

**OVERVIEW**

Healthcare 21 (hereinafter referred to as the “Company”) is determined to ensure that employees are aware of their rights and responsibilities in relation to disclosures.

In line with legislation, all employees/public member who make a protected disclosure will have legal protection from being penalised as a result of making that disclosure. In order to benefit from this legal protection, the employee/public member must show that they had a reasonable belief that a relevant wrongdoing had occurred or was likely to occur.

**The number to the whistleblowing centre is 0044 844 892 4413 and is available free of charge, 24 hours per day, 365 days a year.**

**PURPOSE**

The purpose of this document is to encourage and enable employees/member of public person to raise concerns or make disclosures of wrongdoing within the workplace. It enables the Company to investigate possible malpractice and take appropriate steps to deal with it.

Under the policy an employee and any member of public is entitled to raise concerns or disclose information without fear of penalisation or threat of less favourable treatment, discrimination or disadvantage, i.e. the Company is prohibited from carrying out any act or omission that affects an employee to their detriment including suspension, lay off, demotion etc.

This policy is not a;

- substitute for the Grievance procedure;
- channel for employees to raise matters relating to their terms & conditions of employment.

**DEFINITION**

Item	Definition
Whistleblower	Anyone who exposes any kind of information or activity that is deemed illegal, unethical, or not correct within the Company that is either private or public

**SCOPE**

This policy applies to everyone that has a legitimate concern.

**POLICY**

The Company is committed to an open culture with the highest standards of honesty and accountability. Certain disclosures afford employees some protection under law, definitions of relevant wrongdoings for the purposes of this policy are:

- an offence has been, is being or is likely to be committed;
- a person has failed, is failing or is likely to fail to comply with any legal obligation, other than one arising under the Contract of Employment or other contract whereby the employee undertakes to do or perform personally any work or services;
- a miscarriage of justice has occurred, is occurring or is likely to occur;
- the health or safety of any individual has been, is being or is likely to be endangered;
- the environment has been, is being or is likely to be damaged;
- an unlawful or otherwise improper use of funds or resources of a public body, or of other public money, has occurred, is occurring or is likely to occur;
- an act or omission by or on behalf of a public body that is oppressive;

- behaviour that is discriminatory or grossly negligent or constitutes gross mismanagement, or information tending to show any matter falling within any of the preceding paragraphs has been, is being or is likely to be concealed or destroyed.

#### **DISCLOSURE CRITERIA**

The disclosure must be where the employee believes:

- that the disclosure relates to a relevant wrongdoing as defined above;
- that the information disclosed, and any allegation contained in it, are substantially true.

If these criteria are fulfilled, the employee is not liable for damages by making a protected disclosure and nor shall they be penalised by the Company for having done so.

#### **PROCEDURE FOR MAKING A DISCLOSURE**

Concerns must be raised in good faith. Employees wishing to raise a concern that should be reported and investigated should follow this policy.

Employees must, in the first instance, report any concerns with their manager, verbally or in writing. However, should an employee not wish to use this route, given the seriousness and sensitivity of the issues involved, they should raise their concern with a member of the senior management / HR team.

The Company will ask for the background and history of the concern, giving relevant details, such as dates, sequence of events (insofar as is possible) and a description of circumstances.

Should an employee not feel comfortable speaking to someone within the Company, a confidential external whistleblowing service is available, where the employee can call and log any concerns on any subjects such as unsafe practices, theft or illegal activity. The number is 0044 844 892 4413 and is available free of charge, 24 hours per day, 365 days a year.

#### **DEALING WITH A DISCLOSURE**

Having raised the concern, the Company will arrange a meeting to discuss the matter on a strictly confidential basis. The Company will need to clarify at this point if the concern is appropriate to this policy or if the concern is more appropriate to other Company policies and procedures. The employee may be accompanied by a colleague.

The Company will carry out an initial assessment to examine what actions need to be taken to deal with the matter. If the Company concludes that there are grounds for concern that cannot be dealt with at this point, an investigation will be conducted. This will be carried out fairly and objectively. The form and scope of the investigation will depend on the subject matter of the disclosure.

It is possible that in the course of an investigation employees may be asked to clarify certain matters. To maximise confidentiality such a meeting can take place off site and employees can choose whether or not to be accompanied by a colleague.

The Company will give the employee relevant feedback and if requested the Company will confirm its response in writing. It is important to note that the Company may not be able to disclose to the employee the precise action taken where this would infringe a duty of confidentiality owed by the Company to someone else.

Disclosures may, in the light of the seriousness of the matters raised, be referred immediately to the appropriate authorities. Likewise, if urgent action is required (for example to remove a health and safety hazard), this action will be taken.

Where a concern is raised or a disclosure is made in accordance with this policy, and the allegation is subsequently not upheld by an investigation, no action will be taken against the employee making the disclosure and the employee will be protected against any penalisation.

### **CONFIDENTIALITY**

The Company is committed to protecting the identity any person raising a concern and ensures that relevant disclosures are treated in confidence. The focus will be on the wrongdoing rather than the person making the disclosure.

Where it is requested that a person's identity be protected, the Company will not disclose without prior consent, unless required by law. In the absence of such identification, the Company may have insufficient information to investigate allegations.

There are circumstances where confidentiality cannot be maintained particularly in a situation where the employee is participating in an investigation into the matter being disclosed. Should such a situation arise, the Company will inform the employee that their identity may be disclosed.

### **RAISING A CONCERN ANONYMOUSLY**

A concern will be raised anonymously. To facilitate appropriate follow-up, the Company encourages employees to put their names to allegations, with the assurance of confidentiality where possible.

### **GENERAL NOTES**

The Company will not tolerate the victimisation of an employee raising a concern and anyone responsible for such conduct will be subject to disciplinary action.

It is important to note that if an unfounded allegation is found to have been made with malicious intent, then disciplinary action may be taken.

If this policy has not been invoked in good faith (e.g. for malicious reasons or in pursuit of a personal grudge), it may be deemed gross misconduct. Disciplinary action may be taken up to and including termination of employment or such lesser disciplinary sanction as may be appropriate in the circumstances.