SONIC HEALTHCARE UK

Staff Policy

Whistleblowing Policy & Procedure

Version 4



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1 Introduction

1.1 Sonic Healthcare UK is committed to promoting a culture where colleagues feel safe and supported to raise concerns and “speak up” without fear of retaliation.

1.2 “Whistleblowing" is the confidential disclosure by employees of any perceived or anticipated wrongdoing that they may encounter in the workplace. It is linked to the Public Interest Disclosures Act in 1998 (often called the “whistleblowing law”) which provides protection for whistleblowers who report concerns about wrongdoing in the workplace. Whistleblowers are protected from dismissal and suffering any detriment for having ‘blown the whistle’.

1.3 This policy applies to all employees of Sonic Healthcare UK. Other individuals performing functions in relation to the organisation, such as agency workers and contractors, are also encouraged to use it.

1.4 It is important to the Company that any fraud, misconduct or wrongdoing by employees of the organisation is reported and properly dealt with. The Company therefore encourages all individuals to raise any concerns that they may have about the conduct of others in the business or the way in which the business is run.

1.5 This policy and procedure provides formal process and guidance for employees who have genuine concerns about what is happening at work, or where concerns already raised have not been dealt with appropriately. The Company places a high importance on safeguarding its patients, staff and the public and require the combined efforts of all staff to do this effectively.

2 Purpose

2.1 This policy demonstrates the Company’s commitment towards tackling malpractice and wrongdoing to ensure that staff feel comfortable and safe in speaking up and raising concerns within the workplace. It also reinforces the Company’s strong belief that speaking up and raising concerns should be part of normal routine business for all our staff. We strongly believe that the provision of an effective and confidential procedure by which staff feel able to speak up and raise concerns is vital.

2.2 The intention of this policy is to provide mechanisms through which anyone engaged within the Company can speak up about malpractice safely with the assurance and confidence that their concern will be looked into thoroughly and appropriate steps taken. The policy also demonstrates our assurance to protect staff who raise concerns

under this policy and that they will not be at risk of losing their job or suffering victimisation or detriment in anyway. It also attempts to define the type of concerns which fall under this policy and the breadth of scope that this policy applies to, though this is not an exhaustive list.

2.3 The Company believes that every member of staff has a duty to raise concerns at the earliest reasonable opportunity about the provision of care or any other malpractice (such as a risk to patient safety, fraud or breaches of patient confidentiality) within the Company where care and/or behaviour/conduct is believed to be inadequate or unacceptable.

2.4 Anybody making a qualifying disclosure under this policy will be protected from detriment for having made the disclosure. It is safe for all those engaged with the Company to raise concerns appropriately. Victimisation of anyone who has made a qualified disclosure will be unacceptable and treated accordingly. This assurance will not be extended to staff members where it is later established that there was a malicious intent.

2.5 This policy is designed to address concerns that are in public interest, including but not limited to criminal offences, health & safety risks, environmental damage, and misconduct that may affect public, patients, or the organisation's integrity. It is not intended to cover personal grievances, for example; disputes over employment terms and conditions, interpersonal relationships, or job dissatisfaction on management decision. These should be raised through Sonic Healthcare UK's Grievance Policy & Procedures.

2.6 Examples of concerns that may be raised under the Whistleblowing Policy include fraud, malpractice, criminal activity, or breaches of legal obligations that have or may have a significant impact on public safety or the wider community.

2.7 Sonic Healthcare UK recognises that concerns regarding sexual harassment, third-party harassment, discrimination, victimisation, bullying, systemic cultural issues, or failures to comply with legal obligations to prevent such conduct may amount to a protected disclosure where they meet the requirements of whistleblowing legislation. Such concerns will be taken seriously and investigated appropriately.

3 Duties

3.1 Employee's Responsibilities

- Always raise concerns within the guidelines of this policy and act honestly.

3.2 Line Manager's Responsibilities

- Managers will be responsible for investigating concerns that are brought to their attention.
- All concerns raised will be taken seriously, considered fully and sympathetically, recognising that raising concerns can be a difficult experience.
- Provide advice and support, and feedback to the individual/s who has raised concerns.
- Liaise with the senior managers and directors to escalate matters that require further investigation.

3.3 Human Resources Department Responsibilities

- To provide interpretation and advice on this policy and procedure to ensure that it is followed, fairly, objectively and consistently.
- To ensure that effective implementation and embedding of this policy and procedure through education and regular monitoring activity.

4 Definitions

4.1 Whistleblowing

The disclosure of serious risks, criminal activity or any form of malpractice in the workplace.

4.2 Qualifying disclosure

A qualifying disclosure is the term used to identify the categories of information which staff will be able to disclose to a suitable person without fear of reprisal, provided the disclosure is made in good faith.

A qualifying disclosure is defined as one which shows one or more of the following:

I. That a criminal offence has been committed, is being committed or is likely to be committed;
II. That a person has failed, is failing or is likely to fail to comply with any legal obligation to which he or she is subject, including breach of the employment the Contract or professional regulations;
III. That a miscarriage of justice has occurred, is occurring or is likely to occur;
IV. That the health or safety of any individual has been, is being or is likely to be endangered;
V. That the environment has been, is being or is likely to be damaged; or
VI. That information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed.

5 Policy Development

5.1 Every 3 years or in light of legislative changes or further guidance being issued and at Management request.

6 Policy Principles

6.1. All those engaged with Sonic Healthcare UK have a contractual right and duty to raise genuine 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.

6.2 For any concern on all levels of services, the Company will deal with your concerns quickly and as near to the source of concern as possible.

6.3 It is not necessary for employees to have proof of the act- a reasonable belief is sufficient. Employees are encouraged to raise the concern at the earliest opportunity so that there is time to assess the issues within a supportive environment.

6.4 Employees have no responsibility for investigating the matter. It is the Company's responsibility to ensure that an investigation takes place.

6.5 The Company encourages employees to raise concerns using the associated procedure in the first instance. If employee's are not sure whether or not to raise a concern, they should discuss the issue with a manager or Human Recourses department or the staff side representatives.

6.6 In all cases, staff are encouraged to raise the concerns within the Company rather than overlooking a problem or 'blowing the whistle' outside.

6.7 Any matter raised under this policy will be reviewed thoroughly, promptly and confidentially, and the outcome of the enquiry will be reported back to the individual raising concern.

6.8 If an individual raises a genuine concern under this policy they will not be at risk of losing their job or suffer any detriment.

6.9 The Company will consider it a serious disciplinary matter if a member of staff was found to knowingly make a false allegations under this policy.

6.10 Victimisation by other staff members of anyone for raising a qualified disclosure will be a disciplinary offence regardless of the grade of the individual.

6.11 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, employees should not agree to remain silent. Employees should report the matter to a more senior manager or to the Human Resources department.

6.12 This procedure is for the disclosure 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's grievance procedure.

7 Policy Procedure

7.1 How To Raise a Concern

7.1.1 Employees do not need to have firm evidence before raising a concern and are encouraged raising it at the earliest opportunity. However, employees will need to explain as fully as they can the information or circumstances that gave rise to their concern.

7.1.2 If employees want to raise the matter in confidence, they should say so at the outset so that appropriate arrangements can be made.

7.1.3 Concerns can be raised by employees with their line manager verbally or in writing. If an employee have a reasonable belief that their line manager is involved, or for any reason they do not wish to approach their line manager, then they should raise it to a more senior manager or a director. Alternatively, concerns can be raised to the Director of Governance or Human Resources Department on whistleblowing@tdlpathology.com.

7.1.4 The manager or the director will make enquiries and will feedback to the employee on the relevant action/s taken. This could be, for example, that there was an innocent explanation and therefore no action to be taken, a different policy is more applicable or that a formal investigation is required under a more appropriate policy e.g. disciplinary policy.

7.1.5 If the matter is very serious and requires an independent investigation by someone not associated with the complainant's department or entity, the concern must be submitted in writing to the Director of Governance or Human Resources Department. An impartial investigation manager will be appointed to ensure objectivity and fairness in the process. This can be done by emailing whistleblowing@tdlpathology.com.

7.1.6 In rare and appropriate circumstances where an employee feels concerns have not been addressed properly, they may report their concern directly with The Company's Registered Manager with the CQC, Timothy Herriman, Tim.Herriman@tdlpathology.com

7.2 **Possible Outcomes**

7.2.1 Any disclosure will be investigated fully, including interviews with witnesses and other parties involved. Possible outcomes may be:

I. Disciplinary action against the wrongdoer if the result of the investigation corroborates the disclosure
II. Disciplinary action against the whistleblower if the claim is found to be malicious of otherwise in bad faith
III. No action if the allegation proves to be unfounded.

7.2.3 The Company will always keep the whistleblower informed of the progress and outcome of any investigation, within the constraints of maintaining confidentiality or observing legal restrictions generally.

7.3 **Independent Advice**

7.3.1 The following teams / bodies can offer independent advice if employees are unsure about whether to use this policy and procedure or if they want confidential advice at any stage of the process.

7.3.2 Human Resources - The HR department can provide independent advice on which policy is most appropriate for the concern to be raised and can advise on the most appropriate way to raise the concern.

7.3.3 Union - your union representatives can also provide independent and confidential advice on the matter and process and offer support as appropriate

7.3.4 Public Concern at Work (PCaW), the independent whistleblowing charity, continues to offer advice to those who witness wrong doing at work, who are unsure whether or how to raise concerns. Employees can call the helpline for free, confidential advice. Further information and guidance can be obtained by telephoning 020 7404 6609 or emailing whistle@pcaw.org.uk.

7.3.5 If an employee suspects financial fraud, in addition to contacting the Human Resources Department, any concerns should be reported to the Chief Financial Officer of Sonic Healthcare UK. Additionally, RSM, Sonic Healthcare UK's Fraud Management Team can also be contacted on counterfraudteam.forensics@rsmuk.com –These concerns will be handled in line with established fraud investigation procedures to ensure compliance with legal and regulatory requirements

8 Document Approvals

Document Approvals are recorded within the document record card within Sonic Healthcare UKs electronic quality management system (e-QMS).

Approved documents will be marked as active in the footer of the document. Documents that are not marked approved are not considered controlled. Printed copies are not permitted. Records of approval and reference copies of procedures are available from HR@tdlpathology.com.

9 Change Details

Change Request number	Change Detail	Implemented in Version Number
Table Text	Table Bullet	Table Text
Table Text	Table Bullet	Table Text
Table Text	Table Bullet	Table Text