

POLICY DOCUMENT

Whistleblowing Policy

Policy Review Schedule

Date first Approved by the Board: 24th November 2005

Last Approved by the Board: 1 December 2015

Date of Next Review: 1 December 2017

Amendment Overview

Version	Date	Pages	Comments	Actioned
2005 -1.0 (draft)	31/10/2005		Approved by Senior Management	
2005 - 1.0	24/11/2005		Ratified by Agency Board	Margot Roberts
2009 - 2.0 (draft)	25/2/2009		Policy revised following further DFP DAO (DFP) 11/08 and presented to the Board for ratification	
2009 - 2.0	2009		Issued to Staff	
2012 - 3.0 (draft)	24/04/12		Presented to the Governance Committee for review and ratification	Mark McCarey
2012 - 3.0 (draft)	26/04/12		Presented to the Board for review and ratification	Mark McCarey
2012 - 3.0	26/04/12	13	Approved	
2012 – 3.1	15/08/2013		Updated to include 'The Role of NIMDTA', NIMDTA mission statement, impact and influences on this policy	
2014 – 4.0	16/09/2014	13	Presented to G&R Committee for approval. Approved.	
2014 – 4.0	18/09/2014	13	Presented to NIMDTA Board for approval. Approved.	
2015 – 5.0	23/11/15	13	Policy reviewed in line with new guidance and submitted to NIMDTA Board for approval	Mark McCarey
2015 – 5.0	1/12/05	13	Approved by NIMDTA Board. Screening Template also approved.	Mark McCarey

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Role of the Northern Ireland Medical and Dental Training Agency

The Northern Ireland Medical and Dental Training Agency (NIMDTA) is an Arm's Length Body sponsored by the Department of Health, Social Services and Public Safety (DHSSPS) to train postgraduate medical and dental professionals for Northern Ireland. NIMDTA seeks to serve the government, public and patients of Northern Ireland by providing specialist advice, listening to local needs and having the agility to respond to regional requirements.

NIMDTA commissions, promotes and oversees postgraduate medical and dental education and training throughout Northern Ireland. Its role is to attract and appoint individuals of the highest calibre to recognised training posts and programmes to ensure the provision of a highly competent medical and dental workforce with the essential skills to meet the changing needs of the population and health and social care in Northern Ireland.

NIMDTA organises and delivers the recruitment, selection and allocation of doctors and dentists to foundation, core and specialty training programmes and rigorously assesses their performance through annual review and appraisal. NIMDTA manages the quality of postgraduate medical and dental education in HSC Trusts and in general medical and dental practices through learning and development agreements, the receipt of reports, regular meetings, trainee surveys and inspection visits. It works in close partnership with local education providers to ensure that the training and supervision of trainees support the delivery of high quality safe patient care.

NIMDTA recognises and trains clinical and educational supervisors and selects, appoints, trains and develops educational leaders for foundation, core and specialty medical and dental training programmes throughout NI.

NIMDTA is accountable to the General Medical Council (GMC) for ensuring that the standards set by the GMC for medical training, educational structures and processes are achieved. The Postgraduate Medical Dean, as the 'Responsible Officer' for doctors in training, has a statutory role in making recommendations to the GMC to support the revalidation of trainees. Revalidation is the process by which the GMC confirms that doctors are up to date and fit to practice. NIMDTA also works to the standards in the COPDEND framework for the quality development of postgraduate Dental training in the UK.

NIMDTA enhances the standard and safety of patient care through the organisation and delivery of relevant and valued career development for general medical and dental practitioners and dental care professionals. It also supports the career development of general medical practitioners and the requirements for revalidation through the management and delivery of GP appraisal.

NIMDTA aims to use the resources provided to it efficiently, effectively and innovatively. NIMDTA's approach to training is that trainees, trainers and educators should put patients first, should strive for excellence and should be strongly supported in their roles.

Policy Influence

This policy has been influenced by the following:

- Public Interest Disclosure (NI) Order (PIDO) 1998 (revised 2004)
- DFP Guidance on Public Interest Disclosure (Whistleblowing) 2003
- DFP Guidance DAO (DFP) 11/08
- Letter from Minister for Health, Social Services and Public Safety (E Poots MLA) 22/03/12
- Whistleblowing in the Public Sector - A good practice guide for workers and employers (Public Concern at Work)

Policy Impact

This policy may have an impact on the following:

- Code of Conduct for Staff Members
- Code of Practice for Board Members
- Fraud Policy
- Reporting of Incidents Policy
- Health & Safety Policy

Executive Summary

NIMDTA has a commitment to openness in its activities and decision-making processes and encourages employees of NIMDTA to raise any issues of concern, which may be considered to be contrary to the public interest.

NIMDTA recognises that its staff are its most valuable resource both in terms of what they do, and the information that they hold about how things are done. It is therefore of vital importance that if staff have concerns that they wish to raise, that a transparent and accountable structure is promoted that encourages staff to do so.

‘Whistleblowers have an important role to play in bringing information to departments about matters that are troubling them in relation to the proper conduct of public business’

Northern Ireland Audit Office

This policy provides guidance on how such concerns (whistleblowing) can be raised.

Questions that you should be able to answer after reading this policy

1. What is the definition of whistleblowing?
2. How should you raise a concern?
3. Where should I go for further guidance?

1. Introduction

NIMDTA has a commitment to openness in its activities and decision-making processes and encourages employees to raise any issues of concern, which may be considered to be contrary to the public interest.

This policy has been developed to meet best practice and comply with the Public Interest Disclosure (NI) Order (PIDO) 1998 which provides employment protection for employees who believe it its necessary to raise issues of public interest either internally or externally.

These guidelines set out the process by which staff can voice their concerns without fear of recrimination and seeks to provide an effective confidential (whistle blowing) channel and system of support.

Whistleblowing can be defined as:

‘A worker raising a concern about wrongdoing, risk or malpractice with someone in authority either internally and/or externally’

Public Concern at Work

The difference between a Whistleblower and a Complainant can be established by considering the answers to the following questions:

Does the concern refer to ‘others’ for example the organisation, other staff, clients, the wider public?

If yes = Whistleblower

Does the concern refer to the individual (‘self’) for example a personal grievance about terms of employment, pay, unfair treatment?

If yes = Complainant

Public Concern at Work

The procedures in this document are for use in relation to Whistleblowing. They are not for use in relation to individual complaints, which are dealt with under separate policies.

2. Why should I raise a concern?

It is in the interests of all concerned that disclosures of wrongdoing or irregularity are dealt with promptly and discreetly. This includes the interests of NIMDTA, its staff and any persons who are subject to such disclosures, as well as the person making the disclosure. The overriding concern for both the employer and the employee should be that it would be in the public interest for the concern to be corrected and, if appropriate, sanctions applied.

Staff should be mindful, when making a disclosure in the public interest, of the need to avoid a breach of the privacy and confidentiality of personal information. It is wrong to give details of the condition or treatment of an individual without their explicit consent. Personal records are protected by Data Protection legislation.

NIMDTA is committed to the highest possible standards of openness, probity and accountability. In line with this commitment NIMDTA encourages employees and those acting on behalf of NIMDTA, who have serious concerns about how NIMDTA conducts its business, to voice those concerns. It is our policy that in coming forward no one should be disadvantaged, lose their job or suffer any form of retribution for raising issues in good faith. Staff reporting concerns in good faith are formally protected against victimisation under the Public Interest Disclosure (Northern Ireland) Order 1998 (revised 2004). It is an offence for management and staff to victimise employees who are either thinking of or have raised a concern. NIMDTA will seek to take all possible steps to protect those who raise concerns, as well as take disciplinary action against those who seek to victimise.

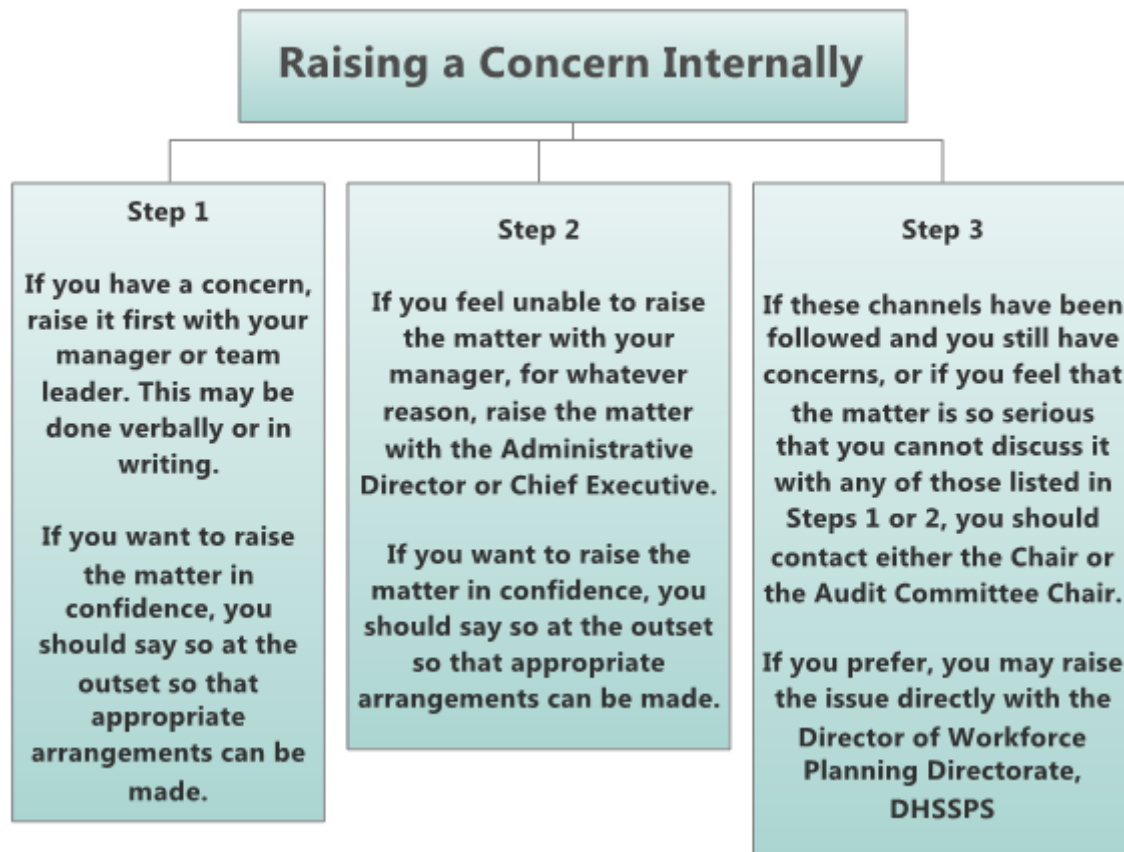
Similarly, employees who seek to raise concerns in a mischievous or vexatious manner will be subject to disciplinary action.

3. What types of concern can I raise?

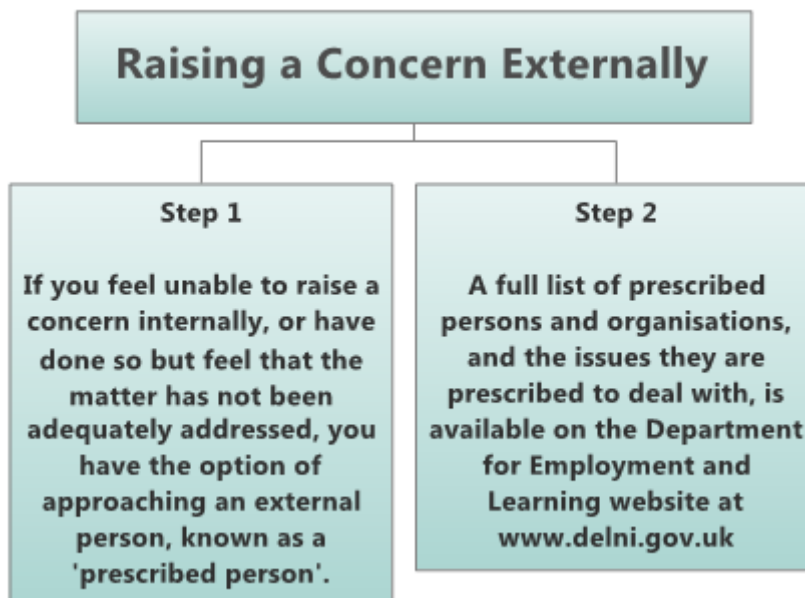
If you have an honest belief that any of the following may be occurring, you should raise a concern:

- health and safety risks, either to the public or other employees;
- any unlawful act (e.g. theft);
- the unauthorised use of public funds (e.g. expenditure for improper purpose);
- a breach of the Employee Code of Conduct;
- maladministration (e.g. not adhering to procedures, negligence);
- failing to safeguard personal and/or sensitive information (data protection);
- damage to the environment (e.g. pollution);
- fraud and corruption (e.g. to give or receive any gift/reward as a bribe);
- abuse of power;
- the abuse of children and /or vulnerable adults (physical or psychological);
- poor value for money;
- other unethical conduct; and
- any deliberate concealment of information tending to show any of the above.

4. How do I raise a concern?



NIMDTA would hope that all concerns can be raised internally in the first instance. If an employee does not believe that this is possible the following steps may be taken:



5. Will my confidentiality be assured?

Concerns can be raised openly, confidentially, or anonymously.

It is not a requirement of the Public Interest Disclosure legislation to provide confidentiality, as it encourages employees to raise concerns openly, and NIMDTA has a process for ensuring that they do not suffer a detriment or harassment as a result.

NIMDTA will consider concerns that are raised in confidence and will seek to protect any assurances that are provided in relation to confidentiality as far as possible. Confidentiality may impede an investigation, and in such circumstances the investigating officer will consult with you, and if possible, obtain your informed consent. Therefore, all concerns raised in confidence will be treated in confidence and every effort will be made not to reveal the identity of the member of staff raising the concerns. However if a situation arises where an issue cannot be resolved without revealing the identity of an individual eg because the evidence is needed in court or in a disciplinary hearing it will be discussed with the member of staff concerned whether and how the investigation can proceed.

6. Can I make an anonymous disclosure?

The purpose of the Public Interest Disclosure legislation, and this policy, is to encourage employees to raise concerns openly, however, you can make an anonymous disclosure. NIMDTA will accept concerns raised anonymously, and will seek to act upon them. However the following characteristics of an anonymous disclosure are likely to limit its effect:

- Detailed investigations may be more difficult, or even impossible, to progress if you choose to remain anonymous and cannot be contacted for further information.
- The information and documentation you provide may not easily be understood and may need clarification or further explanation.
- There is a chance that the documents you provide might reveal your identity.
- It may not be possible to remain anonymous throughout an in-depth investigation.
- It may be difficult to demonstrate to a tribunal that any detriment you have suffered is as a result of raising a concern.

7. What should I expect if I raise a concern?

Where a concern is raised openly or confidentiality NIMDTA will provide you with an outline of the process of any investigation, including timescales and the nature of the feedback that you can expect. NIMDTA will also appoint an investigating officer in relation to the investigation, who will provide updates and any further advice that may be needed. Where concerns are raised anonymously, it will not be possible to provide this information and support.

In particular, NIMDTA will:

- formally acknowledge receipt of your concern;
- formally notify you who will be investigating your concern;
- formally notify you who you should speak to for updates and reports;
- offer you the opportunity of a meeting to fully discuss the issue, so long as you have not submitted your concern in writing anonymously;
- respect your confidentiality where this has been requested. Confidentiality should not be breached unless required by law;
- take steps to ensure that you have appropriate support and advice;
- agree a timetable for feedback. If this cannot be adhered to, NIMDTA will advise you;
- provide you with as much feedback as it properly can; and
- take appropriate and timely action against anyone who victimises you.

8. How will an investigation be conducted?

At the outset the nature of the investigation will be informed by the manner in which the concern was raised, whether openly, confidentially, or anonymously. Each of these methods of raising a concern will set a different tone and priorities to the type of investigation required for example:

Open Concern

How best can the investigation protect the whistleblower from potential victimisation?

Confidential Concern

How best can the investigation protect the whistleblower's identity? Is it possible to conduct a confidential investigation in the context of the raised concern?

Anonymous Concern

Can the concern be investigated in light of the quality of information raised? Is it likely an investigation will reveal the identity of the whistleblower?

The nature or subject matter of the concern will also require consideration at the outset of the investigation. For example, if the concern is in relation to an actual or perceived fraud, it will be necessary to involve the Counter Fraud and Probitry Service of the Business Services Organisation.

The manner in which the concern is raised will also be considered for example, is this raised in good faith based on honest belief? Or is this concern potentially mischievous or vexatious?

Subject to the above NIMDTA will therefore ensure the key considerations for any investigative process include:

- appointing an investigator(s) with the necessary skills;
- ensuring no conflict of interest between the investigator and the issue being investigated;
- having clear terms of reference (that, where possible, include how outcomes may be communicated);
- setting a clear scope for the investigation and drawing up a detailed investigation plan;
- clarifying what evidence needs to be gathered and how it will be gathered (document search, interviews etc.);

- deciding how best to engage with the whistleblower and manage their expectations; and
- ensuring that all investigative work is clearly documented, and completed in line with the terms of reference.

9. How can I find out more?

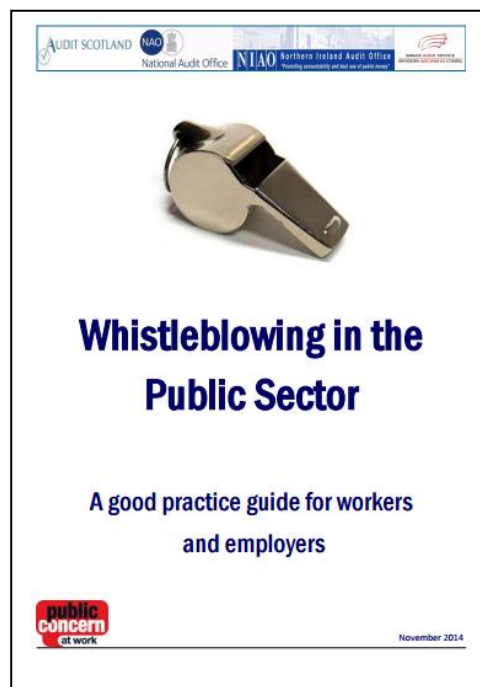
Free confidential advice is available from the independent charity Public Concern at Work. Their details are as follows:

<http://www.pcaaw.org.uk/contact-us>

General enquiries: 020 3117 2520

Whistleblowing Advice Line: 020 7404 6609

Public Concern at Work have also produced a document, in partnership with the Northern Ireland Audit Office (NIAO) entitled 'Whistleblowing in the Public Sector'. This document contains information for both employees and managers. It is available on the Public Concern at Work and NIAO websites.



Whistleblower's may wish to discuss or seek advice from further independent sources such as a professional body or trade union and may wish to have a trade union representative or colleague present during any meetings or interviews held in connection with the concerns raised.