

Enable Support Services - Head Office

Whistleblowing Policy

Yeovil Trinity Foyer, Peter Street, Yeovil, BA20 1PN

v2 Last Reviewed: Jessica Weatherall (Divisional Director) Wed Mar 27 2024

Next Review: Angie Lyons-Redman Wed Mar 05 2025

Locally Responsible: CEO

Health and Social Care Act 2008 (Regulated Activities) Regulations 2014	13, 16, 17, 20
Key Lines of Enquiry	S1, S2, W3.3 W4.4
CQC Single Assessment Framework Topics Safe Topic Areas: Learning culture Safeguarding Safe and effective staffing Caring Topic Areas: Workforce well-being and enablement Well-Led Topic Areas: Shared direction and culture Capable, compassionate and inclusive leaders Freedom to speak up Workforce equality, diversity and inclusion Governance, management and sustainability Learning, improvement and innovation Please see the 'Quality Statements' section for full guidance	

Scope

This policy sets out procedures to follow for a public interest disclosure, more commonly known as whistleblowing.
This policy and procedure are provided for the regulated activity of personal care.

Equality Statement

Our organisation is committed to equal rights and the promotion of choice, person-centred care and the promotion of independence. This policy demonstrates our commitment to creating a positive culture of respect for all individuals. The intention is, as required by the Equality Act 2010, to identify, remove or minimise discriminatory practice in the nine named

protected characteristics of age, disability, sex, gender reassignment, pregnancy and maternity, race, sexual orientation, religion or belief, and marriage and civil partnership. It is also intended to reflect the Human Rights Act 1998 to promote positive practice and value the diversity of all individuals.

Key Points

- We are committed to a high standard of care, to honesty, openness and decency, and recognise that safety for the people who use the service must come first at all times.
- All employees have a duty to raise concerns regarding inappropriate behaviour, unlawful conduct, poor practice or behaviour to ensure standards of quality care.
- We support an open culture, recognising that effective and honest communication is essential if any wrongdoing or malpractice is to be effectively dealt with.
- We will not tolerate the ill treatment, including any bullying or harassment, of anyone raising a concern. We will ensure that any individual who raises a concern can do so confidentially in line with the Public Interest Disclosure Act.

Policy Statement

The organisation is committed to the principles of whistleblowing and supporting and providing mechanisms for employees to fulfil their duty without fear of reprisals. All employees have a duty to raise concerns regarding inappropriate behaviour, unlawful conduct, poor practice or behaviour to ensure standards of quality care.

The Policy

We are committed to a high standard of care, to honesty, openness and decency and recognised that safety for the people who use the service must always come first. Whilst it can be difficult for employees to raise concerns about the practice of others, including managers, the implications of not raising those concerns are potentially very serious for the organisation, its employees and, most importantly, for those receiving our services.

We support an open culture, recognising that effective and honest communication is essential if any wrongdoing or malpractice is to be effectively dealt with.

Freedom to Speak Up - Speak up: we will listen

Speaking up about any concern you have at work is really important: it will help the organisation to keep improving services and the working environment for staff. You may feel worried about raising a concern, and we understand this, but please don't be put off. In accordance with our duty of candour, our senior managers are committed to an open and honest culture. We will look into what you say, and you will always have access to the support you need.

(Reworded from Freedom to speak up: raising concerns (whistleblowing) policy for the NHS (<https://www.england.nhs.uk/publication/the-national-speak-up-policy/>))

Protecting Employees

Employees are likely to be the first to realise that there may be something wrong within the organisation but may feel that speaking up would be disloyal to colleagues, or their employer, who may, under certain circumstances, face criminal charges. They may also fear harassment or victimisation and loss of their job or reduction in work hours.

We will not tolerate the ill treatment, including any bullying or harassment, of anyone raising a concern. We will ensure that any individual who raises a concern can do so confidentially in line with the Public Interest Disclosure Act 1998 (PIDA).

Employees who whistle-blow often do so as their earlier concerns raised to management have not been listened to or no action has been taken. We aim to provide a process that safeguards employees when they raise concerns.

An employee or manager who attempts to prevent a member of staff from reporting their concerns to a manager or director, or who bullies, intimidates, or discriminates under these circumstances, will face disciplinary proceedings.

A whistleblower who feels subject to any action of this kind must inform their manager or a director, who will take steps to protect them e.g. by suspending or moving the alleged perpetrator to a different location or role. Protect is the UK's whistleblowing charity established who aim to stop harm by encouraging safe whistleblowing. You can read more

Employee Obligations

The Organisation requires its employees to comply with its policies and procedures and legal responsibilities, including reporting anything that raises concerns. Teamwork and loyalty to colleagues must not deter employees from reporting suspected abuse, criminal acts and neglect of service users or bad practice, and they are required to follow the guidelines issued by the Care Quality Commission (CQC). Where employees witness, or suspect, abuse by another employee, they must report it as soon as possible to their line manager or a director. The manager or director will accept responsibility for the actions that follow and will support the whistleblower.

Examples of this include but are by no means restricted to:

- Unsafe care
- Inadequate induction
- Suspicion of fraud
- Incidents of unsafe staffing
- Falsification of MAR charts or care records
- Abuse of service users and adults at risk
- Bullying culture within the organisation

Certain disclosures are prescribed by law as “qualifying disclosures”. A “qualifying disclosure” means a disclosure of information that the employee genuinely and reasonably believes is in the public interest and shows that the organisation has committed a “relevant failure” by:

- committing a criminal offence
- failing to comply with a legal obligation
- a miscarriage of justice
- endangering the health and safety of an individual
- environmental damage, or
- concealing any information relating to the above.

These acts can be in the past, present or future, e.g. a disclosure qualifies if it relates to environmental damage that has happened, is happening, or is likely to happen. The Organisation will take any concerns that you may raise relating to the above matters very seriously.

These qualifying disclosures mean that you can raise a concern about risk, malpractice or any wrongdoing you think is harming the services, might harm or has in the past harmed any aspect of the services we deliver.

Raising a Concern

How to Raise a Concern - 1

- If you have a concern about a risk, malpractice or wrongdoing at work, it should be raised as soon as it arises, preferably to your line manager if possible. This may be done verbally or in writing.
- Where possible, unless for example where the concern relates to a safeguarding, your concerns will be treated confidentially.
- The Registered Manager has overall responsibility for concerns raised and your line manager may need to share your concern with the Registered Manager who will have access to the Registered Provider.

How to Raise a Concern - 2

- If you do not feel you can raise the concern with your line manager, or the concern relates or involves your line manager, or you have raised it with your line manager and no action has been taken, then this should then be escalated to the Registered Manager or a senior member of staff in the organisation such as a director.

Registered Manager and Registered Provider's Responsibility

- Responsibility for dealing with any concerns reported will lie with the Registered Manager who will have access to the Registered Provider.
- If the concerns relate to the Registered Manager, concerns should be escalated to the Registered Care Provider and/or Nominated Individual or a Director, Trustee or other senior manager depending on the structure of the organisation.

How to Raise a Concern - 3

If you do not feel that the Registered Manager or Registered Provider will appropriately handle your concerns, you may report your concerns directly to the Care Quality Commission (CQC) on 03000 616161 or through their website, or by reporting your concern to your local safeguarding team.

Investigation

The Registered Manager, in consultation with the Registered Provider will investigate the concerns raised. This will include where required, involving other agencies such as safeguarding teams in the local authority, or police when there is evidence of criminal activity.

Timescales

The manager will acknowledge your disclosure within 72 working hours. The employee, where known, will be informed as to who is investigating.

There may be a need for further clarification from the whistleblower and the registered manager will ensure they have all the information required to investigate the concern and make sure people are protected from harm.

The investigation will be completed as soon as practicable but within 28 working days in most cases.

False Allegations

All whistleblowing concerns will be investigated, however if an employee is found to have made allegations maliciously and/or not in good faith, disciplinary action may take place.

Bullying and Harassment of Whistleblowers

Bullying, harassment or any other detrimental treatment afforded to a colleague who has made a qualifying disclosure is unacceptable. Anyone found to have acted in such a manner will be subject to disciplinary action.

Implementing Whistleblowing Procedures

The Whistleblowing Policy training will form part of your induction. Raising concerns will be discussed regularly during supervision and team meetings to promote an open culture and ensure that whistleblowing processes are embedded.

Duty of Candour

Following the Francis Report into the Mid Staffordshire Hospital, the Government enacted Duty of candour through the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014: Regulation 20. This means that all providers registered with CQC have a statutory duty to comply with Regulation 20: Duty of candour.

The regulation aims to ensure that providers are open and transparent with people who use services and other 'relevant persons' (people acting lawfully on their behalf) in relation to care and treatment (Regulation 20 (1)). This includes when we receive information from whistleblowers which meets the criteria for Duty of Candour.

Duty of Candour sets out specific requirements that providers must follow when things go wrong, including informing people about notifiable incidents, providing reasonable support, providing truthful information and an apology (Regulation 20 (2)-(6)) following the procedure set out in the CQC Guidance CQC: Regulation 20 - Duty of Candour (<https://www.cqc.org.uk/guidance-providers/regulations-enforcement/regulation-20-duty-candour#guidance>).

Confidentiality

The Organisation aims to make you as comfortable as possible when raising concerns, and that will often mean wanting confidentiality. We will keep your identity confidential unless required to disclose it by law. You can choose to raise your concern anonymously but that may make it more difficult to investigate thoroughly and in providing you feedback.

References and Further Reading

Public Interest Disclosure Act (<https://www.legislation.gov.uk/ukpga/1998/23/contents>)

CQC Quick Guide to Raising a Concern with CQC: (<https://www.cqc.org.uk/file/5073>)

CQC Whistleblowing: Guidance for providers who are registered with CQC, November 2013: (<http://www.cqc.org.uk/whistleblowing>)

Raising a concern with CQC: A quick guide for health and care staff about whistleblowing (https://www.cqc.org.uk/sites/default/files/20200420_Whistleblowing_quick_guide_final_update.pdf)

Protect, the UK's whistleblowing charity (<https://protect-advice.org.uk/our-story/>)

Learning culture

We have a proactive and positive culture of safety based on openness and honesty, in which concerns about safety are listened to, safety events are investigated and reported thoroughly, and lessons are learned to continually identify and embed good practices.

Safeguarding

We work with people to understand what being safe means to them as well as with our partners on the best way to achieve this. We concentrate on improving people's lives while protecting their right to live in safety, free from bullying, harassment, abuse, discrimination, avoidable harm and neglect. We make sure we share concerns quickly and appropriately.

Safe and effective staffing

We make sure there are enough qualified, skilled and experienced people, who receive effective support, supervision and development. They work together effectively to provide safe care that meets people's individual needs.

Workforce well-being and enablement

We care about and promote the well-being of our staff, and we support and enable them to always deliver person-centred care.

Shared direction and culture

We have a shared vision, strategy and culture. This is based on transparency, equity, equality and human rights, diversity and inclusion, engagement, and understanding challenges and the needs of people and our communities in order to meet these.

Capable, compassionate and inclusive leaders

We have inclusive leaders at all levels who understand the context in which we deliver care, treatment and support and embody the culture and values of their workforce and organisation. They have the skills, knowledge, experience and credibility to lead effectively. They do so with integrity, openness and honesty.

Freedom to speak up

We foster a positive culture where people feel that they can speak up and that their voice will be heard.

Governance, management and sustainability

We have clear responsibilities, roles, systems of accountability and good governance. We use these to manage and deliver good quality, sustainable care, treatment and support. We act on the best information about risk, performance and outcomes, and we share this securely with others when appropriate.

Learning, improvement and innovation

We focus on continuous learning, innovation and improvement across our organisation and the local system. We encourage creative ways of delivering equality of experience, outcome and quality of life for people. We actively contribute to safe, effective practice and research.

Key questions and quality statements - Care Quality Commission (<https://www.cqc.org.uk/assessment/quality-statements>)