

<b>Policy title:</b>	Whistleblowing Policy – Northern Ireland
<b>Outcome:</b>	TXM Healthcare Ltd endeavours to promote a culture of freedom, honesty, and openness by encouraging employees, contractors, and temporary workers to report any concerns relating to malpractice, wrongdoing, bribery, corruption, dangerous or illegal activity in the workplace internally (rather than having to go to an external organisation to do so), so allowing the company to take early action to resolve the problem before it escalates.
<b>Target Audience:</b>	All TXM members meaning TXM Healthcare staff, whether employed full-time or part-time, paid, or unpaid, granted practising privileges, volunteers, students, and external contractors. This may also be provided to clients, service users, and members of the public.
<b>Authorised by:</b>	Ciaran Maynes - Registered Manager TXM Healthcare Ltd
<b>Approved by:</b>	Ciaran Maynes - Registered Manager TXM Healthcare Ltd
<b>Date issued:</b>	22 August 2023
<b>Next review date:</b>	22 August 2024 (Or before if there is a change in practice or circumstances)

## Policy Statement

TXM Healthcare is committed to ensuring that its business is carried out in line with current legislation, regulation, and best practice and that its employees, contractors, and temporary workers are able to raise matters of concern without suffering any discrimination, victimisation, disadvantage, or detriment for doing so.

The policy is based on the Public Interest Disclosure Act 1998 and the Bribery Act 2010 and is designed to promote a culture of freedom, honesty and openness by encouraging employees, contractors and temporary workers to report any concerns relating to malpractice, wrongdoing, bribery, corruption, dangerous or illegal activity in the workplace internally (rather than having to go to an external organisation to do so), so allowing the company to take early action to resolve the problem before it escalates.

The policy provides employees, contractors, and temporary workers with a clear procedure for reporting improper actions and omissions of their colleagues which may cause harm to either people or the organisation itself without suffering detriment or reprisals of any type for making the disclosure. Such acts or omissions may include but are not limited to neglecting duties such that someone's health and safety is in danger, there is damage to the environment, a criminal offence is thought to be taking place, the company isn't obeying the law, or someone is covering up wrongdoing.

To achieve this, TXM Healthcare will ensure that employees, contractors, and temporary workers:

- Are given clear guidance on acceptable/unacceptable conduct and standards during induction and made aware of the importance of preventing and eliminating wrongdoing at work.
- Understand that any clear statement of malpractice, wrongdoing, bribery, or corruption should be reported and will be taken seriously, and the proper procedures will be followed.
- Understand that they do not need to have proof of wrongdoing or malpractice to make an internal report.
- Are encouraged to share any concerns that they may have in confidence, particularly if they are unsure whether to raise a concern or not.
- Are aware that an instruction to cover up wrongdoing is itself a disciplinary offence and if they are told not to raise or pursue any concern, even by a person in authority such as a manager, they should not agree to remain silent and should report the matter to the Registered Manager.
- Are made aware that once they have made a disclosure, they are protected under the Public Interest Disclosure Act.
- Understand that they are also protected if they make a disclosure to a legal advisor to obtain legal advice.
- Understand that they will be treated with confidentiality and will be supported and protected from reprisals (including dismissal, detriment, and victimisation), however, should the matter be sufficiently serious we may need to disclose their identity with their permission if we require to do so to resolve the issue or if we are ordered to do so by a court of law.
- Understand that making a disclosure will not put them at risk of losing their job or influence any unrelated disciplinary action or redundancy procedure; however, maliciously making a false allegation is a disciplinary offence.
- Are aware that if the issue is not dealt with internally, they can disclose the issue to the appropriate prescribed person or body. This should only take place if it is believed that the employer will cover up the issue, treat the employee, temporary worker, or contractor unfairly if they complain or if it has not been sorted out once the issue has been raised.
- Are clear about the difference between a Whistleblower and a complainant.
- Understand that failure to follow the procedure detailed below may result in the person making the disclosure losing their protected status.
- Are made aware that victimisation is a disciplinary offence as is knowingly raising a malicious or untrue allegation.
- Are aware that the company will deal properly with any malpractice that is found as a result of whistleblowing.

Line Managers will be trained to deal with whistleblowing and will be required to report back to the employee, contractor or temporary worker who raised the issue with details relating to progress, actions, and outcomes in relation to the issue.

## Scope of Policy

It is the duty of all employees, contractors, and temporary workers to comply with this policy. All employees, contractors and temporary workers are made fully aware of this policy and of their duties and responsibilities under the above legislation as part of the company's induction programme.

Individuals will not be protected from the consequences of making a disclosure if by doing so, they commit a criminal offence.

## Responsibilities

It is the direct responsibility of the Registered Manager to ensure the implementation of this policy on a day-to-day basis; however, all employees have a responsibility to accept their personal involvement in applying it and must be familiar with the policy and ensure that it is followed by both them and employees, contractors, and temporary workers for whom they have a responsibility.

Any employee, contractor or temporary worker who attempts to prevent a colleague from reporting their concerns to a manager or who bullies, attempts to intimidate or discriminates against a colleague in these circumstances will be dealt with under the company's disciplinary procedure or in the case of a contractor or temporary worker, they may be suspended pending investigation or have their assignment terminated.

Disciplinary action may be taken against any employee who acts in breach of this policy. Disciplinary action may include summary dismissal in the case of a serious breach of this policy or repeated breaches. In other cases, it may include a warning, oral or written. Such action will be taken in accordance with the Company's disciplinary procedure.

Any employee, contractor or temporary worker knowingly raising a malicious or untrue allegation or concealing/destroying information about wrongdoings will be considered to have breached this policy and in the case of employees will be subject to disciplinary action. Contractors and temporary workers will potentially have their assignment/s terminated without notice.

If the Whistleblower is victimised or dismissed for making the disclosure, the employee responsible may also be held personally liable for compensation if legal action is taken by a Whistleblower.

## Definition

For the issue to be a "qualifying disclosure", the Whistleblower must reasonably believe that the information relates to one of the following categories:

- A criminal offence has been committed or is likely to be committed.
- The person has failed, is failing or is likely to fail to comply with a legal obligation to which he/she is subject.
- A miscarriage of justice has occurred, is occurring or is likely to occur.
- There is or is likely to be a health & safety risk to an individual.
- There is or is likely to be damage to the environment.
- The business or any associated person has been, is being or is likely to be receiving or offering bribes or not obeying the law.
- Information that, in the belief of the Whistleblower, is in the public interest.
- A concealment of any of the above.

An individual can blow the whistle about something outside of work as well as within and the disclosure can relate to current incidents, events in the past, or situations that could occur in the future. The worker has no obligation to investigate the matter - it is TXM Healthcare's responsibility to ensure that an appropriate investigation takes place.

## Who is Protected Under Whistleblowing Legislation?

The following people are protected:

- Employees.
- Agency workers.
- People that are training with an employer, but not employed.
- Self-employed workers, if supervised or working off-site.

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A worker will be eligible for protection if they:

- Honestly think what they're reporting is true.
- Think they're telling the right person.
- Believe that their disclosure is in the public interest.

## Procedure:

### To Whom to Make A Disclosure:

If an employee, contractor, or temporary worker wishes to make a "qualifying disclosure", then they should initially contact their line manager. If the employee, contractor, or temporary worker believes the line manager is involved or feels unable to raise the concern with their line manager, they should contact the designated Whistleblowing Officer using the following contact details:

Name: Ciaran Maynes  
Tel: 01908 326 400  
Email: [ciaran.maynes@txmhealthcare.co.uk](mailto:ciaran.maynes@txmhealthcare.co.uk)  
Address: TXM Healthcare Ltd, 46-48 High Street, Belfast, BT1 2BE

If the matter concerns the Whistleblowing Officer, then it should be raised with Managing Director who can be contacted at:

Name: Danny Limby  
Tel: 01908 326 400  
Email: [danny.limby@txmhealthcare.co.uk](mailto:danny.limby@txmhealthcare.co.uk)  
Address: TXM Healthcare, Walnut House, Blackhill Drive, Wolverton Mill, Milton Keynes, MK12 5TS

It is also possible to make an anonymous disclosure to either of the above contacts; however, it should be noted that anonymous concerns are likely to be less effective and it will be more difficult to undertake an investigation based on information provided in this way.

The Whistleblower may alternatively wish to seek assistance from their trade union representative (if applicable) and may ask them to raise the concern with one of the above-named contacts on their behalf. The Whistleblower may also wish to seek independent advice from the charity Protect on 020 3117 2520 or raise the concern by filling in the contact us form on the following link:

<https://protect-advice.org.uk/contact-protect-advice-line/>.

### How To Make a Disclosure:

The disclosure should include details of:

- The background and history of the concern.
- The nature of the suspected wrongdoing.
- The individual suspected of carrying out the wrongdoing.

Where possible, the disclosure should be made in writing.

The manager to whom the disclosure has been made will investigate the Whistleblower's concern and will take the appropriate action to resolve the issue and prevent a recurrence, escalating it if appropriate. The manager to whom the disclosure has been made also has the following obligations:

- To log details of the disclosure and subsequent actions.
- To undertake further enquiries/investigation as necessary (which may include subsequent disciplinary action or referral to the police or other agencies as necessary).
- To report back to the Whistleblower about the outcome of any enquiry and any remedial action the company proposes to take.
- To protect the Whistleblower from victimisation, harassment, bullying or any sort of detriment for making a disclosure in accordance with this procedure.

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- If requested to do so by the Whistleblower, to treat the disclosure confidentially and not to disclose their name or position unless required to do so by law or unless it is impossible to resolve the concern without revealing the Whistleblower's identity.

If suspicions are not confirmed by an investigation, the matter will be closed, and the employee, contractor or temporary worker will not be treated any differently for raising the concern. Their confidentiality will continue to be protected.

## Escalation

The Whistleblower may make a wider disclosure if they fear victimisation or if they believe that there is a cover-up. Such escalation should be made to the proper authority which includes:

- The Regulation & Quality Improvement Authority (RQIA)
- HM Revenue & Customs.
- The Financial Conduct Authority (formerly the Financial Services Authority).
- The Competition & Markets Authority.
- The Health & Safety Executive.
- The Care Quality Commission.
- The Environment Agency.
- The Independent Policy Complaints Commission.
- The Serious Fraud Office.

An escalated disclosure must be reasonable in all circumstances and take into account the seriousness of the matter and the likelihood of reoccurrence.

If the wrongdoing is of an "exceptionally serious nature" (e.g., involving a murder enquiry) then the Whistleblower may not need to fear victimisation or suspect a cover-up in order to make a wider disclosure to an external body.

In most cases, the Whistleblower would be required to have followed the above internal procedure before making a wider disclosure.

## Review

This policy will be reviewed regularly and may be altered from time to time considering legislative changes or other prevailing circumstances.

## Signed:

A handwritten signature in black ink that reads 'Ciaran Maynes'.

Ciaran Maynes

TXM Healthcare Ltd Registered Manager

Date of Issue: 22 August 2023

Next Review Date: 22 August 2024