



## **POLICY & PROCEDURE RELATING TO PUBLIC INTEREST DISCLOSURES ("WHISTLEBLOWING")**

Title	Policy & Procedure Relating to Public Interest Disclosures("Whistleblowing")
Replaces (if appropriate):	
Ratified by:	Amended at Trust Board Meeting, July 2011
Original Author(s)	
Publication Date:	
Next Review:	

### **MISSION STATEMENT**

*"To deliver effective and efficient care to people in need and improve the health and well-being of the community through the delivery of high quality ambulance services"*

## 1.0 **Introduction**

- 1.1 The Public Interest Disclosure (NI) Order 1998 (“whistleblowing”) provides protection to staff, who believe it is necessary to raise issues of public interest, either internally or externally.
- 1.2 The term “whistleblowing” refers to the disclosure by employees, or ex-employees, of malpractice, including illegal acts or negligence at work. To ensure that such matters can be addressed in a consistent and fair manner, this Policy has been developed to provide staff with an avenue for raising areas of concern without fear of reprisal.
- 1.3 In the legislation, a “qualifying disclosure” is a disclosure of information which, in the reasonable belief of the worker making the disclosure, tends to show one or more of the following has been, is being, or is likely to occur:
  - A criminal offence;
  - Failure to comply with any legal obligation to which he or she is subject;
  - Miscarriage of justice;
  - The endangerment of the health and safety of any individual;
  - Damage to the environment;
  - Deliberate concealment of any information relating to any of the above points.
- 1.4 This Policy does not affect existing complaints procedures, and compliments professional and ethical rules, guidelines and codes of conduct relating to complaints and freedom of speech. It also compliments the Trust’s Fraud Strategy and Fraud Response Plan.

## 2.0 **AIMS AND OBJECTIVES**

- 2.1. The aims of the Policy are:
  - To reinforce the Northern Ireland Ambulance Service’s commitment to developing a culture of openness and honesty, between staff at all levels; particularly where this would contribute to improving the service provided by the Trust;
  - To uphold the need for confidentiality to be observed in relation to the work of the Trust;
  - To meet the obligations of staff to their employer;
  - To reassure staff that they will not be penalised for raising a concern, and to provide them with a process to follow.

- 2.2 The Trust recognises that employees may wish to immediately contact Agencies/Bodies external to the organisation, however, it would encourage all staff to initially use the internal procedure, as set out in this Policy.
- 2.3 Employees, who are aggrieved about a personal issue that should properly be pursued through the existing Grievance Procedure, should not use this Policy.
- 2.4 This Policy applies to all staff including temporary and agency staff.

### 3.0 **Responsibilities**

- 3.1. The Northern Ireland Ambulance Service has a responsibility to:
- Ensure that all issues raised are taken seriously and are dealt with effectively and efficiently;
  - Promote a culture of openness;
  - Ensure that employees, who raise any issues, are not penalised for doing so, unless other circumstances come to light, which require this, for example, where a member of staff deliberately raises an issue regarding another member of staff which they know to be untrue.
- 3.2 Managers have a responsibility to:
- Take any concerns reported to them seriously, and consider them fully, fairly and sympathetically.
- 3.3 Employees have a responsibility to:
- Recognise their duty to report any incidents of concern to the Trust;
  - Adhere to the procedures set out in this Policy;
  - Maintain their duty of confidentiality to patients, clients and the Trust. Therefore, employees should firstly seek specialist advice from their Manager, Trade Union Representative, or a Representative of a regulating organisation, for example, the Equality Commission, Public Concern at Work, or the Health and Safety Executive for Northern Ireland.

### 4.1 **Procedure**

#### 4.1 Informal Procedure

- 4.1.1 If an employee is concerned about what he / she believes might be malpractice, and has an honest and reasonable suspicion that the malpractice has occurred, is occurring, or is likely to occur, then the matter should be raised in the first instance with his / her Station Officer / Line Manager. If there are specific reasons for not doing so, the matter should be reported to the appropriate Divisional Officer / Senior Manager.

- 4.1.2 Employees are entitled to involve a Trade Union Representative or work colleague in assisting them raise such a matter of concern.
- 4.1.3 If informal action does not allay concerns, then the employee should invoke the formal procedure as outlined below.
- 4.1.4 Where appropriate, the Manager may decide to refer the issue to the Trust's Designated Person to be dealt with under the formal procedure (see 4.2)

## 4.2 Formal Procedure

- 4.2.1 In the event that the matter raised cannot be dealt with informally, or under any of the Trust's other Policies or Procedures for dealing with conduct and behaviour at work, then the following formal procedure should be followed.
- 4.2.2 The Trust has appointed a Designated Person to be the initial point of contact for complaints under the formal procedure. This Designated Person will have direct access to the Trust's Chairman and Chief Executive. It is recognised that in some situations, an employee may have initially discussed the matter with his / her Manager. It is therefore important that this fact is brought to the attention of the Designated Person.

The Designated Person is:

Name: Ms Angela Paisley

Designation: Non-Executive Director

Tel No: Chief Executive's Office 028 90400713

Email: [w.b@nias.hscni.net](mailto:w.b@nias.hscni.net)

- 4.2.3 The Designated Person will arrange an initial interview with the Complainant, which will be strictly confidential, to ascertain the area of concern. The Complainant may be accompanied by his / her Trade Union Representative or work colleague. The initial meeting should normally take place within 3 working days unless both parties agree to a variation. The Complainant will be asked to make a signed written statement outlining his / her key areas of concern.
- 4.2.4 The Designated Person will report the matter to the Chief Executive. However if the complaint is about the Chief Executive, the Designated Person will report the matter to the Trust's Chairman. If the complaint is about the Trust's Chairman it will be referred to the DHSSPSNI. If the complaint is of a financial nature (for example concerns regarding the improper use of public funds) then the Designated Person will have direct access to the Chair of the Trust's Audit Committee.
- 4.2.5 The Chairman or Chief Executive, as appropriate, will be responsible for commissioning an investigation. An Investigating Officer / Panel

will conduct a full investigation that will be conducted under terms of strict confidentiality.

- 4.2.6 Following the investigation, the Investigating Officer / Panel will produce a Report appraising the Chairman or Chief Executive, as appropriate, who will ensure that the appropriate action is taken.
- 4.2.7 In serious cases, for example, allegations of mistreatment of patients or fraud, the Chairman or Chief Executive will have to consider immediate suspension from work. This suspension, and the subsequent investigation, will be conducted under the Trust's Disciplinary Procedure. Consequently, it may be necessary to release information to another party, for example a Disciplinary Panel. If, as a result of a preliminary investigation, there is a case to be answered, and it is deemed appropriate for formal disciplinary action, a Disciplinary Hearing will be convened under this procedure. In all cases, the investigation will be conducted in accordance with the principles, time periods and rights to representation, as set out in the Trust's Disciplinary Procedure.
- 4.2.8 If there is no case to answer, the Chairman or Chief Executive will ensure that protection is afforded to an employee who was not in an informed position to form a belief on reasonable grounds about the truth of information, but nevertheless believed that the information may have been true and was of sufficient importance to justify its disclosure, so that the matter could be investigated.
- 4.2.9 In circumstances where false or malicious allegations have been made, the Chairman or Chief Executive may conclude that it is appropriate to invoke the Disciplinary Procedure against the person, or persons, who made the allegation.
- 4.2.10 In all circumstances, the Designated Person and the Complainant will be kept informed of progress and / or the need to release any information to another party. However, it may not be possible to disclose the precise action taken, where it may infringe upon a duty owed by the Trust to someone else. Specifically, precise details of any disciplinary action will not be provided.

## 5.0 **Protection**

- 5.1 When qualifying disclosures are made, this Policy gives protection to a wide range of people. These include:
  - Employees;
  - Agency workers appointed on behalf of the Trust;
  - Person on work experience, or vocational training schemes.

5.2 Where an individual is victimised for “blowing the whistle”, he / she may bring a claim to an employment tribunal. Workers and employees who lose their employment in breach of the Policy will be fully compensated for their loss. Awards for victimisation, short of dismissal, will also be uncapped and based on what is determined as just and equitable in the circumstances.

## 6.0 **Review of Policy**

6.1 This Policy will be monitored on an ongoing basis and will be formally reviewed for effectiveness within 1 year from the date of implementation.

### **Equality Statement**

***The Policy has been drawn up and reviewed in light of Section 75 of the Northern Ireland Act (1998) which requires the Trust to have due regard to the need to promote equality of opportunity.***

***In line with the duty of equality, this Policy has been assessed against particular criteria.***



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**Liam McIvor (Mr)**  
**CHIEF EXECUTIVE**