

This Policy document applies to your employment at/for TrueBlue Nurses and all other employment opportunities TrueBlue Nurses provide. This Policy and procedure applies to all employees.

## **1.0 Policy Statement**

This policy is intended to clearly set out and explain your rights and duties under the Public Interest Disclosure act of 1998.

## **2.0 Introduction**

Trueblue Nurses are dedicated to maintaining a culture and atmosphere with the highest standards of honesty and accountability where employees and/or clients can report any legitimate concerns in confidence.

## **3.0 Aims of the Policy**

### **3.1**

Trueblue Nurses encourages employees and clients to report any suspected wrong doing or malpractice. The aim of the policy is to ensure that our employees and clients are confident that they can raise any matters of concern without fear of reprisal and in knowledge that their concerns will be taken with the utmost seriousness.

### **3.2**

To inform all employees of Trueblue Nurses to report any evidence of criminal or unlawful activity.

### **3.3**

Trueblue Nurses recognise that the decision to report a concern can be a difficult decision to make. This policy and associated procedures are therefore designed to be fair and flexible, to address those difficulties and to reassure employees and workers that they can expose unlawful/malpractice or wrongdoing without any risk to themselves. Concerns may be raised with management at all levels and also externally under the Public Interest Disclosure Act 1998.

## **4.0 Scope of the Policy**

### **4.1**

This policy and all associated procedures apply to all individuals working for or being employed by Trueblue Nurses including Nurses, Care givers, Management, Consultants, Accountants and any other Employee of Trueblue Nurses.

### **4.2**

This Policy is primarily for concerns where the interests of Others, The Trueblue Nurse's or the clients are at risk and it is distinct from TrueBlue Nurse's Grievance Policy. If you have any problems or wish to raise a dispute in relation to your employment offered by Trueblue Nurses or personal circumstances in the workplace, then it should be presented through Trueblue Nurses Grievance Procedure and adhering to the Trueblue Grievance Policy.

## **5.0 What is Whistleblowing?**

### **5.1**

Whistle blowing refers to 'making a disclosure in the public interest'. Whistleblowing occurs when an employee or worker (or a group of employees or workers) raises a concern or discloses information which relates to unethical conduct in the workplace, illegal malpractice or any unlawful behavior which has come to their attention through work, and affects others, for example members of the public or the clients. The whistle-blower is not normally directly or personally affected by the issue being reported.

### **5.2**

The Public Interest Disclosure Act 1998 governs the making of disclosures concerning workplace activity and affords protection against victimisation or dismissal of employees and workers who make a protected disclosure; provided that the disclosure is made appropriately and in good faith. The Act protects the whistle-blower if they raise a concern about wrongdoing internally and in most cases, with an external regulator. However the whistle-blower will not be protected if, in disclosing the information, he or she commits a criminal offense.

## **6.0 Reporting Concerns**

### **6.1**

All employees and workers have a responsibility to raise any concerns that they may have about malpractice, wrongdoing or unethical conduct within the workplace. They should be watchful for unlawful or unethical conduct and report anything of that nature.

**6.2**

Trueblue Nurses, would expect all members of staff to report, or make disclosures of information which relates to Trueblue Nurses, that tends to show one of the following acts has occurred, is occurring, or likely to occur:

- Theft;
- A criminal offense;
- A failure to comply with legal obligation;
- A miscarriage of justice;
- A serious breach of TrueBlue Nurses Policy's and/or Procedures;
- The endangering of an individual's health and safety;
- Dishonesty;
- Any attempts to cover-up or conceal any of the above.

**6.3**

Such information should be reported to your immediate Manager as soon as it comes to light. Matters that are raised appropriately under this policy (following standard procedure) will be investigated promptly, thoroughly and confidentially; with appropriate action being taken. The outcome of the investigation will be reported back to the person who raised the disclosure; where it is felt appropriate.

**7.0 Safeguards Against Reprisal, Harassment and Victimisation**

Trueblue Nurses will not tolerate reprisals against, or harassment/victimisation of, members of staff who raise matters in accordance with the provisions of the Public Interest Disclosure Act. Any employee or worker, who victimises or harasses another employee or worker as a result of having raised a concern in accordance with this policy, will be dealt with under TrueBlue Nurse's Disciplinary policy and procedures.

**8.0 Misconduct or Criminal Activity**

If misconduct is discovered as a result of an investigation, the matter will, where appropriate, be considered under the Trueblue Nurses Disciplinary Policy and Procedures. External action, such as reporting the matter to the police where criminal behavior is found, may also be appropriate. When a matter needs to be reported to the police, this must be reported to TrueBlue Management prior to the police being approached.

Failure to notify Trueblue Nurses when you reasonably aware of any issues included in the list of categories of disclosure may be regarded by Trueblue Nurses as misconduct. Failure to notify Trueblue Nurses internally before notifying externally, without good cause, would also be regarded as misconduct.

**9.0 Covering for Wrongdoing**

Covering for wrongdoing will be deemed a disciplinary offense. If you are told not to raise or pursue a disclosure, even by a person in authority, you should not remain silent. Depending on who gave the instruction to cover, you should report the matter to the most appropriate person, next in seniority.

**10.0 TrueBlue Nurses's Undertaking to Individuals Raising Disclosures in Good Faith**

**10.1**

Provided that you raise a concern in good faith, based on reasonable belief, Trueblue Nurses makes the following undertakings:

You will not be disciplined or subjected to any detriment to your career as a result of raising a disclosure, even if the concern turns out to be mistaken or groundless.

The disclosure will be treated seriously and, as the whistle-blower, you will be treated fairly and justly.

Your identity as the whistle-blower will be kept confidential for as long as you require, where this is practical and under Trueblue Nurse's control, subject to the requirements of criminal investigations and other legal proceedings where applicable.

You will be informed of any action being taken in response to your concern, and of the outcome (where appropriate).

TrueBlue Nurses will take all other reasonable steps to protect you from victimisation, harassment and bullying as a result of your disclosure.

**10.2**

Where you feel that you have been victimised, harassed, or bullied as a result of making a disclosure and inform Trueblue Nurses of this, the matter will be fully investigated and may result in disciplinary action being taken against the person responsible.

**11.0 Unfounded, Mistaken or Malicious Allegations**

Where a disclosure contains an allegation that is not confirmed by further enquiry and is ultimately found to be mistaken or groundless, the matter will be closed and no further action will be taken, providing that the whistle-blower acted reasonably and without malice.

Trueblue Nurses will however take all reasonable steps to protect any persons implicated in unfounded or mistaken allegations from adverse consequences.

Trueblue Nurses has a duty to protect all those that work for us and the organisation itself from unfounded, malicious or vexatious allegations. An allegation made in a disclosure will only be regarded as malicious if, following the investigation, it can be shown that it was raised in a deliberate attempt to cause harm to an individual or the organisation. Where disclosures are made without reasonable belief, in bad faith or maliciously, the protection afforded by the Public Interest Disclosures Act will not apply. Such disclosures will be treated as a serious matter and could result in disciplinary action being taken against the individual, which could result in their dismissal. Any allegations found to be made maliciously, or in bad faith will be viewed with even greater seriousness if the allegation is made externally (e.g. leaking information to the press).

**12.0 How to Make a Disclosure**

In the event that you have reason to believe that underhand or illegal practices have taken, are taking, or likely to take place, you are encouraged to report the issue immediately firstly in person/via a telephone then followed up by a formal written and signed report to Trueblue Management. You must make it clear that the disclosure is being made under the Whistleblowing policy.

**13.0 Response to a Concern Raised under Whistleblowing**

Once a concern is reported, an investigating officer will be appointed. The investigating officer will act as the point of contact with the whistleblower until the matter is considered resolved.

The Investigating Officer will write to the whistle-blower within 10 working days of the meeting confirming an outcome (if appropriate and the investigation has been completed), or providing an indication of the likely timescales for providing a final response.

If a decision is made not to investigate the concern, the whistle-blower will be notified, in writing, as soon as possible, and within 10 working days.

**14.0 Disclosures made from Outside Trueblue Nurses**

If you are contacted by a member of the public, or anybody else that does not work for TrueBlue Nurses to make a disclosure or raise a concern directly related to Trueblue Nurses or its work, TrueBlue Management should be notified immediately. They will then decide on the most appropriate course of action. It is likely that such concerns will be more appropriately dealt with under Trueblue Nurses Complaints Procedure.

**15.0 Formal Investigation**

If it is determined that a formal investigation should take place, then the Investigating Officer will be responsible for undertaking this, seeking advice from Trueblue Management where appropriate.

Any individuals mentioned in the disclosure will be met with as part of the investigation to establish the facts. They will have the right to be accompanied by a work based colleague or a trade union representative.

The investigation may also involve individuals being asked to provide written statements to the Investigating Officer.

All investigations should be completed in a timely manner and once the Investigating Office has established the facts, he/she must prepare a report for the Trueblue Management. The TrueBlue Management will consider the report and decide what action, if any, is appropriate to be taken. Where disciplinary action is considered necessary, the TrueBlue Disciplinary policy will be initiated.

While Trueblue Nurses cannot always guarantee the outcome you are seeking, we will try to deal with every concern fairly and in an appropriate way. By using the policy you can help us to achieve this.

If you are not happy with the way in which your concern has been handled then should raise this concern with the Trueblue Nurses Senior Management.

**16.0 Confidentiality**

If you raise a disclosure, only those people involved in considering the disclosure will know your identity. Your identity will not be revealed except:

Where Trueblue Nurses is under a legal obligation to do so;

When your name is already in the public domain; or

To a lawyer or other advisor on a strictly confidential basis for the purpose of obtaining advice; or

When keeping your identity confidential may make it difficult to carry out a full investigation into the matter, or to take action against the wrongdoer. In these situations the matter will be discussed with you to agree how to proceed.

The number of persons informed will be strictly limited to those that need to know at each stage of the process.

You will also be required to keep the fact that you have raised a disclosure, the nature of the disclosure and the identity of those involved, confidential.

Any employee or worker who reveals the whistle-blower's identity in breach of this policy may face disciplinary action according to Trueblue Disciplinary Policies and Procedures.

**17.0 Anonymous Disclosures**

Individuals are strongly encouraged to raise disclosures openly and in accordance with these procedures. Whenever possible, you should put your name to allegations. However, anonymous disclosures will be given due consideration under this procedure.

In determining whether an anonymous disclosure will be investigated further, Trueblue Nurses will take the following facts into account:

The seriousness of the issue raised;

The credibility of the concern; and

The likelihood of confirming the allegation from attributed sources, and obtaining information.

Trueblue Nurses cannot guarantee to investigate all anonymous disclosures, as proper investigations may prove impossible if the Investigating Officer cannot obtain further information from the individual raising the disclosure, give feedback or ascertain if the disclosure was raised in good faith. It is easy to make malicious or unfounded allegations anonymously. The Investigating Officer will bear this in mind. Initial inquiries into anonymous allegations will be handled with particular sensitivity.

**18.0 Questions**

If you have any questions on how this policy concerns you please contact TrueBlue Management on any concerns over this document.

Date of Approval: 1 August 2013

Date of Policy review: 1 August 2014