourages
you in the first instance to raise your concern under this policy. A decision will then be made on how the concern should be dealt with and under what policy.

3. Our Assurances to you

The NHSBSA is committed to supporting any member of staff who is worried about any areas of poor practice, attitudes or inappropriate behaviour within the NHSBSA. The NHSBSA believe in encouraging openness and transparency in all we do, therefore there will be no negative comeback for individuals who have acted responsibly in highlighting issues.

- You will not lose your job or suffer any other penalty. It does not matter if you are mistaken. We do not tolerate any victimisation or harassment of those who Speak Up.
- If you ask us to protect your identity we will do so unless disclosure is required by law.

4. Raising a Concern

The way an NHSBSA employee, agency or contract worker can ‘blow the whistle’ on wrongdoing depends on whether they feel they can tell their employer (i.e. the NHSBSA).

- The person should review the contents of this document, NHSBSA Whistleblowing policy.
- If they feel they can report it internally within the NHSBSA, then they should use one of the NHSBSA whistleblowing methods to report their concern (see appendix 1 and 2).
- If they feel they cannot report it internally via the reporting methods then they should contact a prescribed person or body (please see Prescriber person (external) on next page).

Dedicated Whistleblowing reporting systems:

- **Tel no:** 0191 203 5118 (answer machine facility)
- **Email:** Whistleblowing.NHSBSA@nhs.net
- **General Post:** FAO: David Jukes, NHS Business Services Authority, Stella House, Goldcrest Way, Newburn Riverside, Newcastle upon Tyne, NE15 8NY

**Employer route (internal)**

To raise a concern internally and in writing you can do this in confidence in a variety of ways.

- Complete and submit via email, or the internal post system, The Concern at Work Referral Form (appendix 2 within this policy) providing any additional documentation. Please note, staff do not need to provide contact details on the referral form should they wish to remain anonymous, however please ensure as much information as possible is provided.
- Verbally via the dedicated whistleblowing line, 0191 203 5118, this line has an answer machine facility.
• Face-to-Face to David Jukes, Head of Governance. See appendix 1 for his contact details

Prescriber person (external)
If you decide to blow the whistle to a prescribed person rather than the NHSBSA you must make sure that you have chosen the correct person or body for your issue. The Department of Business, Innovation and Skills maintain a list of all prescribed persons and the sector that they cover. Please see the following link for a full list including contact details:


NHS Counter Fraud Authority (NHSCFA) are a ‘prescribed person’ under PIDA. This means NHSCFA provide you, the whistleblower with a mechanism to make a public interest disclosure in relation to NHS fraud or security where you will potentially qualify for the same employment rights as if you had made a disclosure to the your employer (NHSBSA). Such disclosures are legally called ‘protected disclosures’.

PIDA offers protection in certain circumstances: PIDA gives protection where you disclose otherwise confidential information you reasonably believe shows one of the following has or is likely to occur:
• Criminal offence
• A breach of a legal obligation
• A miscarriage of justice
• Endangerment of an individual’s health and safety
• Environmental damage

In order to make a protected disclosure you must be able to show that:
• The disclosure is believed to be in the public interest
• You reasonably believe that the information disclosed is true
• You reasonably believe the disclosure was made to the right person or body.
• You would otherwise be victimised or the evidence concealed or destroyed if the information is not disclosed.
• You need to follow this procedure to make sure you remain protected under the law – this is called the Public Interest Disclosure Act 1998 (PIDA).

Independent (external)
You can get independent advice by contacting your Trade Union representative, the Whistleblowing Helpline on 08000 724725, an HR manager or a Citizens Advice Bureau. In some circumstances, you may also wish to obtain independent legal advice.

5. Handling Concerns (What happens next)

Once you have told us of your concern, we will review it and may appoint an independent investigator – for example a fraud specialist, or (if appropriate) an external specialist.
We will review the concern to establish the facts and respond to the person who raised the concern within ten working days. The process may involve an informal review, an internal inquiry or a more formal investigation.

The reviewer or independent investigator will contact you to summarise your concern and setting out how we propose to handle the matter, how you can contact them and advising what action will be taken and within what timescales.

Where possible, the reviewer or independent investigator will provide feedback on the outcome of any investigation (we may not be able to tell you about the precise actions we take where this would infringe a duty of confidence we owe to another person). If the concern is raised anonymously then an update is communicated via an internal newsletter (The Loop) and Intranet (The Hub).
Appendix 1

Contact Details

Whistleblowing concerns can be reported by one of the following methods:

**Name:** Tim Nolan  
**Title:** Non-Executive Director and member of the Audit and Risk Committee  
**Tel no:** 0191 244 6468  
**Email:** Tim.Nolan@nhs.net  
**Post:** CEO Office, First Floor, NHSBSA, Stella House, Goldcrest Way, Newburn Riverside, Newcastle upon Tyne, NE15 8NY

**Name:** David Jukes  
**Tel no:** 0191 203 5118  
**Mobile no:** 07795 120 533  
**E-mail:** d.jukes@nhs.net  
**Post:** Head of Governance, NHSBSA, Stella House, Goldcrest Way, Newburn Riverside, Newcastle upon Tyne, NE15 8NY

**Dedicated Whistleblowing reporting systems:**  
**Tel no:** 0191 203 5118 (answer machine facility)  
**Email:** Whistleblowing.NHSBSA@nhs.net  
**Post:** Marked Private & Confidential to David Jukes, NHSBSA, Stella House, Goldcrest Way, Newburn Riverside, Newcastle upon Tyne, NE15 8NY

**Prescribed person (external) NHSCFA:**  
**Tel no:** 0800 028 4060  
**Online:** https://cfa.nhs.uk/reportfraud  
**Post:** Marked Private & Confidential to NHS Counter Fraud Authority, Skipton House, 80 London Road, London, SE1 6LH
Appendix 2

Concern at Work Referral Form

Person reporting the concern

Name:  
(Can be left blank if you want)

Organisation/job role: 

Contact details: 

This concern is in relation to

Name/Team/Area: 

Organisation/job role: 

Location: 

Referrals should only be made when you can substantiate your concern with one or more reliable pieces of information.

Concern (please provide as much information as possible)

Please provide details of anyone else you know who has knowledge of this

Please attach any available additional information.

Signed  

Date  

Send to: David Jukes, Head of Governance. David Jukes will acknowledge receipt of this referral direct to you within ten working days unless otherwise requested