
Document name:	Whistleblowing Policy
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Primary Eyecare Cheshire: Whistleblowing Policy

1. INTRODUCTION

- 1.1 Employees are often the first to realise that there may be something wrong within an organisation. Normally, Primary Eyecare Cheshire would expect our employees (staff) to raise any concerns they have with their employer/line manager; however, they may not because they feel they would be disloyal to their colleagues or to Primary Eyecare Cheshire. They may also fear harassment or victimisation. Our staff must feel they can highlight genuine concerns over malpractice, wrongdoing, fraud, suspected criminal activity, danger to health and safety and damage to the environment without reproach. Primary Eyecare Cheshire staff must have confidence that their concerns will be treated correctly throughout the process. In accordance with this Primary Eyecare Cheshire has a named Freedom to Speak Up Guardian.
- 1.2 Primary Eyecare Cheshire is committed to the highest possible standards of openness, probity and accountability.
- 1.3 This policy makes it clear that openness is encouraged and that staff can raise concerns without fear of victimisation, subsequent discrimination or disadvantage. The policy is intended to encourage and enable staff to raise concerns within Primary Eyecare Cheshire rather than overlooking a problem, feeling pressured or having to raise the issue with a third party (unless this is necessary).
- 1.4 The policy applies to all staff and those such as locums working for us on our premises. It also covers our provision of services to patients in their home environment.
- 1.5 These procedures are in addition to Primary Eyecare Cheshire's complaints procedures and other statutory reporting procedures. Primary Eyecare Cheshire recognises that whistleblowing is not the same as a complaint. Primary Eyecare Cheshire has a separate Complaints Policy in place. Patients with concerns should follow this policy.
- 1.6 All staff should be aware of the existence of these procedures. Primary Eyecare Cheshire ensures that neither contracts of employment and/or services will prevent or inhibit its staff making any protected disclosure as defined by section 43A of the Employment Rights Act 1996.
- 1.7 Primary Eyecare Cheshire believes that provision for whistleblowing is essential to ensure that:
- Patient safety remains paramount at all times.
 - The service is delivered according to contract specifications and expectations.
 - Problems do not become entrenched.

- Safeguarding issues are not neglected.
- Cover-ups do not arise.

Primary Eyecare Cheshire supports the principles of the NHS's 'Speaking Up Charter'.

2. AIMS AND SCOPE OF THIS POLICY

2.1 This policy aims to:

- Encourage staff to feel confident in raising concerns and to question and act upon concerns about practice;
- Provide a framework within which staff can raise those concerns and receive feedback on any action taken;
- Reassure staff that they will be protected to the best of Primary Eyecare Cheshire's ability from possible reprisals or victimisation if Primary Eyecare Cheshire has a reasonable belief that any of its staff have made a disclosure in good faith.

(Please note that legal protection from reprisals and victimisation extends to employed members of staff only. Self-employed locums cannot be offered the same level of protection by Primary Eyecare Cheshire)

2.2 The policy is intended to cover major concerns that fall outside, or in a particular instance do not appear to have been properly addressed within, the scope of other procedures. These include:

- Conduct which is an offence or a breach of the law, including breaches of written Primary Eyecare Cheshire policy.
- The performance of staff members including temporary staff such as locums.
- Health and safety risks, including risks to the public as well as other staff.
- The unauthorised use of Primary Eyecare Cheshire's funds.
- Possible fraud and corruption.
- Sexual or physical abuse of clients and other staff, or
- Other unethical conduct.

(Employees wishing to lodge a grievance relating to their own employment with Primary Eyecare Cheshire should use the procedure outlined in their contract of employment).

2.3 Therefore, any serious concerns staff have about any aspect of service provision or the conduct of colleagues can be reported under this Raising Concerns (Whistleblowing) Policy. This may be about something that:

- Makes staff feel uncomfortable in terms of known standards, experience or the standards staff believe Primary Eyecare Cheshire subscribes to; or
- Is against the Primary Eyecare Cheshire's policies; or
- Falls below established standards of practice; or
- Amounts to improper conduct.

2.4 This policy does not replace the Patient Complaints Procedure.

3. SAFEGUARDS - HARASSMENT OR VICTIMISATION

- 3.1 Primary Eyecare Cheshire is committed to good practice and high standards and aims always to be supportive of all employees.
- 3.2 Primary Eyecare Cheshire recognises that the decision to report a concern can be a difficult one to make, especially for staff who are newly employed. If what a member of staff is saying is true, or they have suspicions that are reasonable, they will have nothing to fear because they will be doing a duty to Primary Eyecare Cheshire and to those for whom we are providing a service.
- 3.3 Primary Eyecare Cheshire will not tolerate or allow any form of harassment, victimisation or discrimination and will take appropriate action to protect staff when concerns are raised in good faith. If there are any intimidating threats or instances of harassment/victimisation/discrimination against a 'whistleblower', Primary Eyecare Cheshire will take appropriate disciplinary action against the individual(s) concerned.

4. CONFIDENTIALITY

- 4.1 All concerns will be treated, as far as possible, in the strictest confidence and every effort will be made not to reveal staff identity if so wished. However, if staff concerns require any further action, individuals may at some future date have to act as a witness and/or provide evidence. We will let the concerned member of staff know in advance if this is likely to be necessary.

5. ANONYMOUS ALLEGATIONS

- 5.1 This policy encourages staff to put their names to allegations whenever possible. Concerns expressed anonymously are much less powerful but will be considered at the discretion of Primary Eyecare Cheshire.
- 5.3 In exercising this discretion the factors to be taken into account would include:
- The seriousness of the issues raised;
 - The credibility of the concern; and
 - The likelihood of being able to confirm the allegation/s from attributable sources.

6. UNTRUE ALLEGATIONS

- 6.1 If a member of staff makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against the member of staff. If, however, a member of staff makes an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against the person.

PROCEDURE

7. HOW TO RAISE A CONCERN

- 7.1 As a first step, staff should normally raise concerns with their manager. This depends, however, on the seriousness and sensitivity of the issues involved and who might be involved.

7.2 Staff are encouraged to raise concerns in writing wherever possible. A member of staff who wishes to make a written report is invited to use the attached Form at Appendix 1 which enables staff to identify:

- The background and history of the concern (giving relevant dates).
- The reason why staff are particularly concerned about the situation.

7.3 The earlier staff express their concerns the easier it is to take action.

7.4 Although staff are not expected to prove beyond doubt the truth of an allegation, they will need to demonstrate to the person contacted that there are reasonable grounds for concern.

7.5 Staff may wish to consider discussing their concerns with a colleague or staff representative body (if appropriate) first as they may find it easier to raise the matter through someone they trust.

7.6 Staff may invite a friend or colleague to be present during any meetings or interviews in connection with the concerns they have raised.

8. HOW Primary Eyecare Cheshire WILL RESPOND

8.1 Primary Eyecare Cheshire will respond to all staff concerns. However staff should be aware that investigating concerns is not the same as either accepting or rejecting them.

8.2 Where appropriate, the matters raised may:

- Be investigated by appropriate management representatives, internal audit, or through the disciplinary process.
- Be referred to the police.
- Be referred to the Independent Safeguarding Authority.
- Be referred to the local Child Protection Team.

For professional staff in addition:

- Be referred to the General Optical Council; and/or
- Be referred to the commissioning body.

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 Within working days of a concern being raised, Primary Eyecare Cheshire will write to the concerned member of staff in confidence:

- Acknowledging that the concern has been received.
- Indicating who will deal with the matter.
- Giving an estimate of how long it will take to provide further information.
- Telling the staff member whether further investigation will take place and if not, why not. Every effort will be made to ensure that concerns are dealt with as speedily and confidentially as possible and concerned staff are kept informed of progress made.

8.5 If necessary, Primary Eyecare Cheshire will seek further information from staff. Where any meeting is arranged, away from Primary Eyecare Cheshire if, a member of staff wishes, they can be accompanied by a friend or colleague.

8.6 Primary Eyecare Cheshire accepts that staff need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform the concerned member of staff of the outcome of any investigation.

9. THE RESPONSIBLE PERSON

9.1 has overall responsibility for the maintenance and operation of this Policy. They will maintain a record of concerns raised and the outcomes (but in a form which does not endanger staff confidentiality) and will report as necessary to others within Primary Eyecare Cheshire.

10. WHAT TO DO IF CONCERNS REMAIN

10.1 This Policy is intended to provide staff with an avenue within Primary Eyecare Cheshire to raise concerns. We hope staff will be satisfied with any action taken. If they are not, they may feel it is right to raise the matter outside Primary Eyecare Cheshire. If staff do take the matter to an outside person or body, they should ensure that they do not disclose confidential information.

10.2 If staff concerns relate to the owner/principal of Primary Eyecare Cheshire or, as a professional person, to the performance of a professional colleague, staff may not feel comfortable discussing these concerns within Primary Eyecare Cheshire. In this situation it might be appropriate to discuss staff concerns, without naming the individual concerned, with;

- A more senior professional colleague
- An officer of the Local Optical Committee (LOC) eg. the chairman or secretary
- Staff representative or professional body
- A local optometric adviser; or
- Another suitable person
- The Public Concern at Work¹ helpline

As a result of this discussion it might then be felt appropriate for staff to raise staff concerns with the commissioning body or the GOC.

Primary Eyecare Cheshire's Raising Concerns (Whistleblowing) will be reviewed annually with commencement date **13 March 2017**.

¹ Public Concern at Work is a charity. They provide confidential independent telephone advice, free of charge, to people who have concerns about issues at work but are not sure whether or how to raise their concern. They may be contacted on 020 7404 6609 or email on helpline@pcaw.co.uk
<http://www.pcaw.co.uk/individuals/individuals.htm>