OAKWORTH MANOR RESIDENTIAL HOME LTD.	Issue Date: April 2019	Reviewed 02/2026
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WHISTLEBLOWING POLICY

1. Introduction

The **Public Interest Disclosure Act 1998 (or 'Whistle-blowers Act)** protects workers (includes employees, volunteers and agency staff) who report ('blow the whistle') on wrongdoing at work. A person following the procedures cannot be victimised or dismissed.

The categories of information covered by the Act are wide, including

- Criminal Offences e.g., fraud or neglect
- Failure to comply with legal obligations
- Miscarriage of justice
- Health and Safety dangers
- Damage or likely damage to the environment
- The concealing of information about any of the above.

The employee needs to show that they had a 'reasonable belief' that the person has committed one of the 'offences' listed above.

In order to gain protection under the Act, the employee must make the disclosure to his or her employer or to one of a limited category of persons, including Social Services, the Police, a legal adviser or government minister or member of a regulatory body such as the Health and Safety Executive or the Care Quality Commission.

They must also:

- Make the disclosure in good faith
- Reasonably believe that the information is substantially true.
- Not act for personal gain
- Act reasonably

Personal grievances (e.g., bullying, harassment, discrimination) are not covered by this policy and should be dealt with according to relevant policy e.g. Grievance policy.

We wish to encourage our staff at all levels to raise such concerns in a sound way to demonstrate and ensure good practice in all activities and to ensure that they understand that they have an individual duty to do so.

2. Aims of Whistleblowing Procedure

The Whistle Blowing Procedure is intended to cover situations where employees become concerned about wrongdoing at work by:

- Other employees of the Home
- GPs & Registered Nurses
- Managers
- Allied Health Professionals
- Administrative and support staff
- Suppliers or contractors acting on behalf of the Home

The Procedure covers acts or omissions that have led, or could lead to, future wrongdoing within the care team.

These include:

- Cases of malpractice, negligence, unprofessional or unethical behaviour
- Theft of personal property; involving residents or staff
- Financial irregularities,
- Sexual harassment
- Failure to observe health and safety regulations, or action which involves risks to the public or other employees
- Sexual, racial, physical, or other abuse of residents or other staff
- Concealment of any of the above
- Disregard for legislation
- System failures, for example untoward incident reporting
- Fraud or suspected fraud
- Breach of employee conduct
- A criminal offence, committed or likely to be committed
- Nepotism
- Information on any of the above which has been, is being or is likely to be concealed.

3. Independent Advice

If you are unsure whether to use this procedure or if you want independent advice, you may contact:

Your professional body, i.e. NMC, Union etc.
The independent charity: Public Concern at Work on 020 7404 6609. Their lawyers can give you free confidential advice at any stage about how to raise a concern about serious malpractice at work.

The CQC

The Care Quality Commission is the health and adult social care regulator. As part of their role, they will consider any information that indicates that there is a serious or urgent problem that is putting people at risk. Workers with any such concerns may contact the CQC directly if they have exhausted all the options internally and feel nothing is being done and they have reason to believe that the information they gave is substantially true (suspicion is not enough for external disclosure).

The Police

When an employee feels that they cannot raise the concern with their Manager, advice can be obtained from independent helpline offering confidential advice, e.g. the Whistleblowing Helpline on 08000 724725, email enquiries@wbhelpline.org.uk or Website: www.wbhelpline.org.uk/, they will help you to choose the best course of action.

4 If You Do Not Want to Report Things To A Manager

If you believe there are strong reasons why you should not approach either the Home Manager or Deputy Manager, then you are entitled to approach the Director – Mr Seamus Flood

This may be done without following the earlier stages of the procedure laid out in point 6.

Staff may contemplate disclosing their concern about medical practices, specific instances or issues arising to the media. However, taking a problem to the media without factual basis or without following the internal procedure might unreasonably undermine public confidence in the Home and could therefore result in disciplinary action. Please note that disclosure to the media invalidates the protection offered to you under the Public Disclosure Act 1998

5 Who Can Use This Policy

- All members of staff
- Residents and relatives
- Visiting Multi-disciplinary professionals

6 How to Raise Concerns About Malpractice

6.1 Our assurance to you

The Home Manager and Director are committed to this policy. If you raise a genuine concern under this policy, you will not be at risk of losing your job or suffering any form of retribution as a result. The management team will not tolerate anyone attempting to stop you, victimise you or otherwise act against you in any way. Providing you are acting in good faith it does not matter if you are mistaken. If, however,

an employee has made allegations maliciously or for personal advantage, the management team will consider disciplinary action. If you wish to keep your identity confidential, we will not disclose it without your consent. If the situation arises where we are not able to resolve the concern without revealing your identity, then we will discuss with you whether and how we can proceed.

IF IN DOUBT – RAISE IT!

6.2 What to do if you are concerned

Anonymous reporting- If you want to report an issue anonymously, you can complete this form (click here). This form will go directly to the Nominated Individual to investigate. This form can be found on all staff tablets under the title WHISTLEBLOWING. Please allow them 10 working days to complete their investigation. You have the option to state your name, but this is optional, you are encouraged to remain anonymous if you have any anxiety or fear of submitting a report. We would prefer you to report it anonymously than not at all. Only the Nominated Individual will have access to this report, no one else.

Informal – step one

You are entitled to have a representative, friend or colleague not acting in a legal capacity accompany you. If you are concerned about what you believe might be malpractice then you should raise it with the Home Manager, or if there are reasons for not talking to the Home Manager then another senior person such as the Senior person on duty or Nominated Individual, may be approached.

If this informal action does not allay your concerns, then you should use the formal steps, outlined below.

Formal steps – step two

You should take your concerns to the Manager in writing. You must make it clear that you are formally raising a matter of serious concern. If you wish to keep your identity confidential you should make it clear so that the Manager can comply with your wishes. You will receive confirmation that your allegation is being addressed.

The Manager (or Director) will arrange an initial interview with the complainant, which will be strictly confidential and will ascertain the area of concern. The complainant may be accompanied by a friend or representative. The Manager (or Director) will reassure the complainant about protection from possible reprisals or victimisation and give them a copy of that policy. The Manager (or Director) will write a summary report of the interview which will be agreed by both parties and will ask the complainant to make a written statement.

Where the well-being of any resident is concerned it may be necessary to invoke the Safeguarding Adults

Team and/or the Police. Where this is the case, the Manager will have a duty of care to notify the Care Quality Commission.

Following the investigation, the Investigating Officer will produce an Investigation Report and will report back to the Manager (or Director), who will implement the recommendations of that report. If there is a recommendation that the Disciplinary Procedures should be initiated the Manager, or any other person previously involved will not participate in any Disciplinary Hearing. The presenting officer for any Disciplinary hearing will normally be the Investigating Officer.

If there is no case to answer the Manager (or Director) will consider that protection should be afforded to an employee who believed, on reasonable grounds, that the information may have been true and was of sufficient importance to justify its disclosure so that the matter could be investigated.

The Manager / Investigating officer will also consider that there are circumstances where false or malicious allegations have been made, it may be appropriate to recommend invoking the Disciplinary Procedure against the person or persons who made these. The Manager or any other person previously involved will not participate in any Disciplinary Hearing.

A copy of the Investigating Officer's Report details of action to be taken will be forwarded to the Care Quality Commission (CQC), if required.

Step three

If you are not satisfied with the response, then you should take your concerns to the Director. You should do this in writing. You must make it clear that you are formally raising a matter of serious concern. If you wish to keep your identity confidential you should make it clear so that the Director can comply with your wishes.

The Director will meet with you within 5 working days, or as soon as possible if they are not available within 5 working days. The outcome of the meeting will be recorded in writing and a copy given to you within 5 working days of the meeting.

Step Four

If you are not satisfied with the response, then you should take your concerns to the local office of the Care Quality Commission. You can do this verbally by telephone or in writing. The telephone number, contact name and full postal address are displayed on the entrance hall notice board. Whatever form your communication takes you must make it clear that you are formally raising a matter of serious concern. If you wish to keep your identity confidential you should make it clear so that the CQC can comply with your wishes.

If you are not satisfied with the response to your concerns, then you may consider seeking further specialist guidance including discussing the matter further with colleagues or professional advisors.

Retention of Information

In cases that result in disciplinary action, information relating to spent disciplinary warnings may be kept on file. This information will take the form of a summary of the issues and the outcome and will be agreed by the individual, their representative and manager. It will remain on the personal employment record, sealed in an envelope marked "Strictly Confidential - to be opened by the managers only."

8. Responsibilities

The Company

- To ensure that this policy enables issues raised to be dealt with effectively.
- To promote a culture of openness and ensure that issues are dealt with responsibly and taken seriously.
- Where a member of staff does report another member of staff for suspected or known bad practice, the Company promises to deal sensitively with such disclosures.
- To protect Whistle-blowers from bullying and harassment. Co-workers who harass or bully someone on the grounds they have made a protected disclosure are personally liable, and the Company is vicariously liable for such actions (subject to a defence they have taken all reasonable steps to protect workers acting in this way).
- To ensure that employees who raise any issues are not penalized for doing so, unless other circumstances come to light which require this, e.g., where a member of staff knowingly raises an issue regarding another member of staff which they know to be untrue.
- Although the Company will do all it can to help and protect staff who whistle-blow, this does not mean that the Company can always guarantee that the identity of staff who report other staff will be kept secret. Often the evidence from the whistle-blower is necessary to help prove the guilt of the accused staff member.

Managers

- To take any concern reported to them seriously and consider them fully, fairly and sympathetically.
- To recognise that raising concern can be a difficult experience for some staff.
- To invoke the formal procedure.

All members of staff

- To recognise that it is their duty to draw the Company's attention to any matter of concern.
- Under this policy staff are required to inform the Manager in all cases of suspected abuse, bad-practice or practice that may lead to harm/ injury to help the Company maintain 'zero tolerance' to bad practice.
- It is in the interests of all staff to make a clear commitment to whistleblowing where necessary to keep the unit free from bullying, unsafe and careless practice which can reduce morale and lead to poor teamwork that affects everyone.
- The Manager should be informed as early as possible about bad practice (however minor) so that they can deal with it and help reduce the likelihood of bad practice becoming abusive or harmful to patients/ others.
- To adhere to the procedures set out in this policy.
- To maintain their duty of confidentiality to residents and the Home.

Malicious Allegations

The Home will be equally firm with those workers who make false allegations maliciously. They could leave themselves open to disciplinary action, and even dismissal depending on the circumstances.

(Those making allegations genuinely, and who act reasonably and responsibly, should have no fear of arbitrary decisions by the Home management).

The Home hopes never to use the terms of this policy. However, it is essential that where anything goes wrong, we can put it right, and justify the trust placed in us by our residents and partners. Equally, we wish to develop a relationship of trust with all our employees. We, therefore, need to know your concerns, and we promise to: -

- Respect confidentiality
- Investigate thoroughly
- Provide support, and protection, if necessary
- Agree to report back on the outcome of our investigations and, if possible, on any resultant action that is proposed.