

**RADMERE MEDICAL  
“WHISTLEBLOWING”  
(Disclosure in the Public Interest)  
POLICY & PROCEDURE**

<b>Policy title:</b>	<b>RADMERE MEDICAL “WHISTLEBLOWING” POLICY &amp; PROCEDURE</b>
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<b>Issue date:</b>	Aug 2018	<b>Date policy is to be reviewed:</b>	Jul 2019
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<b>Version:</b>	<b>Issued by:</b> Managing Director – Mike Johnson
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<b>Scope:</b>	Whole company
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<b>Associated documentation:</b>	(None)
<b>Appendices:</b>	(None)
<b>Approved by:</b>	Managing Director - Mike Johnson
<b>Date:</b>	28-Aug-18

<b>Review and consultation process:</b>	Annually from review date above by Managing Director – Mike Johnson.
<b>Responsibility for Implementation &amp; Training:</b>	Day to day responsibility for implementation & training: Managing Director – Mike Johnson

<b>Revisions:</b>		
<b>Date:</b>	<b>Author:</b>	<b>Description:</b>
28-Aug-18	Ben Meade	Updated and re-issued following annual review, no major changes.
09-Aug-17	Ben Meade	Updated and re-issued following annual review, no major changes.
09-Sep-16	Ben Meade	Final version for signing
10-Aug-16	Ben Meade	Initial version for Radmere Medical.

<b>Distribution</b>	Current PDF version to be distributed and available electronically as required for employees, also to 3 <sup>rd</sup> parties and clients upon request so long as suitable confidentiality agreements in place.
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## 1. Introduction

This “Whistleblowing” (making a Disclosure in the Public Interest) policy is a key component of the management framework for **Radmere Medical Ltd (Radmere)**.

Radmere is committed to the highest standards of openness, probity and accountability. An important aspect of accountability and transparency is a mechanism to enable staff and others to voice concerns in a responsible and effective manner.

Where an individual discovers information that they believe shows serious malpractice or wrongdoing within the organisation then this information should be disclosed internally without fear of reprisal, and there should be arrangements to enable this to be done independently of line management if necessary.

It should be emphasised that this policy is intended to assist individuals who believe they have discovered malpractice or impropriety. It is not designed to question financial or business decisions taken by Radmere nor should it be used to reconsider any matters which have already been addressed under harassment, complaint, disciplinary or other procedures.

This policy may be supported by other policies and by guidance documents to assist with putting the policy into practice day-to-day.

**Openness, accountability and transparency directly support high quality Patient Centred care and good ethical business practice which is at the heart of what Radmere represents and all employees, contractors or 3<sup>rd</sup> parties working with Radmere are expected to be fully aware of this policy and procedure to raise any legitimate concerns promptly and correctly.**

## 2. Aim and Scope of this policy

This policy is designed to enable Radmere staff to raise concerns internally and at a high level and to disclose information which the individual believes shows malpractice or impropriety. This policy is intended to cover concerns which are in the public interest and may at least initially be investigated separately but might then lead to the invocation of other procedures e.g. disciplinary, involvement of relevant external agencies. These concerns could include

- Financial malpractice or impropriety or fraud
- Failure to comply with a legal obligation or Statutes
- Dangers to Health & Safety or the environment
- Criminal activity
- Improper conduct or unethical behaviour
- Attempts to conceal any of these

### 3. Responsibilities

- Ultimate responsibility for “Whistleblowing” rests with the **Managing Director – Mike Johnson**, including managing and implementing the policy and related procedures.
- Responsibility for maintaining this Policy is held by **Managing Director – Mike Johnson** and it will be reviewed at least annually with any changes being approved by **Managing Director – Mike Johnson**.
- Any Line Managers are responsible for ensuring that their permanent staff, temporary staff and any contractors are aware of:-
  - The “Whistleblowing” policy & procedures
  - Their personal responsibilities for “Whistleblowing”
  - How to access advice on “Whistleblowing” matters
- Line managers shall be individually responsible for “Whistleblowing” within their business area and ensuring that any legitimate concerns raised are dealt with properly, fairly and as quickly as possible, also maintaining proper records
- Staff are responsible for raising any legitimate concerns promptly to an appropriate manager or director.

**All staff, contractors and 3<sup>rd</sup> parties shall comply with the “Whistleblowing” policy and must understand their personal responsibilities. Failure to do so may result in disciplinary action, termination of contracts and legal prosecution where necessary.**

### 4. Legislation

The Public Interest Disclosure Act, which came into effect in 1999, gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns. Radmere endorses the provisions set out within this policy and procedure to ensure that no members of staff should feel at a disadvantage in raising legitimate concerns.

### 5. Safeguards

#### Protection

This policy is designed to offer protection to those employees of the Company who disclose such concerns provided the disclosure is made:

- in good faith
- in the reasonable belief of the individual making the disclosure that it tends to show malpractice or impropriety and if they make the disclosure to an appropriate person (see below). It is important to note that no protection from internal disciplinary

procedures is offered to those who choose not to use the procedure. In an extreme case malicious or wild allegations could give rise to legal action on the part of the persons complained about.

### **Confidentiality**

The Company will treat all such disclosures in a confidential and sensitive manner. The identity of the individual making the allegation may be kept confidential so long as it does not hinder or frustrate any investigation. However, the investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required.

### **Anonymous Allegations**

Radmere encourages individuals to put their name to any disclosures they make. Concerns expressed anonymously are much less credible, but may be considered at Radmere's discretion.

In exercising this discretion, the factors to be taken into account will include:

- the seriousness of the concerns raised
- the credibility of the concerns
- the likelihood of confirming the allegation from attributable sources

### **Untrue Allegations**

If an individual makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against that individual.

In making a disclosure the individual should exercise due care to ensure the accuracy of the information.

If, however, an individual makes malicious or vexatious allegations, and particularly if he or she persists with making them, disciplinary action may be taken against that individual.

## **6. Procedures for making a disclosure**

On receipt of a complaint of malpractice, the member of staff who receives and takes note of the complaint, must pass this information as soon as is reasonably possible, to the appropriate designated investigating officer as follows:

- complaints of malpractice will be investigated by the appropriate Manager/Director unless the complaint is against the Manager/Director or is in any way related to the

actions of the Manager/Director. In such cases, the complaint should be passed to the Managing Director for referral.

- complaints against the Managing Director should be passed to another Director for investigation

Should none of the above routes be suitable or acceptable to the complainant then the complainant may approach one of the following individuals who have been designated as independent points of contact under this procedure. They can advise on the implications of the legislation and the possible internal and external avenues of complaint open to them.

- Non-Exec Director – Ben Meade
- Non-Exec Director – Mr Ratan Das

If there is evidence of criminal activity, then the investigating officer should inform the police. Radmere will ensure that any internal investigation does not hinder a formal police investigation.

### **Timescales**

Due to the varied nature of these sorts of complaints, which may involve internal investigators and / or the police **or other external agencies (CQC, ICO, etc)**, it is not possible to lay down precise timescales for such investigations. The investigating officer should ensure that the investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations.

The investigating officer, should as soon as practically possible, send a written acknowledgement of the concern to the complainant and thereafter report back to them in writing the outcome of the investigation and on the action that is proposed. If the investigation is a prolonged one, the investigating officer should keep the complainant informed, in writing, as to the progress of the investigation and as to when it is likely to be concluded.

All **communication** to the complainant should be in writing and sent to their home address.

### **Investigation Procedure**

The investigating officer should follow these steps:

- Full details and clarifications of the complaint should be obtained
- The investigating officer should inform the member of staff against whom the complaint is made as soon as is practically possible. The member of staff will be informed of their right to be accompanied by a trade union or other representative at any future interview or hearing held under the provision of these procedures

- The allegations should be fully investigated by the investigating officer including considering whether the Police or any other agencies/bodies need to be involved - in consultation with other Managers/Directors where necessary (so long as they are not connected with the complaint in any way)
- A written report will be produced by the investigating officer containing the findings of the investigations, validity of the complaint and reasons for this judgement. The report will be passed to the Managing Director (or other Managers/Directors if complaint is connected with the Managing Director in any way) who will decide what action to take. If the complaint is shown to be valid and justified then they will invoke disciplinary, criminal or legal action as necessary.
- The complainant should be kept informed of the progress of the investigations and, if appropriate, of the final outcome.

If the complainant is not satisfied that their concern is being properly dealt with by the investigating officer, they have the right to raise it in confidence with the Managing Director, or one of the designated persons described above.

If the investigation finds the allegations unsubstantiated and all internal procedures have been exhausted, but the complainant is not satisfied with the outcome of the investigation, the Company recognises the lawful rights of employees and ex-employees to make disclosures to prescribed persons (such as the Health and Safety Executive, CQC, the Audit Commission, ICO), or, where justified, elsewhere.

## 7. Further Information

- Further information and guidance on this policy can be obtained from **Managing Director – Mike Johnson**. Comments and suggestions to improve Radmere transparency, openness and accountability are always welcome.

**Policy approved by:**

Date: 28-Aug-18

Signature:

A handwritten signature in black ink, appearing to be 'MJ', with a large, stylized flourish extending from the end.

Mike Johnson, Managing Director.