Whistle Blowing
Policy and Procedure

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Whistle Blowing Policy and Procedure

Purpose of Policy

This Whistle Blowing Policy outlines Comfort Care Recruitment and Training Limited's policy on reporting and responding to concerns about wrongdoing and malpractice.

Comfort Care Recruitment and Training Limited encourages employees to speak up and safely report concerns.

To meet the legal requirements of the following legislation:

- The Public Interest Disclosure Act 1998
- The Care Quality Commission (Registration) Regulations 2009 • The Health and Social Care Act 2008 (Regulated Activities) Regulations

2014 To meet the following guidance:

- The Advisory, Conciliation and Arbitration Service (ACAS) – Whistleblowing at Work
  https://www.acas.org.uk/whistleblowing-at-work

Scope

The policy applies to:

- All employees, including those designated as temporary, bank staff, agency staff, volunteers or work experience

Objectives

The objectives of this policy are:

- To ensure compliance with legislation and regulations
- To ensure clients are safeguarded from abuse and bad practice
- To promote a culture that allows employees to report concerns
- To encourage all employees to be confident raising concerns
- To provide employees with clear processes to follow in relation to Whistle Blowing

- To ensure all concerns raised are acted on and investigated
- To manage reputational risks to the service
- To ensure employees who raise concerns are supported

Policy Statement

Comfort Care Recruitment and Training Limited, as a provider of a Supported Living Service, is committed to ensuring the health, safety and wellbeing of all clients and employees and has a policy of zero tolerance to abuse, neglect and malpractice.

It is the policy of Comfort Care Recruitment and Training Limited to promote integrity, openness and accountability in all aspects of the organisation.

Comfort Care Recruitment and Training Limited recognises that employees are in a position to realise that there is something wrong with working practices, treatment of clients or if procedures are not being followed.

All employees are expected to come forward and report any concerns that they have relating to the services provided within the organisation.

The Public Interest Disclosure Act 1998 (PIDA) provides legal protection against detriment for employees who raise concerns in the public interest about risks, malpractice or wrongdoing in the workplace which affect other people. Comfort Care Recruitment and Training Limited is committed to supporting employees who raise concerns and to ensuring that employees can come forward without fear of reprisals.

Comfort Care Recruitment and Training Limited will not tolerate any harassment or victimisation of an employee raising concerns. The organisation will treat any harassment, bullying or victimisation against an employee raising concerns as gross misconduct under the Disciplinary Policy and Procedure.

Comfort Care Recruitment and Training Limited takes a serious view on allegations that are made maliciously and will treat such actions as gross misconduct under the Disciplinary Policy and Procedure.

Comfort Care Recruitment and Training Limited encourages employees to put their name to concerns they raise so that the concern can be thoroughly investigated.

Comfort Care Recruitment and Training Limited will treat all concerns in confidence. However, there may be a need for the identity of employees raising concerns to become known, for example during legal, disciplinary or police investigations or proceedings. If this is necessary, this will be discussed with the employee and they will be supported throughout the process.

The organisation will take all concerns raised seriously and will record and investigate all concerns raised.

Comfort Care Recruitment and Training Limited will review all whistle blowing concerns to identify learning points to improve practice.

Comfort Care Recruitment and Training Limited is committed to implementing this Policy and the practices it sets out.

Whistle Blowing Concerns

Whistle blowing is the act of raising concerns about wrongdoing, malpractice, or fraud within the workplace.

Examples of whistle blowing concerns that should be raised include:

- Abuse or neglect of clients
- Conduct which is a criminal offence
- Health and safety risks to clients, employees and members of the public
- Risks or damage to the environment
- Failure to comply with legal obligations or regulatory requirements
- Financial misconduct or fraud including misuse of clients' money
- Bribery
- Negligence
- Conduct that is unprofessional
- Unauthorised disclosures and breaches of confidential information
- Behaviour which could damage the reputation of the service including posting inappropriate material on social media
- The deliberate concealment of information regarding any of the above categories

Procedure For Employees Raising Concerns

If an employee has a concern, they should raise this in the first instance with the Registered Manager. This can be done face to face, on the telephone or in writing by letter or email.

If the employee feels that they cannot approach the Registered Manager, or if the Registered Manager is implicated in the concern, they should approach the Provider/Nominated Individual.

If the employee feels that they have exhausted all internal routes to raise concerns and feel that nothing has been done, if they believe that the information is substantially true, they may raise concerns with an external organisation e.g. the Care Quality Commission (CQC), The Police or Local Authority.

If the employee who raises the concern feels that they are experiencing bullying, harassment, or any unacceptable conduct from other employees they must inform the Registered Manager.

If an employee is concerned about raising a whistle blowing concern, they can seek free, confidential, independent advice from:

Protect - Telephone 020 3117 2520
https://protect-advice.org.uk/

Procedure For Registered Manager Dealing With Concerns

The Registered Manager will identify whether the concern is a whistle blowing concern. If the concern can be considered a personal employment matter it may be appropriate to deal with this under the Grievance Policy and Procedure.

The concern will be taken seriously and be investigated by the most appropriate person(s) who may be the Registered Manager, or another Manager may be appointed as the Investigating Manager.

The Investigating Manager will complete a thorough investigation of the concerns raised and will produce a written report detailing the outcome of the investigation and any actions arising.

If the investigation highlights safeguarding concerns the Registered Manager must report these to the Local Authority Safeguarding Team. The Registered Manager must also ensure that a Care Quality Commission (CQC) notification is completed.

If the concern relates to an issue that could negatively impact on the reputation of the organisation, such as negative media reports, the Registered Manager must inform the Provider/Nominated Individual as soon as possible. A plan for reputation management should be put in place with clear responsibilities identified.

During the process the Registered Manager must ensure that the employee raising concerns is supported. This may include additional supervision meetings or referrals for external sources of support such as counselling services.

Wherever possible the employee raising the concern will be given feedback on the outcome of the investigation as soon as it is appropriate and reasonable to do so.

The full details of the actions taken may not be able to be given due to confidentiality of other employees.

The Registered Manager must ensure that the concern, investigation process and outcomes are fully recorded.

When the investigation is completed, the Registered Manager must review the concern to identify any learning points. Where learning points are identified an action plan should be put in place with clear responsibilities allocated.

The Registered Manager should inform the Provider/Nominated Individual of the outcome of the whistle blowing concern.

Roles and Responsibilities

All employees are responsible for:

- Following the Whistle Blowing Policy and Procedure.
- Reporting all concerns to the Registered Manager without delay. In the absence of the Registered Manager another Manager must be informed.

The Registered Manager is responsible for:

- Ensuring this Whistle Blowing Policy is implemented.
- Ensuring Whistle Blowing concerns are investigated and managed in accordance with the Whistle Blowing Policy and Procedure.
- Ensuring Safeguarding Notifications are made when required.
- Ensuring CQC Notifications are completed when required.
- Managing the reputation of the organisation.
- Identifying and cascading learning points from the incident.
- Ensuring that individual members of staff are supported.

The Provider/Nominated Individual is responsible for:

- Maintaining oversight of reputation management.
- Providing appropriate supervision and support to the Registered Manager.

Breaches of Policy

For employees, failure to adhere to the Whistle Blowing Policy could lead to possible disciplinary action being taken.

For others (volunteers, agency staff, contractors) their individual relationship with the organisation may be terminated.

Monitoring and Review

This Policy will be reviewed annually or sooner if necessary due to legislative or regulatory requirements.