## E09a

## Whistleblowing policy and procedure - staff

This document is provided to Carers Trust Crossroads West Wales (now referred to as ‘the organisation’) as a Network Partner of Carers Trust.

1. **SCOPE**

1.1 The aim of this policy is to provide a clear framework that:

* enables members of staff to raise any genuine concerns they may have about the delivery of care and services within the organisation
* ensures concerns are raised in a reasonable and responsible manner with the right people at an early stage
* ensures concerns raised are dealt with fairly and promptly.

1.2 Whistleblowing by trustees or volunteers is dealt with in the document whistleblowing by trustees and volunteers (E09c).

1.3 Concerns that harm is being caused to service users by staff, trustees or volunteers will normally be dealt with throughthe following policies, procedures and guidance:

* safeguarding and child protection (C01a, C01b and C01c, C01d)
* safeguarding adults (B05a, B05b and B05c, B05d).

The further / alternative actions that may be taken are set out in 6.0 below.

1.4 This policy is not intended to be used for resolving grievances about terms of employment or personal treatment, which be dealt with under the grievance policy and procedure (E03a).

2.0 Policy statement

2.1 The organisation seeks to encourage a climate of openness, whereby constructive expressions by staff, trustees or volunteers of their concerns will be welcomed as contributing towards improving services.

2.2 The organisation is committed to maintaining a high standard of service to carers and people with care needs of all ages.

**3.0 RESPONSIBILITIES**

**3.1 Staff**

3.1.1 Staff are required to observe Carers Trust’s policies closely and report anything that causes them concern. This will include:

* concerns that harm is being caused to service users by staff, trustees or volunteers
* poor performance and practice – including failure to comply with Carers Trust’s 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 danger to people with care needs, carers, staff and volunteers, 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 the organisation.

3.1.2 Staff have a duty not to undermine confidence in the service and will, therefore, ensure that any issues about the organisation’s services are raised in accordance with this policy.

3.1.3 Staff have a responsibility to ensure that carers and people with care needs are provided with a high standard of service and care. They will report any matter they consider to be damaging to the interests of service users at the earliest opportunity so that appropriate action can be initiated.

3.1.4 Staff who express their concerns in accordance with this policy will not be penalised in any way for doing so providing that they have a genuine belief that there is cause for concern, even if, it is subsequently considered to be unfounded.

3.1.5 Staff should feel able to raise their concerns without the need for secrecy. However, where an individual wishes to raise an issue in confidence, the manager / trustee will respect this and will not disclose their name more widely without their prior consent. Where this inhibits the ability of the organisation to resolve an issue (it may be necessary to disclose details of the concern in order to conduct a fair investigation), this will be discussed with the individual to establish how best to proceed.

3.1.6 When raising a concern staff have an obligation to safeguard all confidential information to which they have access, particularly information about individual people with care needs / carers, which must not be inappropriately disclosed. However, if allegations of poor practice are made in confidence to a member of staff by a service user, it should be made clear that they will be obliged to share this information with their manager / trustee if it is in the best interests of the service user to do so.

3.1.7 The organisation is committed to tackling issues of poor practice quickly and effectively. Destroying or concealing evidence of malpractice or misconduct, or discouraging others from coming forward with their concerns, may be dealt with under the disciplinary policy.

3.1.8 If after investigation, the allegations are found to have been merely flippant or raised with malicious intent, then this will be treated very seriously and the individual may be liable to disciplinary action in line with the disciplinary policy and procedure (E02a).

4.0 SOURCES OF SUPPORT AND ADVICE

4.1.1 If a member of staff is unsure about whether they should raise a concern or needs advice in doing so they should contact their line manager. If the concern relates directly to their line manager then they should contact a more senior manager or if their line manager is the most senior manager another manager or the trustee nominated to deal with whistleblowing complaints.

* + 1. Staff may choose to consult, or seek guidance and support from:
* a relevant professional organisation, trade unions or professional association the Whistleblowing Helpline. The Whistleblowing Helpline provides free help and advice to staff and organisations working within the NHS and social care and who suspect wrongdoing at work but are not sure whether or how to raise their concern. The Helpline number is 08000 724 725 Website: [Free, independent, confidential advice on the speaking up process - Speak Up](https://www.speakup.direct/)
* Protect (www.protect-advice.org.uk), a whistleblowing charity that advises individual with whistleblowing dilemmas at work. The whistleblowing advice line is 0207 3117 2520, e mail info@protect-advice.org.uk.
  + 1. Managers will ensure that staff are made aware of any follow-up counselling or support services available to them through the organisation’s Human Resource arrangements.

5.0 RAISING, Investigating and Dealing with Allegations

5.1 Steps of the procedure

5.1.1 If staff have concerns about any poor practice, they should, in the first instance, raise their concerns with the person in 4.1.1 above. If they are dissatisfied with the response, or do not receive a response within a reasonable timescale, then they can raise the matter with the next person on the chain.

5.1.2 If staff cannot go to their employer with the disclosure first they should contact a prescribed person or body, see 6.4 below for further information.

5.1.3 If members of staff have a concern they should raise it as soon as they have reasonable suspicion to believe there is something wrong in the delivery of care or services within the organisation. Staff are not expected to investigate the matter themselves or seek evidence to support their suspicion.

5.1.4 Concerns may be raised verbally or in writing.

5.1.5 The relevant manager / trustee should investigate the matter promptly and thoroughly and assess what action should be taken. This may involve an internal inquiry or a more formal investigation.

5.1.6 The member of staff raising the concern may be accompanied at discussions of their concern by a work colleague or trade union representative.

5.1.7 The member of staff raising the concern will be provided with feedback on the outcome of the investigation if it is possible to do so without breaching the obligations of confidentiality it has to other staff, trustees or volunteers. Feedback will be given as promptly as possible. If the investigation is prolonged the individual should be contacted, provided with an explanation for the delay, and a new completion date discussed and agreed.

5.1.8 The member of staff raising the concern may also 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.

5.1.9 Where further action is not considered appropriate for whatever reason, the member of staff should be given a prompt explanation of the reasons for this. They should also be told what further steps are available to them under the procedure.

5.1.10 The organisation will not tolerate the harassment or victimisation of anyone raising a genuine concern. Steps will be taken to protect anyone who has made a disclosure from hostile action from members of staff, trustees or volunteers including altering duties if necessary. If a member of staff attempts to prevent another person from reporting their concerns or bullies, attempts to intimidate or discriminate against the person who has raised the concern then this may be treated as a disciplinary matter; see the disciplinary policy and procedure (E02a).

**6.0 REPORTING CONCERNS TO THE REGULATOR**

6.1 If a member of staff has a genuine belief a service user is not being cared for in a way that keeps them safe, and they have already raised their concern through the safeguarding adults / child protection policy documents (see 1.3 above) but is not satisfied the matter has been properly dealt with, they can:

* further raise their concern through this whistleblowing policy; and / or
* contact the Care Quality Commission (CQC) / Care Inspectorate Wales (CIW), see Appendix 2 for contact details.

6.2 If a member of staff does not feel confident their concerns that a service user is not being cared for in a way that keeps them safe will be dealt with properly through the adults safeguarding / child protection policy documents (see 1.3 above), they can:

* raise their concern through the whistleblowing policy; and / or
* contact the Care Quality Commission (CQC) / Care Inspectorate Wales (CIW), see Appendix 2 for contact details.

6.3 The Charity Commission is the regulator who should be contacted about certain categories of serious wrongdoing within a charity. The Charity Commission’s job is to ensure that charities are accountable, well-run and meet their legal obligations. For further information see the guidance document called [complaints about charities](https://www.gov.uk/government/publications/complaints-about-charities) on the gov.uk website and in particular the section called making a complaint under the Public Interest Disclosure Act 1998. The Charity Commission asks that whistleblowing reports are made in writing to the dedicated whistleblowing email address [whistleblowing@charitycommission.gsi.gov.uk](mailto:whistleblowing@charitycommission.gsi.gov.uk) or by using the online form https://www.gov.uk/complain-about-charity.

6.4 For information about other regulators / prescribed people and bodies see [blowing the whistle: list of prescribed people and bodies](https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2) on the gov.uk website or contact Protect (www.protect-advice.org.uk), a whistleblowing charity that advises individual with whistleblowing dilemmas at work. The whistleblowing advice line is 0207 3117 2520, e mail [info@protect-advice.org.uk](mailto:info@protect-advice.org.uk).

6.5 Employees are protected under the Public Interest Disclosure Act 1998 (PIDA) if the disclosure is what is known as a protected disclosure and it is made to their employer or to a prescribed person or body. A prescribed body will include CQC / CSSIW, The Charity Commission. An explanation of PIDA is set out in Appendix two.

6.0 Monitoring

6.1 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.

**7.0 LEARNING AND DEVELOPMENT**

7.1 General learning and development requirements relating to the whistleblowing policy and procedure are contained in the learning and development policy, procedure and guidance (E13a, E13b and E13c).

**8.0 REVIEW AND ADOPTION OF THIS POLICY BY BOARD OF TRUSTEES**

8.1 The organisation’s board of trustees is required to formally adopt the whistleblowing policy and procedure and to ensure that a documented record is kept of their decision to do so.

8.2 Full details of the policy and procedure (namely its title and reference number) and the date it was adopted will be documented in the minutes of the appropriate trustee board meeting as evidence of the decision taken. The minutes will be signed by the chair of the trustees on behalf of the board.

**Appendix one**

**1.0** **THE PUBLIC INTEREST DISCLOSURE ACT 1998**

1.1 The Public Interest Disclosure Act 1998 protects employees from dismissal or other detriment arising from making a “protected disclosure”.

The Enterprise and Regulatory Reform Act 2013 requires the employer to take reasonable steps to protect the employee who has made a “protected disclosure” from detrimental treatment, such as bullying or harassment, by colleagues.

**2.0 DEFINITIONS**

**2.1. “Protected disclosure”**

2.1.1 To qualify as a protected disclosure the disclosure must, in the reasonable belief of the employee, be made in the public interest.

2.1.2 To qualify as a protected disclosure the disclosure must in the reasonable belief of the employee show one or more of the following:

* that a crime 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 they are subject
* that a miscarriage of justice has occurred, or is likely to occur
* that the health and 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 of the preceding bullet points has been or is likely to be deliberately concealed.

2.1.3 A disclosure is not a qualifying disclosure if the person making it commits a criminal offence in doing so.

**2.2 Prescribed person / body**

2.2.1 The qualifying disclosure must be made to a prescribed person or prescribed body. This will include CQC / CIW, The Charity Commission.

**3.0 CONTACT DETAILS FOR SOCIAL CARE REGULATORS CQC and CSSIW**

The Care Quality Commission (CQC)Telephone number 0300 061 6161

enquiries@cqc.org.uk

CQC National Correspondence

Citygate

Gallowgate

Newcastle upon Tyne NE1 4PA

Care Inspectorate Wales

Telephone number 0300 7900 126

[Home | Care Inspectorate Wales](https://www.careinspectorate.wales/)

**Appendix two**

**WHISTLEBLOWING – TELEPHONE NUMBERS TO CONTACT**

When whistleblowing you should contact the first person on the list below. If your concern relates to the first person then you should contact the next person on the list, and so on.

|  |  |
| --- | --- |
| **Person to contact** | **Contact number**  **(to be completed by organisation, it is advisable to give more than one number at each level)** |
| *Blankshire* line managers |  |
| *Blankshire* senior managers |  |
| *Blankshire* Trustee nominated to deal with whistleblowing complaints |  |
| Organisations are regulated by either The Care Quality Commission (CQC) (for England) or the Care Inspectorate Wales (CSSIW). CQC and CIW are prescribed bodies (see Appendix 2). | Care Quality Commission (for England)  CQC National Correspondence  Citygate  Gallowgate  Newcastle upon Tyne  NE1 4PA  Telephone number 0300 0616161  Care Inspectorate Wales (CIW)  Welsh Government  Telephone number 0300 7900 126 |

There is further information on whistleblowing on the Care Quality Commission website at: www.cqc.org.uk

**Appendix three**

Flowchart showing the process to follow when whistleblowing. Telephone numbers of staff, trustees and CQC / CSSIW are given on Appendix 3.

Does my concern relate to my line manager?

Yes

No

Contact a more senior manager or if your manager is the most senior manager then the trustee nominated to deal with whistleblowing

Contact your line manager

Has your line manager dealt with your concern to your satisfaction and within a reasonable timescale?

Yes

No

Yes

No

Has your concern been dealt with to your satisfaction and within a reasonable timescale?

Contact a more senior manager or if your manager is the most senior manager then the trustee nominated to deal with whistleblowing

Yes

No

Has your concern been dealt with to your satisfaction and within a reasonable timescale?

Contact the Care Quality Commission (for England) or the Care Inspectorate (for Wales) as appropriate

Contact the Care Quality Commission (for England) or the Care Inspectorate (for Wales) as appropriate