



Family Nursing & Home Care

Whistleblowing Policy

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Document Profile

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Version control / changes made

Date	Version	Summary of changes made	Author
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1. INTRODUCTION

1.1 Rationale

Family Nursing & Home Care is committed to the highest standards of accountability, transparency, openness and fairness. In simple terms, whistleblowing occurs when an employee provides certain types of information, usually to the employer or a regulator, which has come to their attention through work.

Whistleblowing is 'making a disclosure in the public interest' and occurs when an employee raises a concern about danger or illegality that affects others, for example members of the public. The disclosure may be about the alleged wrongful conduct of the employer, a colleague, client, or any third party. Typically, the whistle-blower is not directly, personally affected by the danger or illegality, although they may be. Personal complaints such as harassment or discrimination are not usually treated as whistleblowing and should be handled according to Family Nursing & Home Care's Grievance Policy and Procedure.

Family Nursing & Home Care takes malpractice and misconduct seriously. Where an individual discovers information that they believe shows serious malpractice or wrongdoing within the organisation then it is the employee's duty to disclose this information, in confidence, internally and without fear of reprisal.

1.2 Scope

The purpose and aims of this policy are to:

- remind all employees of their duty to report serious concerns
- ensure that all of our employees feel confident about raising serious concerns at an early stage
- provide clear guidance to employees about how to raise a serious concern and how the process will operate
- reassure employees that if they raise concerns in the public interest and reasonably believe them to be true, we will not tolerate any reprisal against them and will treat such reprisal as a disciplinary matter
- ensure that employees who raise concerns are provided with feedback on any actions taken and are aware of the options available to them if they are dissatisfied with the response.

This policy sets out the procedure for employees to voice concerns regarding malpractice or wrong doing in a responsible and effective manner. It should be emphasised that this policy is intended to assist employees who believe they have discovered malpractice or impropriety. It is not designed to question financial or business decisions taken by the organisation.

1.3 Role and Responsibilities

Everyone within the organisation must:

- Report serious concerns as soon as possible through the channels set out within this policy. This applies to all employees, workers and office holders, regardless of seniority.

Managers must:

- deal promptly and fairly with any concerns raised under this policy
- ensure that the employee's concerns are appropriate for consideration under this policy. If they are not, the employee should be referred to the correct policy
- support the employee throughout the Whistleblowing process
- maintain confidentiality throughout any proceedings
- as far as possible, withhold the identity of the employee who has raised the concern, if the employee has requested confidentiality
- keep the employee updated as to progress in investigating and resolving their concerns
- advise the employee that they have a right to bring a recognised trade union representative or workplace colleague to any meetings under this policy
- implement any actions or recommendations arising from the investigation into the concern
- ensure that the employee who raised the concern suffers no detriment as a result of raising their concern.

Employees must:

- raise concerns in confidence at the earliest possible moment
- never carry out their own investigation
- as far as the employee feels it is possible, assist with any investigation into their concern, including attending meetings, replying to requests for further information and providing signed statements as appropriate
- immediately pass any information to the investigator when requested
- follow the stages of the procedure in sequence
- always act honestly and in good faith when raising and pursuing concerns under this policy
- inform the investigator if you have any personal interest in the matter under investigation.

2. POLICY

All employees, workers and office holders may raise a concern under this policy. This includes permanent and temporary employees or workers and those providing services to Family Nursing & Home Care

2.1 Activities to be reported

It is impossible to give an exhaustive list of activities that constitute misconduct or malpractice, but the organisation would expect the following to be reported. Employees will need to use their own judgement as to the category within which their concern falls:

- criminal offences or activities being or likely to be committed;
- failure to comply with legal obligations or statutes;

- breaches of legislation;
- financial malpractice, mismanagement, fraud, bribery and corruption;
- improper conduct or unethical behaviour;
- activities that endanger the health and safety of employees or the public;
- activities which cause reputational damage to the Island of Jersey or Family Nursing & Home Care
- actions which are intended to conceal any of the above.

Family Nursing & Home Care recognises that the decision to report a concern can be difficult. It will not always be clear that a particular action falls within one of these categories however; the organisation would prefer employees to report their concerns rather than keep them to themselves.

2.2 Safeguards

It is the organisation's policy to offer protection to those employees who disclose such concerns provided the disclosure be made:

- in accordance with the procedures laid down;
- in good faith and on reasonable grounds;
- exercising due care to ensure the accuracy of the information; and
- in the reasonable belief of the employee that there is malpractice or impropriety taking place.

Appropriate steps will be taken to ensure that the working environment and working relationships are not prejudiced by the fact of the employee's disclosure. Family Nursing & Home Care will not tolerate any harassment or victimisation of individuals who raise serious concerns and will take appropriate action to protect them.

Protection covers only the disclosure itself and not the conduct of the employee leading to the disclosure. For example, hacking into a computer system in order to demonstrate deficiencies in security is unlikely to be protected.

3. PROCEDURE

3.1 How to raise a concern

This procedure is designed to enable employees to raise concerns internally to a group within the business or externally if you. An employee should make their disclosure in writing to their Line Manager. If however the disclosure concerns their Line Manager, then the disclosure can be made to a member of the Senior Management team, CEO or any of the Committee members (see appendix 1). If the disclosure concerns a member of the Senior Management team, then the disclosure should be made to a Committee Member.

If the employee does not wish to be identified the employee should make it clear in their written correspondence that the disclosure is being made anonymously. The person who you raise your concern with will be able to make these notifications on your behalf, and will ensure that they are anonymised.

3.2 How the organisation will respond

On receipt of the concerns the appropriate person will pass this information to the HR manager who will then allocate to a designated investigating officer (an individual either within or from outside the organisation if it is deemed appropriate that an external investigation is required) as soon as is reasonably possible. If there is evidence of criminal activity the investigating officer will inform the Police. Family Nursing & Home Care will ensure that any internal investigation does not hinder a formal police investigation

The response will depend on the nature of the concern raised and may be:

- advice only
- resolved by agreed action without the need for investigation
- investigated internally (by an independent investigator)
- referred to the relevant safeguarding team (child protection or vulnerable adults)
- referred to the Police if a criminal matter

The organisation may carry out initial enquiries in order to protect individuals or employees and those accused of wrong doing. The results of these enquiries will be used to decide whether an investigation is needed and if so, what form it should take. If urgent action is required this will be taken before we start any investigation.

If there are other serious concerns of a potentially criminal nature, the complaint will be referred to the CEO and they will determine whether the concern should be referred to the Police directly or whether the complainant should be advised to make such a referral.

If that the matter should be referred to the Police, advice will be sought from the Police to establish if a simultaneous internal investigation can be conducted, and whether or not they consent for the subject of the complaint to be informed of allegations.

The whistleblowing disclosure will be responded to within 7 working days. Within the following 10 working days a further letter will be sent explaining how the organisation proposes to deal with the matter. The whistleblower will be:

- given an estimate of how long it will take to provide a final response (Due to the varied nature of these sorts of complaints, which may involve internal investigators and/or the Police, it is not possible to lay down precise timescales for an investigation. The investigating officer should ensure that investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations.)
- told if initial enquiries have been made
- told if further investigation is required, and if not, why not (where appropriate)
- given details of support mechanisms
- advised of the investigating officer (where appropriate)
- advised how the whistleblower will be informed of progress

If a meeting is necessary, this can be held off site if preferred. An employee will have a right to be accompanied – this will be a union representative or work colleague (not involved in the

area where the concern exists). A non-employee may wish to bring a friend – a neutral venue can be arranged, where required.

The organisation will help with any difficulties experienced as a result of raising a concern and will, for example, provide advice if required to give evidence for criminal or disciplinary proceedings.

Records will be retained of all work carried out and actions taken to address the concerns raised by the whistleblower, including the investigator's case file, where relevant. All files will be held securely and confidentially, in accordance with the organisations retention of records policy.

At the end of our investigations the organisation will provide feedback to the whistleblower (if known) on actions taken and limited detail on the outcome of investigations. Feedback will be subject to legal constraints but will recognise the importance of providing assurances that the matter has been dealt with properly

An employee, against whom the complaint is made, may as part of the investigation process be suspended on full pay pending the outcome of the investigation. That employee will be given every opportunity to respond to the disclosure and will be informed of their right to be represented by an authorised trade union official or work colleague, if appropriate, at any future hearing held under Family Nursing & Home Care's Disciplinary Policy.

The organisation will handle all disclosures appropriately, fairly, and sensitively. If however, the person raising the concern is not satisfied with the response, they can escalate their concerns outside of the organization to The Jersey Care Commission, Jersey Charity Commission, Jersey Financial Services Commission or Health and Community Services Commissioner (appendix 1)

3.3 Confidentiality

All disclosures will be treated in a confidential and sensitive manner. The identity of the employee making the allegation may be kept confidential so long as it does not hinder or frustrate any investigation. However, the organisation would encourage employees to put their name to any disclosures they make. Even if an employee makes an allegation in good faith, which is then not confirmed by subsequent investigation, no action will be taken against that employee.

3.4 Untrue allegations

If, during the investigation process it shows that an employee has made a disclosure in bad faith, in order to cause disruption within Family Nursing & Home Care, knowingly contains untrue malicious or vexatious allegations, or if the disclosure is made for personal gain, this will be treated as a serious disciplinary offence. In this instance, disciplinary action will be taken following the Disciplinary Policy, which could result in dismissal.

4. CONSULTATION PROCESS

Name	Title	Date
Bronwen Whittaker	CEO	30/03/2020
Tracey McLeod	HR Manager	30/03/2020
Clare Stewart	Operational Lead	30/03/2020
Tia Hall	Operational Lead	30/03/2020
Michelle Cumming	Operational Lead	30/03/2020
Claire White	Head of Governance	30/03/2020
Claire Whelan	Head of Information	30/03/2020
Elsbeth Snowie	Clinical Effectiveness Facilitator	30/03/2020
Isobel Freitas	Home Care Manager	30/03/2020
Jane Salt	Finance Manager	30/03/2020
Phil Romeril	Chair FNHC	19/05/2020

5. IMPLEMENTATION PLAN

A summary of how the document will be implemented with time frame

Action	Responsible Person	Planned timeline
To be part of the organisations induction for all new staff	Education and Training Coordinator	Ready for the next induction

6. ASSOCIATED POLICES

Policies and documents which may be helpful when considering this policy are Family Nursing & Home Care:

- Disciplinary Policy
- Retention of Records policy.
- Bullying and Harassment Procedure
- Complaints Procedure

Also

- The Nursing & Midwifery The Code

7. EQUALITY IMPACT STATEMENT

A statement to show that the document does not discriminate against disadvantaged or vulnerable people

Family Nursing & Home Care is committed to ensuring that, as far as is reasonably practicable, the way services are provided to the public and the way staff are treated reflects their individual needs and does not discriminate against individuals or groups on any grounds.

This policy document forms part of a commitment to create a positive culture of respect for all individuals including staff, patients, their families and carers as well as community partners. The intention is to identify, remove or minimise discriminatory practice in the areas of race, disability, gender, sexual orientation, age and 'religion, belief, faith and spirituality' as well as to promote positive practice and value the diversity of all individuals and communities.

The organisation values underpin everything done in the name of the organisation. They are manifest in the behaviours employees display. The organisation is committed to promoting a culture founded on these values.

Always:

- ✓ Putting patients first
- ✓ Keeping people safe
- ✓ Have courage and commitment to do the right thing
- ✓ Be accountable, take responsibility and own your actions
- ✓ Listen actively
- ✓ Check for understanding when you communicate
- ✓ Be respectful and treat people with dignity
- ✓ Work as a team

This policy should be read and implemented with the Organisational Values in mind at all times.

Always:

- ✓ Putting patients first
- ✓ Keeping people safe
- ✓ Have courage and commitment to do the right thing
- ✓ Be accountable, take responsibility and own your actions
- ✓ Listen actively
- ✓ Check for understanding when you communicate
- ✓ Be respectful and treat people with dignity
- ✓ Work as a team

8. APPENDIX

Additional material needed to support the document:

Appendix 1 Equality Impact Screening Tool

To be completed and attached to any publication document when submitted for approval and ratification.

Stage 1 - Screening			
Title of Procedural Document: Whistle blowing Policy			
Date of Assessment	27/03/2020	Responsible Department	Human Resources
Name of person completing assessment	Judy Foglia	Job Title	Director of Governance and Care
Does the policy/function affect one group less or more favorably than another on the basis of :			
	Yes/No	Comments	
• Age	No		
• Disability Learning disability; physical disability; sensory impairment and/or mental health problems e.g. dementia	No		
• Ethnic Origin (including gypsies and travelers)	No		
• Gender reassignment	No		
• Pregnancy or Maternity	No		
• Race	No		
• Sex	No		
• Religion and Belief	No		
• Sexual Orientation	No		
If the answer to all of the above questions is NO, the EIA is complete. If YES, a full impact assessment is required: go on to stage 2, page 2			
Stage 2 – Full Impact Assessment			
What is the impact	Level of Impact	Mitigating Actions	Responsible Officer
Monitoring of Actions			
The monitoring of actions to mitigate any impact will be undertaken at the appropriate level			

APPENDIX 1

Contact Details

Name	Title	Contact details
Senior Management Team		
Bronwen Whittaker	CEO	B.Whittaker@fnhc.org.je
Judy Foglia	Director of Governance and Care	j.foglia@fnhc.org.je
Claire White	Head of Quality Governance and Care	C.White@fnhc.org.je
Tia Hall	Operational Lead District Nursing Services	Ti.Hall@fnhc.org.je
Clare Stewart	Operational Lead Rapid Response & Reablement	Cl.Stewart@fnhc.org.je
Michelle Cumming	Operational Lead Child and Family Services	M.Cumming@fnhc.org.je
Human Resources		
Tracey McLeod	Human Resources Officer	T.McLeod@fnhc.org.je
Committee Members		
Phil Romeril	Committee Chair	p.romeril@fnhc.org.je
External Agencies		
Jersey Care Commission		enquiries@carecommission.je
Jersey Financial Services		www.jerseyfsc.org
Paul McGinnety	Deputy Director Primary & Community Pathways, Health and Social Services	P.McGinnety@health.gov.je (this is subject to change and will be amended accordingly)