

Policy Name	Module
Whistleblowing	Safeguarding

Statement of purpose

This policy and accompanying procedure sets out the approach of Hand in Hands to provide detailed information, advice and guidance to support staff through the whistleblowing procedure.

The aim of this policy is to provide a clear and simple framework for members of staff to be able to raise genuine concerns they may have about any aspect of the delivery of care and services within Hand in Hands, for those concerns to be raised reasonably and responsibly with the right people at an early stage, and for them to be dealt with fairly and promptly. It is only by dealing with these openly that we can protect employees and individual to ensure real quality of care.

Hand in Hands is committed to maintaining a high standard of service to individual. It also seeks to encourage a culture of openness whereby the constructive expression by staff of their concerns is welcomed as contributing towards improving services.

Therefore, the organisation treats unprofessional conduct very seriously and will ensure any employee using this procedure is protected from receiving or suffering any disadvantage as a result of raising a concern in good faith in line with the Public Interest Disclosure Act 1998 (PIDA) and the Employment Rights Act 1996.

This policy does not replace the 'Safeguarding Policy & Procedure', which includes the organisational procedures for reporting allegations and concerns.

This policy is not appropriate for resolving grievances about terms of employment or personal treatment, which should be dealt with under the '*Grievance Policy and Procedure*'.

Individuals other than staff who have a genuine concern about the delivery of care and services within Hand in Hands should raise it through our 'Complaints Procedure'.

It is the employee's responsibilities to read and adhere to this policy and procedure.

Hand in Hands Registered Manager is responsible for the implementation and review of this policy.

Signed:

Print name:

Date:

Review date:

Definitions

Whistleblowing

The Care Quality Commission (CQC) defines the term 'whistleblowing' as:

"The term used when someone who works for an employer raises a concern about malpractice, risk (for example about patient safety), wrongdoing or possible illegality, which harms, or creates a risk of harm, to people who use the service, colleagues or the wider public".

If any employee within Hand in Hands reports information about a wrongdoing to their employers or a relevant organisation, they are protected in certain ways under the Public Interest Disclosure Act 1998 and Employment Rights Act 1996, so people are encouraged to speak out if they find malpractice in an organisation.

Care Quality Commission (CQC)

The Care Quality Commission is the independent regulator of healthcare and adult social care services in England. They complete inspections to ensure that care organisations are meeting national standards of quality and safety required by law and take action against an organisation if they are not.

Public Interest Disclosure

"Blowing the whistle" is more formally known as 'making a disclosure in the public interest.' The employee must have made a 'qualifying disclosure'. This is a disclosure of information, which, in the reasonable belief of the employee making the disclosure, to show one or more of the following:

- ☛ That a criminal offence has been committed, is being committed or, is likely to be committed;
- ☛ That a person has failed, is failing, or is likely to fail to comply with any legal obligation to which he is subject;
- ☛ That a miscarriage of justice has occurred, is occurring, or, is likely to occur;
- ☛ That the health or safety of any individual has been, is being, or, is likely to be endangered;
- ☛ That the environment has been, is being, or, is likely to be damaged;
- ☛ 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.

If however, staff wish to make a complaint about their employment matters or how they feel they are being treated, they should follow the Hand in Hands policy and procedures below.

- ☛ Grievance Policy & Procedure
- ☛ Equality, Diversity & Inclusion Policy & Procedure
- ☛ Anti- Harassment & Bullying Policy & Procedure

These policies and procedures can be found in the head office file.

Responsibilities of Employees

Staff will observe Hand in Hands policies closely and report anything that causes them concern at the earliest opportunity. This is part of all employees' duty and moral responsibility as part of their role.

This could include aspects of:

- ☛ Poor performance and practice – including failure to comply with the organisations practice policy framework.
- ☛ Poor management performance and practice – including failure to observe agreed and established instructions, policies and procedures.
- ☛ Financial malpractice – including fraud or suspected fraud or corruption.
- ☛ Concerns about health and safety in the workplace – including dangers to individual, staff, the environment and non-compliance with legislation.
- ☛ Breach of statutory obligation and other criminal or illegal practices.
- ☛ Personal gain when ordering services or goods on behalf of 'Hand in Hands'

If staff are ever in doubt they should always raise it!

The Steps of Raising Concerns

Any employee who has a concern regarding malpractice and misconduct within Hand in Hands, related to the above 'qualifying disclosure' should raise that concern internally, rather than externally in the first instance, wherever possible to their Service Manager as early as possible, thus reducing the risk of any issue becoming more serious.

If employees concerns relate directly to their Service Manager they should contact the Designated Safeguarding Lead.

Employees are not expected to investigate the matter themselves or seek evidence to support their suspicions.

- ☛ Matters can be raised either verbally or in writing;
- ☛ Disclosures should be provided with full details, history of concern, names, dates and places where possible and any other supporting evidence;
- ☛ Any disclosure made under this policy will be treated in the strictest of confidence;
- ☛ Any origin of an allegation will be kept confidential wherever possible;
- ☛ Anonymous disclosures may be made, however, this type of disclosure can make investigations difficult as more information may be needed, but will still be investigated.

Investigating and Dealing with Allegations

The relevant staff member will take reports seriously and investigate all allegations thoroughly. This may involve an internal inquiry or a more formal investigation depending on the severity of the concern and the evaluation of the report. Staff taking the step of reporting concerns will be supported by management at every stage.

Upon receipt of a disclosure, the Service Manager or Designated Safeguarding Lead will inform the employee who made the disclosure, what steps will be taken to investigate the matter, the likely timeframe and how the outcome of the investigation will be communicated.

- ☛ If requested, every effort will be made to protect the identity of the person who has raised a concern.
- ☛ If the member of staff raising a concern wishes, they may be accompanied at discussions by another work colleague or trade union representative, then this will be arranged. However, the companion must respect the confidentiality of the disclosure and any subsequent investigation.

- ☛ Staff will be given the appropriate advice and support during the process.
- ☛ Where possible management will inform the employee of the outcome of the investigation without breaching the obligations of confidentiality it has to others involved.
- ☛ Staff raising the concern may be asked to participate as a witness in any action, which may include writing a statement and/or appearing at a disciplinary hearing or court case.
- ☛ Where further action is not considered appropriate for whatever reason, the staff member will be given a prompt explanation of the reasons for this. Staff will also be informed of what further steps are available to them under the procedure.

Hand in Hands are committed to this policy. If an employee raises a genuine concern under this policy, they will not be at risk of losing their job or suffering any detriment (such as reprisal or victimisation). Provided employees are acting in good faith (effectively this means honestly), this includes when employees are genuinely mistaken or if there is an innocent explanation for their concerns.

If an employee believes that they have suffered negative treatment, they should inform their Service Manager or the Designated Safeguarding Lead immediately.

If the matter is not remedied it should be raised formally using the organisation's 'Grievance Policy & Procedure'.

The organisation's assurance is not extended to those who maliciously raise a matter they know is untrue. If, following a thorough investigation, it is found that employees raised a matter maliciously; this will be dealt with under the Hand in Hands 'Disciplinary & Dismissal Policy & Procedure'.

No Hand in Hands employee should be threaten or retaliate against whistle-blowing in any way. Any employees involved in such conduct may be subjected to disciplinary action.

Reporting Externally

In most cases, employees should not find it necessary to alert anyone externally. The law recognises that in some circumstances it may be appropriate for employees to report to an external body such as the Care Quality Commission or the Local Authority, this would be the case for example if an employee's felt internal processes had not dealt with the concern.

All employees are encouraged to seek advice before reporting externally. Protect- Speak up, Stop Harm, formally Public Concern at Work operates a confidential helpline. Their website contains advice and guidance and can be accessed using the following website address: <https://protect-advice.org.uk/>

This policy is not intended however to replace the Grievance Procedure that remains the proper method of dealing with issues of a personal nature relating to matters of employment.

If staff raise a concern with the Care Quality Commission the information they give them will be dealt with in confidence, and staff can raise concerns anonymously. The CQC has a quick guide to whistleblowing or guidance for employees that gives helpful advice on speaking out about poor care and what protection you will have from the law.

More information can be found at the following website:

☛ www.cqc.org.uk/content/report-concern-if-you-are-member-staff

Monitoring

Records will be kept of any concerns raised under this policy, and the outcome of investigations and any subsequent action taken will be monitored to ensure that its provisions are being implemented effectively.

Training

Hand in Hands will ensure that all employees are trained in safeguarding and whistleblowing procedures, during their induction training programme and will be updated at least annually. All guidance issued / training given will be recorded on each staff member's learning and development file.

Related policies and procedures to be read in conjunction with this Whistleblowing Policy and Procedure:

- 👉 Safeguarding Adults at Risk Policy & Procedure
- 👉 Grievance Policy & Procedure
- 👉 Complaints Policy & Procedure
- 👉 Equality, Diversity & Inclusion Policy & Procedure
- 👉 Anti- Harassment & Bullying Policy & Procedure

Relevant Legislation

<http://www.legislation.gov.uk/ukpga/1998/23/contents>

🔗 Public Interest Disclosure Act 1998

<http://www.legislation.gov.uk/ukpga/1996/18/contents>

🔗 Employment Rights Act 1996

Relevant Regulations

https://www.cqc.org.uk/sites/default/files/20150324_guidance_providers_meeting_regulations_01.pdf

🔗 Regulation 12: Safe care and treatment

🔗 Regulation 20: Duty of candour

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

🔗 Protect- Speak up, Stop Harm

Key Lines of Enquiry
KLOE

SAFE: How do systems, processes and practices safeguard people from abuse?

- How are risks to people assessed and their safety monitored and managed so they are supported to stay safe and their freedom is respected?
- Are lessons learned and improvements made when things go wrong?

Effective: What processes are in place to ensure there is no discrimination, including in relation to protected characteristics under the Equality Act, when making care and support decisions?

Caring: How does the service support people to express their views and be actively involved in making decisions about their care, support and treatment as far as possible?

Responsive: How are people's concerns and complaints listened and responded to and used to improve the quality of care?

Well-led: How does the service promote and support fairness, transparency and an open culture for staff?

- How does the service work in partnership with other agencies?

Whistleblowing Flow Chart

