

This policy applies to all employees and workers, however, anyone performing functions or delivering or using services in relation to the Company, such as contractors, are also encouraged to use this policy if they are concerned.

It is important to the Company that any fraud, misconduct or wrongdoing by workers or officers of the Company is reported and transparently dealt with.

The Company therefore encourages all individuals to raise any concerns that they may have about the conduct of others in the Company or the way in which the Company is run; especially where any concern relates to speaking up, in the public interest, about an NHS-related service, where an act or omission has created or may create, a risk of harm or wrong doing.

This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with openly and in a supportive manner

Background

The law provides protection for workers who raise legitimate concerns about specified matters. These are called "qualifying disclosures".

A qualifying disclosure is one made in the public interest by a worker who has a reasonable belief that there has been, there is or there may be a conduct which might affect the public, other staff or an NHS provider or the NHS itself.

Examples of such conduct might typically but not exclusively include:

- A criminal offence or miscarriage of justice or general poor practice, eg, fraud (theft, corruption, bribery or embezzlement).
- An act creating risk to health and safety, patient safety or patient care.
- An act causing damage to the environment.
- A breach of any other legal obligation or abuse of an authority
- Concealment of any of the above or changing/falsifying information about performance of any kind.

It is not necessary for the worker to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient.

The worker has no responsibility for investigating the matter - it is the Company's responsibility to ensure that an investigation takes place for the purpose of eliminating any potential misconduct and as a learning and improvement opportunity to improve products and services.

A worker who makes such a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised, because they have made a disclosure.

The Company encourages workers to raise their concerns under this procedure in the first instance and as soon as possible to protect the credibility of any investigation required.



The Company will only normally accept concerns raised within six months of an alleged incident. If a worker is not sure whether or not to raise a concern, they should discuss the issue with their line manager or the HR department to consider their options. Any concerns raised will be dealt with objectively, confidentially and in a sensitive way.

Principles

Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Workers should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.

Any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the worker who raised the issue.

No worker will be victimised for raising a matter under this procedure. This means that the continued employment and opportunities for future promotion or training of the worker will not be prejudiced because they have raised a legitimate concern.

Victimisation of a worker for raising a qualified disclosure will be a disciplinary offence

If misconduct is discovered as a result of any investigation under this process the company disciplinary procedure will be used, in addition to any appropriate external measures.

Maliciously making a false allegation is a disciplinary offence.

An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, workers should not agree to remain silent. They should report the matter to a director.

This procedure is for disclosures about matters other than a breach of an employee's own contract of employment. If an employee is concerned that their own contract has been, or is likely to be, broken, they should use the Company grievance procedure.

Procedure

Regardless on the stages provided below, that the worker considers is appropriate to raise their concerns, the worker will be thanked for raising their concerns, listened to carefully, assured that their concerns will be handled sensitively and properly investigated.

The worker will be informed that, in raising their concerns, they have done the right thing and that they will not be treated badly for doing so. On this basis if they have any issues, they should raise these immediately as mistreatment for raising their concerns will not be tolerated.

Such ongoing support might typically include a confidential contact, counselling or psychological support, or occupational health, as appropriate, to keep the worker as comfortable as possible as investigations continue.



Stage 1

In the first instance, and unless the worker reasonably believes their line manager to be involved in the wrongdoing, any concerns should be raised with the worker's line manager.

If they believe the line manager to be involved, then the worker should proceed straight to stage 3.

At stage 1 the worker can usually expect an on-the-spot explanation and/or action to resolve the matter quickly, usually within 5 working days or less. This timescale can be extended if there are exceptional circumstances

Stage 2

Where the worker is not satisfied with the response at Stage 1, they can escalate the matter to a stage 2 investigation. The line manager will arrange an investigation into the matter (either by investigating the matter personally or immediately passing the issue to someone in a more senior position).

The investigation may involve the worker and other individuals involved giving a written statement. Any investigation will be carried out in accordance with the principles set out above. The worker's statement will be taken into account, and they will be asked to comment on any additional evidence obtained.

The line manager (or the person who carried out the investigation) will then report to the board, which will take any necessary action, including reporting the matter to any appropriate external government department or regulatory agency. If disciplinary action is required, the line manager (or the person who carried out the investigation) will report the matter to another manager or director and start the disciplinary procedure.

On conclusion of any investigation, the worker will be told the outcome of the investigation and what the board has done, or proposes to do, about it in order to resolve the issue and to avoid any repeat. If no action is to be taken, the reason for this will be explained.

Stage 3

If the worker is concerned that their line manager is involved in the wrongdoing, has failed to make a proper investigation or has failed to report the outcome of the investigations to the board, they should inform Alastair Maxwell, am@alastairmaxwell.co.uk, who will arrange for another manager to review the investigation carried out, make any necessary enquiries and make their own report to the board as in stage 2 above.

If for any other reason the worker does not wish to approach their line manager, they should also in the first instance contact Alastair Maxwell, am@alastairmaxwell.co.uk.



Any approach to the director will be treated with the strictest confidence and the worker's identity will not be disclosed without their prior consent.

Stage 4

If on conclusion of stages 1, 2 and 3 the worker reasonably believes that the appropriate action has not been taken, they should report the matter to the proper authority.

The legislation sets out a number of bodies to which qualifying disclosures may be made. These include:

- HM revenue & customs. [HM Revenue & Customs - GOV.UK \(www.gov.uk\)](http://www.gov.uk)
- The financial conduct authority. [Ensured Compliance | Get Your FCA Licence & Compliance Advice \(ensured-compliance.com\)](http://ensured-compliance.com)
- The competition and markets authority. [Competition and Markets Authority - GOV.UK \(www.gov.uk\)](http://www.gov.uk)
- The health and safety executive. [HSE: Information about health and safety at work](http://www.hse.gov.uk)
- The environment agency. [Environment Agency - GOV.UK \(www.gov.uk\)](http://www.gov.uk)
- The independent office for police conduct. [Independent Office for Police Conduct](http://www.iopcc.gov.uk)
- The serious fraud office. [Home - Serious Fraud Office \(sfo.gov.uk\)](http://www.sfo.gov.uk)
- <http://www.dgft.nhs.uk/wp-content/uploads/2020/01/supplier-code-of-practice.pdf>

At all stages the Company will aim to acknowledge the complaint within 3 working days of receipt and aim to provide feedback on conclusion, usually within 5-20 days of receipt of the complaint and depending on the severity and requirements for effectively delivering a proper investigation.

Where the investigations must take longer than this specified time, the investigating officer will keep the worker abreast of their efforts and timescales on a continued and ongoing basis.

At any stage the employee can be accompanied by a work companion or trade union representative if they wish, as long as their involvement will not compromise investigations. Work colleagues and trade union representative will enjoy the same protections as the worker raising their concerns.

Signed:



Alastair Maxwell

Managing Director

8th November 2022

