



# BM Ambulance Service Ltd

## Whistleblowing Policy



Document Number	1
Version:	V1
Name of originator/ author:	Simon Wilks – Director of Operations

<b>Policy: Whistleblowing</b>	
Approved by:	Senior Leadership Team
Date approved:	

Date Issued:	19 December 2018
Date next review due:	01 December 2025
Reviewed	25/02/2021 SJG
Target audience:	All staff
Replaces:	None



## Document Control

### Manager Responsible

Name:	Sarah Gosling
Job Title:	Director of Human Resources

### Change Log

Version	Comments	Author	Date
V1	Requested to approve	STW	19/12/2018
	Review	SJG	17/05/2022

### Review Due

Manager	Director of Human Resources	
Period	Every three years or sooner if new legislation, codes of practice or national standards are introduced	Date: 21/02/24



## Contents

<b>Document Control</b> .....	2
1. Introduction .....	4
2. Scope .....	4
3. Objectives .....	5
4. Responsibilities .....	5
5. Definitions: .....	5
6. Examples of Concerns or Serious Malpractice .....	6
7. How to Raise a Concern .....	7
8. Seeking Advice .....	7
9. Raising a Concern Outside of the Organisation .....	8
10. Procedure on Receipt of a Concern .....	8
11. Confidentiality .....	9
12. Monitoring and Audit .....	9
13. Review .....	10
Appendix 1 – Whistleblowing Flowchart .....	11



## **1. Introduction**

- 1.1. BM Ambulance Service Ltd. (BMAS) recognises the importance of encouraging a culture of openness in which staff and contractors can freely express their concerns without fear of reprisal. This will contribute constructively to the development and continuous improvement of BMAS's services. If a member of staff raises such a concern, the matter will be dealt with positively, professionally, quickly and reasonably.
- 1.2. This policy is intended to provide guidance to all staff should they wish to raise a serious concern about suspected wrongdoing at work. Officially this is called "making a disclosure in the public interest" but may also be known as "whistleblowing".
- 1.3. BMAS is committed to achieving in all its practices the highest possible standards of service to staff, patients, the public and the Directors. In order to achieve this, staff are encouraged to use all internal mechanisms, as outlined below, to report malpractice or any illegal activities or omissions which may adversely affect the provision of high-quality standards of care.
- 1.4. Concerns can be about actual events or actions that have already taken place, are currently taking place, or where the whistle-blower genuinely and reasonably believes that there is potential for a harmful event to occur.

## **2. Scope**

- 2.1. This policy applies to all employees, contractors, people in training with the organisation, Directors and self-employed workers who are working for and are supervised by BMAS.
- 2.2. BMAS has a range of policies and procedures relating to the standards of behaviour at work, including:
  - Disciplinary Policy and Procedure;
  - Grievance Policy;
  - Bullying and Harassment Policy;
  - Recruitment Policy;
  - Anti-Bribery Policy.



- 2.3. Staff are encouraged to use the provisions of these policies and procedures where appropriate. The whistleblowing procedure is designed for staff members who have concerns of wrongdoing to the public or patient interests.

### **3. Objectives**

- 3.1. The objective of this policy is to provide guidance to staff who wish to raise a serious concern which threatens the interests of the service or its stakeholders.
- 3.2. The policy aims to ensure that those who make disclosures in the public interest will be protected under the terms of the Public Interest Disclosure Act 1998 and that all whistle-blowers are treated fairly and consistently.

### **4. Responsibilities**

- 4.1. All employees have a responsibility to raise concerns they have with their employer about malpractice, patient safety, financial impropriety or any other serious risks they consider to be in the public interest.
- 4.2. Health and Care Professions Council (HCPC) registrants and those registered with other statutory bodies (e.g. Nursing and Midwifery Council and the General Medical Council) must act in the best interests of service users and provide to their statutory body and any other relevant regulators any important information about their conduct and competence and that of registered colleagues.
- 4.3. Managers to whom disclosures are made, and BMAS's designated Whistle-blowing Officer (the Director of Human Resource) are responsible for acting on the information they receive in accordance with the procedures set out below. They should also do everything reasonable to ensure that whistle-blowers are protected from retaliation and victimisation.
- 4.4. The Board of Directors are responsible for reviewing any whistle-blowing incidents which are brought to their attention by other managers.

### **5. Definitions:**

- 5.1. **Whistleblowing:** Whistleblowing is when a worker reports suspected wrongdoing to their employer, or when this isn't appropriate, to a



prescribed person or body. A worker can report things that aren't right, are illegal or if anyone at work is neglecting their duties including:

- Where someone's health and safety is in danger;
- Damage to the environment;
- A criminal offence;
- Where the organisation isn't obeying the law;
- Covering up wrongdoing.

5.2. **Protected Disclosure:** A disclosure which affords the whistle-blower protection from retaliation or victimisation under the Public Interest Disclosure Act 1998. To be protected, the disclosure must be made within the terms of the Act and must meet the public interest test, as set out in the Enterprise and Regulatory Reform Act 2013.

5.3. **Public Interest Test:** Qualifying public interest disclosures are those where the worker reasonable believes one or more of the following matters is either happening, has taken place, or is likely to happen in the future:

- A criminal offence;
- A failure to comply with a legal obligation;
- A miscarriage of justice;
- A danger to the health and safety of an individual;
- Damage to the environment;
- Any deliberate attempt to conceal any of the above.

## 6. ***Examples of Concerns or Serious Malpractice***

6.1. The following list of examples is not exhaustive. Malpractice could include:

- Ill-treatment of a patient;
- An actual or potential criminal offence;
- Suspicion of fraud;
- Suspicion of bribery;
- Disregard of legislation, particularly that relating to health and safety at work;
- That someone's health and safety is in danger;
- Breach of Standing Financial Instructions;
- Breach of a Code of Conduct;
- Actual or likely damage to the environment;
- Showing undue favour over a contractual matter or to an applicant for employment;
- That someone is covering up wrongdoing.



## **7. How to Raise a Concern**

- 7.1. If an individual has a concern, they are encouraged to raise this with a manager either orally or in writing.
- 7.2. If the matter is about the Managing Director, the concern should be raised to the Board of Directors who will discuss the matter and decide how best to proceed.
- 7.3. Concerns about fraud and financial malpractice should be raised directly with the Managing Director.
- 7.4. The Bribery Act 2010 introduced the offence of offering and/or receiving a bribe. For a more detailed explanation, please see the Anti-Bribery Policy.
- 7.5. In order to obtain the protection afforded to individuals by the Acts, workers must make the disclosure with a reasonable belief that it is made in the public interest, that the malpractice has occurred, is occurring or is likely to occur and make the disclosure to the right person. An employee who makes a rash disclosure, for example to the media, of a matter which could and should have been raised internally will not be protected.
- 7.6. The Company will do everything reasonable to ensure that staff who raise concerns responsibly and reasonably will be protected against any detriment including victimisation and reprisal.
- 7.7. The Company will not tolerate any victimisation of a whistle-blower, including informal pressures, and will treat this as a serious disciplinary offence to be dealt with under the formal Disciplinary Procedure.

## **8. Seeking Advice**

- 8.1. An individual may wish to access confidential advice to check whether the concern comes within the scope of the Whistleblowing Policy.
- 8.2. The flowchart in the Appendix has been designed to assist the individual with a concern to determine the correct course of action to take.
- 8.3. Staff may access confidential advice from ACAS or the charity Public Concern at Work prior to deciding whether to raise a concern.



## **9. *Raising a Concern Outside of the Organisation***

- 9.1. In order to maintain the protection afforded by the Act, disclosure other than to BMAS must be to a prescribed person or body.
- 9.2. It is hoped that this policy will reassure individuals to raise concerns internally, however BMAS accepts that individuals can safely and properly contact an appropriate external body. In these exceptionally serious cases, where raising concerns through even the most senior levels of the company's management structure would not be appropriate, staff may raise their concerns with the Department of Health and ultimately with the Secretary of State or relevant Government Minister.
- 9.3. An example of when this may be considered appropriate is where a concern has already been raised internally and where the individual believes action has been taken to conceal the wrongdoing.

## **10. *Procedure on Receipt of a Concern***

- 10.1. Once an individual raises a concern, the Manager or designated officer will arrange to meet the individual to record key details.
- 10.2. The Manager or designated officer will undertake to acknowledge formally and in writing the nature of the concerns, and to keep the staff member informed as far as is possible about the progress of the investigation.
- 10.3. An investigation will take place and external bodies such as the police or regulatory bodies may be involved as appropriate.
- 10.4. Where it is found there is no case to answer and/or no formal corrective action is taken, but there was a genuine concern and no malicious intent, the Manager or designated officer will as far as be reasonable ensure there is no victimisation of the staff member who raised the concern.
- 10.5. In circumstances where it is established that false allegations have been made maliciously, it may be necessary to consider action under the Disciplinary Policy against the whistle-blower.
- 10.6. Due to legal obligations of confidentiality owed to other employees, it may not be possible to provide feedback on the outcome of any formal actions





taken against another employee. Any outcomes and resultant findings should always respect the confidentiality of others.

- 10.7. Unless provided earlier, feedback should be arranged within ten days of the conclusion of any investigation or disciplinary proceedings. The failure to meet this deadline must be recorded.
- 10.8. If the whistle-blower remains dissatisfied with the outcome of the investigation, he/she has the right to draw the matter to the attention of the prescribed authorities or persons.
- 10.9. The Manager or designated officer should report instances of whistle-blowing to the Directors for monitoring purposes. A staff member's request for confidentiality or anonymity should be respected subject to the preceding section of this policy.

## **11. Confidentiality**

- 11.1. If an employee asks to raise a concern confidentially, the Company will not disclose the name of the individual raising the concern without his or her consent. Where the Company is unable to resolve the issue without revealing a person's identity (e.g. evidence required at a disciplinary hearing or in court) this will be discussed with that person to establish how the Company may proceed. If the employee is not willing to identify himself or herself at all, and wishes to raise the concern anonymously, it should be made clear that it may be impossible to investigate the concern or provide feedback to him or her.

## **12. Monitoring and Audit**

- 12.1. Concerns raised formally through the whistle-blowing arrangements will be recorded centrally and reported to the Board of Directors, along with other employee related activities. The Board of Directors will consider whether the instances were appropriate to the procedure and, retrospectively, whether other significant adverse incidents the Company has had to deal with had underlying issues that should have been picked up earlier. If it is apparent to the Company that an employee could reasonable have been expected to raise a concern, then this should be explored, and lessons learnt.
- 12.2. Reviewing an adverse incident may identify for example:



- That employees in the area were unaware of the policy, or lacked confidence in it;
- The concerns were raised locally but ignored;
- Employees had assumed that the practice was approved by management;
- Nobody identified the wrongdoing;
- Senior management and Board commitment did not filter through.

12.3. To facilitate accurate monitoring of the use of the whistle-blowing policy, Managers or designated officers should report instances of whistleblowing to the Board of Directors. A staff member request for confidentiality or anonymity should be respected subject to Section 10 of this policy.

12.4. The Board of Directors will review any incidents that come to their attention relating to the unfair treatment of a member of staff who has raised a concern.

### **13. *Review***

13.1. This policy will be regularly reviewed by the Senior Management Team.



### Appendix 1 – Whistleblowing Flowchart

