

1.28 Whistleblowing Policy

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Date of previous versions and brief details of amendments made. <i>Versions prior to 2016 are available through archives and may be requested.</i> V5.0 - March 2016 - Scheduled review with additional information on external contacts V6.0 – December 2018 - Full review of the policy with additional guidance and information added on PIDA and types of whistleblowing, reinforcing protection for whistleblowers and tiered system for recording and monitoring whistleblowing concerns. V7.0 – January 2020 - Standard review. V8.0 – May 2021 - Updated to include reference to Freedom to Speak Up Guardians (FTSUG's)	
Equality Impact Assessment completed:	Yes

1. Introduction

St Anne’s is committed to ensuring an open culture, where people feel comfortable and safe in raising concerns related to the concerning conduct, behaviour and practices of others. We are committed to continuous improvement within our services. The quality of care and support we provide our clients and the welfare of our staff are both considered to be a priority.

Staff members are in a key position to ensure the safety and welfare of both the people we support and our colleagues. They are also in one of the best positions to notice serious issues within St Anne’s. As an organisation we recognise this is the case, but we also know that it can be difficult to raise concerns regarding the actions of those around you. Staff must feel safe in raising concerns and believe that the organisation will act on information it receives.

St Anne’s Whistleblowing Policy exists to protect whistleblowers and to make clear the steps that you should follow if you witness or suspect malpractice, misconduct or abuse.

Whistleblowing is defined as:

“Raising concerns about wrongdoing, risk or malpractice, which affects others, with someone in authority, either internally and/or externally.”

It is the reporting of suspected misconduct, illegal acts or omissions on the part of St Anne’s Community Services or any of its employees or Board members. Staff can “whistleblow” both internally and to external bodies. Where staff wish to raise genuine concerns, which are believed to be in the public interest, the Public Interest Disclosure Act 1998 (PIDA) provides legal protection to whistleblowers from victimisation or unfair treatment as a result of raising an issue.

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This policy provides staff with information on how to “whistleblow” or make disclosures and sets out how whistleblowing concerns will be addressed when received by the organisation. This policy applies to all permanent and temporary workers. People working for St Anne’s on a casual, voluntary or agency basis also have the right to make a disclosure under this policy.

2. Guiding Principles of Whistleblowing Within St Anne’s

St Anne’s Responsibilities

St Anne’s is committed to preventing any form of malpractice, abuse or illegal activity and will take seriously and investigate all concerns raised under whistleblowing. St Anne’s will look to support any staff or clients directly involved in any whistleblowing case and look to learn from any investigations carried out.

St Anne’s recognises people’s lawful rights to make disclosures to prescribed persons (e.g. the Care Quality Commission) under whistleblowing if they are not satisfied that their report has been properly dealt with internally. St Anne’s will protect any staff member making a disclosure from any repercussions including victimisation or harassment from colleagues.

The methods used to investigate and resolve concerns will vary according to the complexity of the issue involved. Any member of staff interviewed as part of an investigation can be accompanied by a trade union representative or colleague. St Anne’s and the trade unions agree that efforts should be made to resolve allegations of abuse or bad practice quickly in the interest of clients and staff.

Staff Responsibilities

Staff are encouraged to report any concerns internally in the first instance. St Anne’s, and its recognised Trade Unions UNISON and RCN, all agree that, wherever appropriate, staff should first exhaust all internal procedures before considering external reporting. Most concerns about work practices are best dealt with in discussions within a staff team or directly between a person registering a concern and that person’s manager. Wherever practicable this approach will be encouraged.

Staff have a duty to report concerns if they suspect or become aware of illegal activity malpractice and abuse, this is a requirement of both an employee’s contract and professional code of conduct. St Anne’s encourages staff to raise concerns openly, however confidential or anonymous disclosures can be made. Staff members will not suffer any detriment when raising genuine concerns under whistleblowing. Staff have a responsibility to raise concerns in good faith without malicious intent and in a timely manner i.e. at the point they become aware of or suspect any wrongdoing.

3. “Blowing the Whistle”, Public Interest Disclosure Act and Grievances

A whistleblower is someone who wishes to raise an issue related to malpractice, misconduct, illegal activity or abuse. This is known as making a disclosure, raising a whistleblowing concern or blowing the whistle. This may be a small, localised issue, or a much larger issue affecting the whole organisation. Whistleblowing allows staff to raise matters formally and provides an opportunity for their concerns to be investigated.

Where a disclosure is related to; a criminal offence, the breach of a legal obligation, a miscarriage of justice, danger to the health and safety of any individual, damage to the environment or a deliberate attempt to conceal any of the above, then the additional protection of PIDA will also apply (as long as the disclosure is believed to be true and made in good faith).

Where a staff member is personally involved or affected by the issue, this is unlikely to be considered whistleblowing or protected under PIDA. This is because these issues should be managed through St Anne’s Grievance Procedure, and not this Whistleblowing procedure. The key difference being where an issue should be dealt with as a grievance the staff member will expect and be entitled to a personal outcome to their concerns.

Likely to be a grievance if	Likely to be whistleblowing if
<p>There is a matter which the individual feels they are affected or the victim, there is a risk to self, the individual is seeking a private redress and outcome. There is often a more structured process for investigating a grievance. E.g. pay and conditions, disagreement with co-worker, unfair treatment.</p>	<p>An individual has witnessed something that affects others, the risk is to others or to the organisation, the outcome is for the benefit of others or the public interest. There is flexibility in how whistleblowing is investigated, depending how a concern is raised and what it involves. E.g. cover ups, abuse of authority, H&S breaches.</p>

The following are examples of concerns employees may raise which St Anne’s considers are likely to be classified as whistleblowing (rather than as grievances), these examples are not an exhaustive list:

- Abuse of a client in any form e.g. physical, sexual, racial, emotional, financial or institutional etc
- Medical negligence such as deliberately administering incorrect medication
- Breaches of legislation such as the Health and Safety at Work Act
- Discriminatory or oppressive behaviour
- Criminal activity such as blackmail
- Fraudulent activities or theft
- Activities which present a serious risk to the environment, such as pollution.

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- Modern slavery practices such as human trafficking, forced labour or domestic servitude within the organisation or its supply chains
- Attempts to deliberately cover up any of the above

4. Whistleblowing and Confidentiality

When staff whistleblow, all concerns will be treated in strict confidence and every effort will be made not to reveal the identity of the whistleblower if it is known. Wherever disclosures are received, efforts will be made to minimise the involvement of unnecessary parties and the number of people aware of the disclosure and its content. There may be occasions where St Anne's is required by law to reveal the details of a whistleblower and the nature of their disclosure, such as matters involving safeguarding or reporting of criminal activities.

Staff have the right to raise disclosures anonymously but are encouraged to put their name to any disclosures made, as this makes investigating and responding to concerns easier. Staff can choose to add their name to a disclosure and ask for it to be treated openly, put their name to a disclosure and ask for it to be treated confidentially, or raise disclosures anonymously without providing their name. However, without knowing the name of the whistleblower, it becomes harder for St Anne's to investigate the disclosure, reassure the whistleblower, give them protection from victimisation and provide a response to the concerns raised.

Concerns raised anonymously will be considered and investigated at St Anne's discretion. In exercising this discretion, the factors to be considered would include:

- The seriousness of the issue raised
- The timing of the concern i.e. is it new or historic
- The credibility of the concern
- The likelihood of being able to confirm the allegations from other sources or witnesses

If disciplinary or other proceedings follow the investigation, it may not be possible to take action as a result of a disclosure without the whistleblower providing witness evidence, particularly if no-one else has witnessed the incident. In such cases, whistleblowers are likely to be called as witnesses to further proceedings, but their identity as the source of the complaint will be protected and be treated as a vulnerable witness in accordance with the Disciplinary Procedure.

5. Protection for Whistleblowers

St Anne's aims to encourage a culture of openness, transparency and continuous improvement. In order to ensure our services are safe and of a high quality, we must be open to learning from poor practice. Only by encouraging staff to come forward

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when they witness malpractice or abuse will St Anne's be able to keep staff and clients safe.

No staff member will suffer any detriment as a result of whistleblowing, whether this is raised internally or externally. St Anne's have a responsibility to protect whistleblowers from any repercussions as a result of making a disclosure. This includes not being bullied, harassed, victimised or unfairly dismissed as a result of whistleblowing.

There is an expectation that any concerns raised by staff are made because they are believed to be true, made in good faith and without malicious intent. If it is later proved that information provided when raising a concern was knowingly false or with malicious intent, disciplinary action may be considered.

Where a staff member is found to have bullied, harassed, victimised or unfairly treated an employee as a result of them raising a whistleblowing concern then disciplinary action may be considered.

As an additional support measure a whistleblower can, on request, be provided with an independent "point of contact" after making a disclosure. This point of contact may be a Trade Union representative, member of HR, a Freedom to Speak Up Guardian or an impartial manager who has not been involved in the disclosure or its investigation. The role of the point of contact will be to maintain contact with the whistleblower after the disclosure has been made to ensure the staff member is not suffering any detriment or suffering adverse repercussions as a result of making a disclosure. A point of contact will only be assigned on request.

6. Who Can I Whistleblow To?

St Anne's encourages staff to raise concerns internally, and at the lowest management level, wherever possible. However, there may be occasions where staff have previously reported a concern which has not been acted upon, or that involves their line manager or another member of staff. Therefore, there are several routes for a staff member to raise a whistleblowing concern both internally and externally.

Line Management

Initially staff should look to raise any concerns directly with their line manager, or if the disclosure relates to their manager the matter should be raised with their Area Manager. Most concerns about work practices are best dealt with in discussions within a staff team or directly between a person registering a concern and that person's manager and can likely be resolved quickly and easily. In the event the concern is of a serious nature, line managers can support staff to raise disclosures at a more senior level.

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Freedom to Speak Up Guardians (FTSUG's)

FTSUG's are members of staff who work across St Anne's and will usually work on the front line of service delivery. They are staff who voluntarily take on the role of FTSUG's to provide staff with a route outside of line management or central departments to raise concerns. FTSUG's are there to provide an alternative route to normal channels that people will use for whistleblowing or "speaking up". They are also there to work within their organisation to identify and tackle barriers to speaking up, such as issues of bullying cultures, poor levels of awareness and processes that place an undue burden on individuals when they raise concerns.

Any member of staff acting in a FTSUG will be provided formal training via the National Guardian training programme. St Anne's will aim to develop its network of FTSUG's to have sufficient FTSUG's to cover its operational services and central teams. A minimum of 3 FTSUG's will be in place at any one time however, more may be appointed. A list of FTSUG's will be published regularly, including an outline of the role of a FTSUG, as a reminder for staff and at least annually.

HR Department

Concerns can be raised with the HR Department face to face, by telephone or in writing. If staff are not sure whether their concern falls under the Whistleblowing Policy or the Grievance Procedure, they should contact the HR Department in the first instance. The HR Department can be contacted in the following ways:

- Calling the HR team on 0113 243 5151
- Sending an email to the internal whistleblower inbox: concerns@st-annes.org.uk. This e-mail inbox is managed confidentially by the HR team
- Writing to Head Office, 6 St Marks Avenue, Leeds, LS2 9BN

The Director of Human Resources is the designated officer for monitoring St Anne's Whistleblowing Policy and in this respect has direct access to the Chief Executive and/or Chair of the Board if required.

St Anne's Board of Trustees

If a staff member wishes to raise a whistleblowing concern regarding the conduct, practice or behaviour of a Director or the Chief Executive, they can do so by raising concerns directly with the Board. Concerns should be raised by contacting the Chair of St Anne's Board using the contact details below;

- Ian McIntosh (Chair of St Anne's Board) –07775586359 or mail to Ian.McIntosh@st-annes.org.uk

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External Reporting

There are a number of routes for a staff member to raise a whistleblowing concern externally. "Prescribed Persons" are organisations that have been designated as places that workers can approach outside of their workplace to report suspected or known wrongdoing. They are organisations that whistleblowing concerns can be raised with due to their oversight of a sector, often as regulators. An up to date list of prescribed persons can be found at:

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies#social-care>

However, St Anne's believes the most appropriate Prescribed Person's for its sector to be The Care Quality Commission and The Charities Commission, who's details can be found below:

- The CQC- www.cqc.org.uk
- The Charity Commission- whistleblowing@charitycommission.gsi.gov.uk

In addition to being able to report whistleblowing concerns to Prescribed Persons, if staff do not feel comfortable raising concerns and would like external advice, the following organisations provide confidential advice and support. They will not handle your disclosure, but they will be able to advise on the best course of action.

- Protect (formerly Public Concern at Work): 020 3117 2520 or e-mail whistle@protect-advice.org.uk .
- Department of Health Whistleblowing helpline: 08000724725 or email enquiries@wbhelpline.org.uk .

7. How Will My Whistleblowing Concern be Handled?

Levels of Whistleblowing Concerns

The reporting of any suspected wrongdoing, concerning conduct or behaviour is encouraged by St Anne's. However, it is recognised that not all concerns will require in depth investigation or formal outcomes. Whistleblowing is considered to be a positive aspect of culture within St Anne's services, which supports continuous improvement and high-quality care and keeps staff and clients safe. Upon receiving concerns St Anne's will assess the level of concern based on seriousness, nature of the concern, seniority of the subject of the concern, timing, credibility and the ability to confirm the details of the concern. Using this information, St Anne's will look to place concerns into one of the following levels:

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Level of Concern	Deciding Factors and Possible Examples
Low	Low level concerns will usually be those that are raised directly with line managers and related to the reporting on low level misconduct, wrongdoing or malpractice. It will usually be sufficient to investigate these concerns via a fact find exercise rather than a full investigation. Low level concerns will not necessarily be recorded and logged centrally unless received directly by the HR department or from an external source, they are unlikely to be considered under PIDA. Examples of low levels disclosures include; reporting errors in record keeping, single acts of failing to administer medication, failure to hold team meetings or appropriate PDR's.
Medium	Medium level concerns are concerns which are deemed to require an investigation by a staff member independent from the concern, they may also be low level concerns that have not been addressed or have been repeated. Medium level concerns will usually be raised with staff outside of their line manager, through HR or an external source, they may or may not be considered under PIDA. Medium level concerns will be recorded and tracked centrally and reported to the Board on a bi-monthly basis. Examples of medium level concerns include; reporting of comments or behaviours that harass or discriminate, reports of single acts abuse or negligence, low level H&S breaches and theft.
High	High level concerns are concerns which are deemed serious enough to immediately report to SMT and the Board once received. All members of St Anne's Board and SMT be made aware of these concerns being received, unless it is inappropriate to do so i.e., they will not be reported to any members of the Board or SMT, to whom the concerns relate. They may be reported internally, externally or directly to the Board and are likely to be considered under PIDA. High level concerns will be investigated and reported on in the same manner as medium level concern. Examples of high-level concerns include; Gross misconduct of Senior Managers or Directors, blackmail, reports of pre-meditated or systematic abuse carried out by individuals or groups, deliberately covering up criminal acts.

Investigating Whistleblowing Concerns

Upon receipt of a disclosure, it shall be reviewed to confirm it is a whistleblowing concern and not a grievance and assessed what level of concern the disclosure is considered to be. The following steps shall then be taken to investigate a Medium or High-level disclosure:

- **Acknowledgement** - If the concern is not raised anonymously, it shall be acknowledged by the organisation within 10 working days. The acknowledgement will confirm how the concern will be investigated and who will carry out this investigation and an estimated timescale for receiving a response. It will state how the whistleblower is to be kept updated and

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provided an outcome and where they can receive independent advice. It may not be possible to acknowledge anonymous disclosures.

- Recording - Details of the disclosure will be recorded centrally by the HR team, SMT and the Board shall be informed of the receipt of a high-level concern.
- Investigate - An investigation relevant to the level and seriousness of the disclosure will be carried out. St Anne's will aim to complete investigations into disclosures within 6 weeks where possible. Where this is not possible, and the whistle-blower is not anonymous, the investigator will give an update as to when the investigation may be concluded.
- Review - Following the completion of an investigation an outcome will be provided to the whistleblower wherever possible. St Anne's shall then determine if there is to be any further action such as disciplinary investigations or reporting matters to the police, CQC or safeguarding. It may not be possible to share all the outcomes of an investigation with a whistleblower, but as much feedback shall be given as possible. St Anne's will also undertake de-briefs of complex whistleblowing investigations to take create actions plans in response to poor practice and to share learning.

8. Training and Monitoring

On a bi-monthly basis a report on whistleblowing concerns received by the organisation shall be presented to the Board via its Quality Committee. This will detail the number of medium and high-level concerns received, the outcomes of any investigations, learning the organisation can take from investigations and highlighting any trends.

The HR Department receive specific training on dealing with safeguarding concerns, supporting whistleblowers and PIDA. Training is carried out with Area Managers and Senior Operational Managers on whistleblowing and how concerns can be effectively and efficiently investigated.

9. Support and Guidance

St Anne's understands that reporting something under Whistleblowing is a difficult thing to do and therefore would like to remind staff that they can contact Health Assured for independent advice and support. Health Assured provide a confidential Employee Assistance Programme, including counselling sessions for all of our employees either online at www.healthassuredeap.co.uk or by telephone on 0800 030 5182.

10. Policy Review

It will be the responsibility of the HR Department to formally review this procedure annually, although reviews at other times may be necessary in the light of changes to legislation and best practice.