

Form 1: Preparation

To complete this form, refer to Guidance set out on Page 20 of the Toolkit

1.	What are you equality impact assessing?	All Wales Whistleblowing Policy
2.	Policy Aims and Brief Description	<p>The aim of this policy is to ensure that under the terms of the Public Interest Disclosure Act 1998 a member of the workforce is able to raise legitimate concerns about malpractice, misconduct or illegal practice in the UHB without fear of retribution.</p> <p>If a member of staff has honest and reasonable suspicions about issues of malpractice/wrongdoing and raise these concerns through the channels outlined in the procedure, they will be protected from any disciplinary action and victimisation, (e.g. dismissal or any action short of dismissal such as being demoted or overlooked for promotion) simply because they have raised a concern under this policy.</p> <p>A further aim of the policy is to protect the interests of the public, patients, employees and the UHB and enable members of the workforce to raise their concerns in a responsible way without fear of victimisation, discrimination or discipline and not be subjected to retribution and/or detriment.</p> <p>The policy also aims to improve accountability and good governance within the organisation by assuring the workforce that it is safe to raise their concerns.</p>

3.	Who is responsible for the Policy/work?	NHS organisations and sub committee of the Welsh Partnership Forum Business Committee
4.	Who is Involved in undertaking this EqIA?	Welsh Partnership Forum Business Committee (Sub Group)
5.	Is the Policy related to other Policies/areas of work?	Equality, Sickness, Disciplinary, Grievance, Dignity at Work, and Health and Safety Policies. Codes of Conduct of Professional/Regulatory Bodies, Staff Charters. Board member codes of conduct, All Wales Workforce Strategy. Individual organisation's workforce and OD plans. Local Counter Fraud strategies.
6.	Stakeholders	All employees, trade unions, carers, patients, clients, general public
7.	What might help/hinder the success of the Policy?	<p>Factors that may hinder: Lack of leadership and commitment at Board level. Lack of management capability. Lack of training and development. Difficult financial climate and reductions to budgets. The process not being followed inside organisations, lack of follow through by managers.</p> <p>Factors that may help:</p>

		<p>Introduction of specific public sector duties in Wales in relation to the Equality Act. The organisational change that service is currently going through. An all Wales implementation plan (and effective publicity) to support consistent delivery of policy objectives. Development of local implementation plans. Clarity of obligations, expectations, accountability and performance objectives of all parties. Adequate coverage in All Wales core management skills training package.</p>
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Form 2 : Information Gathering✓

To complete this form, refer to guidance set out on Page 22 of the Toolkit

	Race	Disability	Gender	Sexual Orientation	Age	Religion Belief	Welsh Language
Is the policy relevant to the public specific duties relating to each equality strand? Tick as appropriate (for a definition of Relevance, refer to Page 22)	✓	✓	✓	✓	✓	✓	✓
In other words, should the Policy:	✓	✓	✓	✓	✓	✓	✓
<ul style="list-style-type: none"> eliminate discrimination and eliminate harassment in relation to: 	✓	✓	✓	✓	✓	✓	✓
<ul style="list-style-type: none"> promote equality of opportunity in relation to: 	✓	✓	✓	✓	✓	✓	✓
<ul style="list-style-type: none"> promote good relationships and positive attitudes in relation to: 	✓	✓	✓	✓	✓	✓	✓
<ul style="list-style-type: none"> encourage participation in public life in relation to: 	✓	✓	✓	✓	✓	✓	✓
In relation to disability only, should the Policy take account of difference, even if it involves treating some individuals more favourably?		✓					

The Human Rights Act contains 15 rights, all of which NHS organisations have a duty to act compatibly with and to respect, protect and fulfil. The 6 rights that are particularly relevant to healthcare are listed below. For a fuller explanation of these rights and other rights in the Human Rights Act please refer to **Appendix A: The Legislative Framework**.

Depending on the Policy you are considering, you may find the examples below helpful in relation to the Articles.

	Yes	No
Consider, is the Policy relevant to:		
Article 2 : The right to life Examples: The protection and promotion of the safety and welfare of patients and staff; issues of patient restraint and control	Staff and patient safety issues	
Article 3 : The right not be tortured or treated in an inhuman or degrading way Examples: Issues of dignity and privacy; the protection and promotion of the safety and welfare of patients and staff; the treatment of vulnerable groups or groups that may experience social exclusion, for example, gypsies and travellers; Issues of patient restraint and control	Issues of dignity. Bullying and harassment. Staff and patient safety, privacy and welfare issues. Patient constraint and control	
Article 5 : The right to liberty Examples: Issues of patient choice, control, empowerment and independence; issues of	Issues of fair decision making. Issues of patient	

<p>patient restraint and control</p>	<p>choice in terms of treatment and medication. Issues of patient restraint</p>	
<p>Article 6 : The right to a fair trial</p> <p>Example: issues of patient choice, control, empowerment and independence</p>	<p>Issue of fair decision making process. Need for patient and carers views to be taken into account. Anecdotal evidence of individuals not being made aware of the issues/allegations because they were raised by a whistleblower whose identity is protected.</p>	
<p>Article 8 : The right to respect for private and family life, home and correspondence; Issues of patient restraint and control</p> <p>Examples: Issues of dignity and privacy; the protection and promotion of the safety and welfare of patients and staff; the treatment of vulnerable groups or groups that may experience social exclusion, for example, gypsies and travellers; the right of a patient or employee to enjoy their family and/or private life</p>	<p>Policy supports the rights of an employee to enjoy their private life. Policy supports the protection of vulnerable groups.</p>	

Article 11 : The right to freedom of thought, conscience and religion

Examples: The protection and promotion of the safety and welfare of patients and staff; the treatment of vulnerable groups or groups that may experience social exclusion, for example, gypsies and travellers

Policy supports respect for different religions and cultural beliefs.
Policy supports the right of the whistleblower to to implement the policy if they think it appropriate.

Form 2 : Information Gathering ✓

Equality Strand	Information Gathered
Race	
Disability	Castlebeck Care Homes/Winterbourne View inquiry into the abuse of vulnerable adults following whistleblowing. Reports of a reluctance to whistleblow in future following handling of investigation by Care Quality Commission.
Gender	Various case law relating to issues such sexual assault, offers of less work to casual workers
Sexual Orientation	
Age	Various case law relating to offers of less work to casual workers.
Religion or Belief	
Welsh Language	N/A
Human Rights	<p>General</p> <p>There are gaps in workforce equality monitoring data across all of the protected characteristics. Disaggregated workforce monitoring data is required to inform future policy review and assessment. It is also noted that public sector employers in Wales will have a specific duty to make arrangements to collect employee data in respect of disciplinary procedures (Welsh Assembly Government Equality Act 2010: Performance of the Public Sector Equality Duties in Wales).</p> <p>The results of a number of inquiries, i.e. Castleback (referred to above) and Mid Staffs Foundation Trust Public Enquiry have demonstrated the need for organisations to have effective whistleblowing policies in place.</p>

Form 3 : Assessment of Relevance and Priority

To complete this form, refer to guidance set out at Page 24 of the Toolkit

Equality Strand	Evidence: Existing Information to suggest some groups affected. Gathered from Step 2. (See Scoring Chart A)	Potential Impact: Nature, profile, scale, cost, numbers affected, significance. Insert one overall score (See Scoring Chart B)	Decision: Multiply 'evidence' score by 'potential impact' score. (See Scoring Chart C)
Race	1	+1	1
Disability	2	+2	4
Gender	2	+2	4
Sexual Orientation	1	+1	1
Age	2	+2	4
Religion or Belief	1	+1	1
Welsh Language	1	+1	1
Human Rights	1	+1	1
			(17)/8=2.12

Scoring Chart A: Evidence Available Decision

3	Existing data/research
2	Anecdotal/awareness data only
1	No evidence or suggestion

Scoring Chart B: Potential Impact

-3	High negative
-2	Medium negative
-1	Low negative

Scoring Chart C: Impact

-6 to -9	High Impact (H)
-3 to -5	Medium Impact (M)
-1 to -2	Low Impact (L)

0	No impact
+1	Low positive
+2	Medium positive
+3	High positive

0	No Impact (N)
1 to 9	Positive Impact (P)

Form 7 : Outcome Report

To complete this form, refer to guidance at Page 41 of the Toolkit

Organisation:	Welsh Government/NHS Wales/Trade Unions
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Proposal Sponsored by:	Name:	Janet Wilkinson/Peter Finch
	Title:	Joint Chairs
	Department:	Wales Partnership Forum

Policy Title:	Whistleblowing Policy
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Brief Aims and Objectives of Policy:	<p>The aim of this policy is to ensure that under the terms of the Public Interest Disclosure Act 1998 a member of the workforce is able to raise legitimate concerns about malpractice, misconduct or illegal practice in the <i>UHB</i> without fear of retribution.</p> <p>If a member of staff has honest and reasonable suspicions about issues of malpractice/wrongdoing and raise these concerns through the channels outlined in the procedure, they will be protected from any disciplinary action and victimisation, (e.g. dismissal or any action short of dismissal such as being demoted or overlooked for promotion) simply because they have raised a concern under this policy.</p> <p>A further aim of the policy is to protect the interests of the public, patients, employees and the <i>UHB</i> and enable members of the workforce to raise their concerns in a responsible way without fear of victimisation, discrimination or discipline and not be subjected to retribution and/or detriment.</p>
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	The policy also aims to improve accountability and good governance within the organisation by assuring the workforce that it is safe to raise their concerns.
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	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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Was the decision reached to proceed to full Equality Impact Assessment?:	Record Reasons for Decision: The principles and values of the policy are grounded in the promotion of fair and equal treatment. The policy makes explicit reference to the requirement to collect and report on the equality monitoring of the process to ensure that there is no unintended discrimination arising from the implementation of the policy. The policy has been developed in consultation with NHS managers, staff and trade unions.	
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	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
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If no, are there any issues to be addressed?	Record Details: Lack of robust workforce monitoring data to be addressed through all Wales action plan and local implementation. Action will be taken to ensure data gaps are addressed through Workforce Information Systems Programme and Electronic Staff Record (ESR). Also, training for managers to ensure that the provisions of the policy are applied fairly and equally should be addressed through all Wales OD leadership programme. Organisations will also be expected to develop a	
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	communications strategy to ensure that staff at all levels and in all teams are aware of the strategy and how it links to other HR policies and procedures. The policy will also be made available in different formats as required.
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Is the Policy Lawful?	Yes ✓	No ☐
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Will the Policy be adopted?	Yes ✓	No ☐
If no, please record the reason and any further action required:		

Are monitoring arrangements in place?	Yes ✓	No ☐
Refer to Action Plan (Form 8) Monitoring arrangements will be addressed through local application of all Wales action plan. Scrutiny and review of monitoring reports will be undertaken at regular intervals by NHS organisation’s executive teams and boards.		

Who is the Lead Officer?	Name:	Martin Jones
	Title:	Interim Director of NHS Workforce and OD
	Department:	Welsh Government

Review Date of Policy:	March 2014
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Signature of all parties	Name	Title	Signature
	Andrew Davies		
	Ian Cathrew		
	Bev Palmer		

Please Note: An Action Plan should be attached to this Outcome Report prior to signature

Form 8: Action Plan for Whistleblowing Policy

	ACTION	WHO	HOW/ WHEN
Monitoring Arrangements			
How will the Policy be monitored?	Monitoring arrangements will be determined locally. Monitoring outcomes will be reported to Health Boards	Workforce and OD Directors	Every 6 months
What monitoring data will be collected?	Local application of whistleblowing policy and procedure disaggregated against each protected equality characteristic, workplace/directorate and staff group. Where there appears to be an adverse impact on a particular group this should be investigated and if appropriate action taken.	Workforce and OD Directors	Ongoing
Other Actions			
Describe any other actions highlighted	Policy training for managers. Core	OD Group	To be confirmed

<p>through the policy screening</p>	<p>management training module. A communications plan should be developed to support the policy. NHS organisations should implement and promote the policy with immediate effect to ensure that lessons are learned from the Mid Staffs Foundation Trust public inquiry and the Castlebeck inquiry.</p>		
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