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Whistleblowing Policy

Live  Care

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Author(s)	Registered manager
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Reviewed by	

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Review Data

Initial Production

Name	Role/Department	RACI	Date
Registered manager	Registered Manager	RA	03.07.2017
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R = Responsible for document production; A = Accountable; C = Consulted; I = Informed

Change History

Version	Date	Details of Change	Author
2.0	03.07.2017	Re-write and re-structure of original policy in line with most recent legislative updates.	Registered manager

Emergency Contact Details

Name	Email	Mobile
Registered manager	fran@livein.care	

CQC Fundamental Standards

Legislation	Details
Public Interest Disclosure Act	The Public Interest Disclosure Act 1998 (c.23) is an Act of the Parliament of the United Kingdom that protects whistle blowers from detrimental treatment by their employer.

Key Lines of Enquiry

KLOE	How this applies to Whistleblowing
Safe	<p>This Whistleblowing policy is an aspect of safe because it ensures that staff are aware of how to come forward to report allegations and examples of malpractice.</p> <p>It is the responsibility of staff to remain vigilant of malpractice and report concerns without delay to effect timely and swift resolutions that will safeguard everyone in receipt of our services.</p>

Related Documents

This policy should be read in conjunction with our:

1. [Compliments and Compliments Policy](#)
2. [Safeguarding Policy](#)
3. [Confidentiality Policy](#)

Policy Statement

Policy Aims

This policy will explain what Whistleblowing is and how it works at Living Carers Ltd.

It will help you to understand how we respond to whistleblowing incidents and it will describe your role in stating concerns to uphold safe, high quality services.

Reading this policy should enable you to:

- Understand what Whistleblowing is and its importance
- Understand how Whistleblowing works at Living Carers Ltd
- Understand your role in reporting concerns through our Whistleblowing processes, as well as the support and guidance you should expect as a Whistleblower
- Understand how we can all work together to improve the quality and safety of the services we offer through tackling malpractice and dealing with concerns

Through our Whistleblowing policy and procedures, staff understand **how to come forward to report allegations and examples of malpractice** they suspect or have witnessed, in the knowledge and assurance concerns will be **dealt with in the utmost confidence**. Where Whistleblowing has taken place, we will **implement disciplinary procedures (where necessary), conduct thorough investigations and monitor our performance to introduce changes and improvements** that will uphold the highest standards of safety and satisfaction.

Whistleblowing Definition

You're a whistleblower if you're a worker and you report certain types of wrongdoing. This will usually be something you've seen at work - though not always.

The wrongdoing you disclose must be in the public interest. This means it must affect others, e.g. the general public.

As a whistleblower you're protected by law - you shouldn't be treated unfairly or lose your job because you 'blow the whistle'.

You can raise your concern at any time about an incident that happened in the past, is happening now, or you believe will happen in the near future.

Purpose

The purpose of this policy and procedure is to maintain and improve the quality of service provided by Living Carers Ltd by ensuring that effective and appropriate action is taken in cases of perceived or actual wrongdoing or malpractice, and to clarify the processes in relation to this.

Living Carers Ltd takes allegations of wrongdoing or malpractice (in any form) very seriously and therefore seeks to ensure that employees, acting in good faith, who genuinely believe that wrongdoing is evident, are able to disclose the information without fear of detriment or victimisation, and in confidence. All employees are encouraged to be open about their concerns, and to express them at the earliest opportunity.

This policy and procedures apply to all employees of Living Carers Ltd.

Duty of Care

At *Living Carers Ltd.*, all staff have a duty of care towards Clients and colleagues alike. It is the responsibility of staff to remain vigilant of malpractice and report concerns without delay to effect timely and swift resolutions that will safeguard everyone in receipt of our services.

We understand reporting concerns can be daunting or difficult for employees; our Whistleblowing Policy is designed to make staff feel confident in coming forward and expressing such concerns, enabling them to uphold their duty of care.

Making a Claim

Making a claim can be difficult for staff; they may fear being reprimanded by colleagues for their actions or having their own position or rights compromised. This policy serves to remind our staff that **coming forward with concerns is the correct course of action** and that they will be fully supported throughout any investigatory processes. We operate an **open, honest and transparent service**, understanding this approach is not only **vital for safeguarding but also continuous organisational improvement and learning through best practice.**

Key Question: Will my claim be kept confidential?

We adhere strictly to anonymity and confidentiality when dealing with all cases of Whistleblowing. These terms are fully explained to the member of staff making the claim; however, in keeping with our commitment to transparency, we make them aware that anonymity may need to be overridden if/when serious cases are escalated to the Authorities.

Should the need arise to make a claim, you can:

- Tell any Manager within Living Carers Ltd anonymously, but they may not be able to take the claim further if you haven't provided all the information they need.
- Give your name but request confidentiality - the person or body you tell should make every effort to protect your identity.

If you report your concern to the media, in most cases you'll lose your whistleblowing law rights.

At Living Carers Ltd we value and respect our employees' honesty, transparency and commitment to their duty of care. In return for acting with integrity, employees should expect full support from our Managers and Directors upon making a whistleblowing claim. We will:

Listen to your concern and **decide if any action is needed**. You may be asked for further information as investigations continue

Respect your decision (depending upon the severity of the claim) to refrain from disclosing your identity to anyone else as the individual raising the concern

Ensure you understand that you won't have say in how your concern is dealt with but keep you informed of actions we've taken

Making Claims: Your Duties, Our Duties

- In the interests of upholding duty of care and safeguarding, staff should report all known or suspected incidences of malpractice or wrongdoing
- Your claims will be treated anonymously, if appropriate, and in the strictest confidence
- You will be fully supported and listened to by empathetic Managers and Directors who value your honesty and integrity
- Once a claim has been brought to the attention of Management, proceeding steps will be explained to you, ensuring you are well-informed and understand what to expect
- Managers will support you throughout the investigatory process and afterwards, ensuring your rights and well-being are protected

Procedure

To encourage staff to approach us in confidence, we make them aware of the protocols that serve to protect them and ensure they understand what the term ‘whistleblowing’ relates to, as outlined by the following:

- a. **No employee acting in good faith will suffer any detriment** as a result of making a general disclosure about something of real concern to them.
- b. **The Public Interest Disclosure Act 1998** protects workers who make disclosures in good faith, provided that they are qualifying and protected disclosures. The Act deals with the protection of employees who make a disclosure about a wrongdoing, which they believe needs to be rectified. Such actions are usually referred to as “whistleblowing”. The Act first of all deals with defining a disclosure which qualifies for protection, and then goes on to deal with the conditions, which must be in place for the employee to have protection from either unfair dismissal or being made to suffer a detriment as a result of the disclosure, or “whistleblowing”.
- c. Qualifying disclosures are disclosures of information which the employee reasonably believes (see note below) tend to show one or more of the following matters is either happening now, took place in the past, or is likely to happen in the future:
 - **A criminal offence;**
 - **Failure to comply with legal obligations;**
 - **A miscarriage of justice;**
 - **A danger to the health & safety of individuals;**
 - **Damage to the environment;**
 - **Deliberate concealment of any of these matters.**

****Note:** *It is important that **the employee must have reasonable grounds** for believing that some form of wrongdoing is evident, and therefore disclosing such allegations. The belief need not be correct - it might be discovered subsequently that the employee was in fact wrong - but the employee must show that he held the belief, and that it was a reasonable belief in the circumstances at the time of disclosure.*

- d. *Living Carers Ltd.* reserves the right to impose penalties (up to and including dismissal) through the **Disciplinary Policy** for any malicious or false allegations made with the intent of causing harm or disrepute to *Living Carers Ltd.*, its employees or associates.

Making a Protected Disclosure – The Procedure

There are **six situations** contemplated by the legislation on Whistleblowing.

1. Internal Disclosure – The Recommended Route

Living Carers Ltd. requests that, unless circumstances dictate that it would be unreasonable to do so, all disclosures are made internally, in the first instance.

The disclosure may be made orally, or in writing, and should be made either to the employee's Manager, or Supervisor. When making a disclosure, it is important that as much information as possible is given. Disclosures regarding anonymous individuals will be disregarded.

The person to whom the disclosure is made must take reasonable steps to:

- Establish that the disclosure is made in good faith;
- **Investigate the details of the allegations** to establish if they are substantially true;
- If necessary and appropriate, **refer the matter to the relevant authority**, e.g. the Police, external auditors, Health & Safety Executive;
- **Report back** to the person who made the initial allegation so that they are aware of the action being taken;
- Inform the reporter of the outcome of the investigation.
- Ensure the investigation does not exceed 28 working days or that, if it must, the person who made the allegations is aware of why

If the employee feels that the disclosure to their manager/supervisor may not be appropriate, they should go to the level of management they believe is appropriate.

2. Making a Qualifying Disclosure to a Prescribed Person

Although *Living Carers Ltd.* requests that disclosures are made internally, employees can make disclosures to a person or body which has been prescribed by the Secretary of State for receiving disclosures about the matters concerned. If an employee makes a qualifying disclosure to such persons, it will be a protected disclosure provided the employee:

- Makes the disclosure in **good faith**;
- Reasonably believes that the information, and any allegation it contains, are **substantially true**;
- Reasonably believes that the matter falls within the description of matters for which the person or body has been prescribed (for example, breaches of health and safety regulations can be brought to the attention of the Health and Safety Executive or appropriate local authority, or environmental dangers can be notified to the Environment Agency).

3. Making a Qualifying Disclosure to a Legal Adviser

A qualifying disclosure will be a protected disclosure if it is made to a legal adviser in the course of obtaining legal advice. There are no further conditions attached.

4. Making a Qualifying Disclosure to a Minister

A qualifying disclosure made in good faith by an employee, employed in a Government-appointed organisation, such as a non-departmental public body, will be a protected disclosure if made to a Government Minister (either directly or via departmental officials).

5. Making a Qualifying Disclosure More Generally (i.e. to a person not mentioned above)

A qualifying disclosure will be a protected disclosure if the following conditions are met. Firstly, the employee must:

- Make the disclosure in *good faith*;
- Reasonably believe that the information, and any allegation contained in it, are *substantially true*;
- Not act for *personal gain*.

In addition, **one or more of the following conditions must be met:**

- The employee reasonably believed that he would be *subjected to a detriment* by his employer if disclosure were to be made to the employer or to a prescribed person;
- In the absence of an appropriate prescribed person, the employee reasonably believed that disclosure to the employer would result in the *destruction or concealment of information* about the wrongdoing;
- The employee had *previously disclosed* substantially the same information to his employer or to a prescribed person.

Finally, it must be reasonable for the employee to make the disclosure and to the person chosen.

6. Making a Qualifying Disclosure about an Exceptionally Serious Failure

A qualifying disclosure made about a relevant failure which is exceptionally serious will be a protected disclosure if the employee:

- Makes the disclosure in *good faith*;
- Reasonably believes that the information disclosed, and any allegation contained in it, are *substantially true*; and
- Does not act for *personal gain*.

It must be reasonable for the employee to make the disclosure in view of all the circumstances, having regard in particular to the identity of the person to whom the disclosure is made.

Key Points to Take Away

- At *Living Carers Ltd.* whistleblowing is dealt with **seriously** and **fairly**. We value employees' decisions to act in **good faith** by raising concerns. Employees will be **treated with respect** and **afforded support** (both during and after investigations), and disclosures will be **dealt with in confidence**.
- **Discretion is a priority**: we seek to **protect your rights and identity** at every stage.
- Whistleblowing is important for **safeguarding** Clients and colleagues alike, as well as contributing towards our **learning environment**. It is the responsibility of all staff to contribute towards upholding **best practice** and **improving our quality standards**.
- There is **no single avenue** for making a disclosure; staff are made aware of their options, giving them **choice and control** over how to express any concerns. It is important you feel **comfortable** in coming forward, as this facilitates more open and transparent communication and practices amongst the wider workforce.

Policy Review

This policy will be reviewed by the Registered Manager at least annually to make any updates and amendments necessary to ensure the policy conforms to current legislation, reflects current practice and expectations.

Authorisation and Signature

This Policy is the official and authorised version agreed by the Directors of Living Carers Ltd. All employees are expected to work in accordance with this policy and failure to comply with this policy could result in disciplinary action.

Registered Manager

04.12.2017