



POLICIES AND PROCEDURES

WHISTELBLOWING POLICY









Date Updated: February 2018
Approved By: SMT
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Contact Person: Eva Erikson

Who is the policy for?

All GEF Staff: YES
Shared Lives Carers: YES
Volunteers: YES

WHISTELBLOWING POLICY

 	<p>This paper is for staff and volunteers at Grace Eyre.</p>
	<p>Whistleblowing is about staff reporting problems with the service.</p>
	<p>This document explains to staff and volunteers how they can talk about their complaints or concerns.</p> <p>This includes:</p>
	<p>Who they should talk to.</p>
	<p>How the managers will help to solve any problems.</p>
	<p>How the managers will support staff and volunteers to talk about how they are feeling.</p>
	<p>What the managers will do if they cannot help with their problems.</p>
	<p>Who else they can talk to for example the Care Quality Commission or local council.</p>

WHISTELBLOWING POLICY

Introduction

At Grace Eyre we are committed to achieving the highest possible standards for people who use our services. In order to achieve this we encourage staff to use the whistleblowing policy to report any malpractice or illegal acts or omissions by people working or volunteering for Grace Eyre. We expect staff to speak up about any concerns in line with the **Grace Eyre Code of Conduct** and any professional codes of conduct relevant to our workers and volunteers.

Grace Eyre welcomes the genuine concerns of workers and volunteers and is committed to dealing responsibly, openly and professionally with them. Grace Eyre's approach to openness and transparency is where workers and volunteers feel able to raise issues on a regular and ongoing basis so that they can be resolved without the need to make an official disclosure

Grace Eyre believes that raising concerns as soon as possible is an effective early warning of wrongdoing, malpractice or risks. Where possible, opportunities to raise concerns should be embedded into routine discussions on service delivery and care and support, (e.g. problem solving in supervision and team meetings, annual business and service reviews, annual appraisals & performance improvements, quality reviews, training and development) (see appendix 3 – Top Tips).

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoings in the workplace.

This policy has been written to take into account the **Public Interest Disclosure Act 1998 (PIDA)**, which protects whistleblowers from detrimental or unfavourable treatment and victimisation from their employers and co-workers after they have made a qualifying disclosure of a concern in the public interest. "Public interest" means the public good, not what is of interest to the public, and not the private interest of the person raising the concern.

The Chief Executive has overall responsibility within Grace Eyre for ensuring that the whistleblowing policy works effectively and procedures are followed. The day-to-day responsibility of communication and supporting the policy rests with the Human Resources Manager.

The board of trustees and the senior management team will ensure that any individual who raises a genuine concern under the whistleblowing policy will not be at risk of losing their job or suffer any form of retribution as a result. Members of the board of trustees and senior management team will not tolerate the harassment or victimisation of anyone raising a genuine concern (see also **Grace Eyre Equality Policy** including harassment & bullying).

Scope of the Policy

This policy applies to all workers (including bank and agency staff) who work for Grace Eyre and its subsidiaries, all self-employed shared lives carers and all volunteers signed up with Grace Eyre. Volunteers are not protected under the PIDA legislation but Grace Eyre considers that it is important that volunteers are part of the Grace Eyre policy.

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If a concern is raised about someone who works for another employer, please speak to your manager in the first instance who will then speak to the person or their manager from the other employer.

If something is troubling a worker or volunteer and they think Grace Eyre should know about it, this procedure should be used. This Whistleblowing procedure is primary for concerns where the interests of others or of Grace Eyre are at risk. If, however a worker or volunteer is aggrieved about a personal issue, the **Grievance Policy** should be used. If the concern is about a safeguarding issue, the **Safeguarding Policy** should also be used in conjunction with this whistleblowing policy.

Examples of types of concerns that should be raised and disclosures that would be protected under the PIDA law are:

- Actions that is contrary to the Code of Conduct for staff, volunteers (including trustee's code of conduct) or self-employed carers.
- Criminal offences
- Failure to comply with legal obligations
- Miscarriages of justice
- Threats to health and safety of an individual
- Damage to the environment
- A deliberate attempt to cover up any of the above.

Procedure for raising a concern

Internal Procedure:

All workers and volunteers have a duty to support and maintain standards of care and support. If a worker or volunteer has any concerns regarding inappropriate behaviour, unlawful conduct, poor practice or behaviour they are expected to raise their concern. The following guidelines provide the steps for workers and volunteers to follow (see also appendix 2 - Flowchart):

1. Your concern must be raised in the public interest – it needs to be something that needs to be reported for the public good.
2. In the first instance you should talk to your line manager and discuss the issue (see appendix 6 – guidance for managers).
3. If you feel that your concern is not being dealt with or you do not feel comfortable talking to your line manager you should arrange a meeting with the HR Manager or fill in the form (see appendix 4 – Raising Concerns Disclosure Form) and send this form to the HR Manager via email or post. If again you do not feel it has been resolved you should ask the chief executive or the board of trustees to investigate your concern.

External Procedure:

4. If you still feel that your concern has not been dealt with to your satisfaction you can contact the regulatory body the Care Quality Commission and make a public disclosure (see appendix 5 – Further Advice and Information). You need to have good reason to believe that the information you give and any allegations you make is substantially true (suspicion is not enough).

5. You should always seek to resolve the problem internally and exhaust all internal procedure before raising your concern more widely. In circumstances where you feel that your concern has not been dealt with in a satisfactory manner by Grace Eyre or the Care Quality Commission you may be able to raise your concerns more widely, for instance with the police or your M.P. Caution should be taken as this is strictly regulated by the law. You should seek advice prior to taking this step.

The Care Quality Commission's (CQC) definition of a public disclosure is:

- Someone directly employed by a registered provider or someone providing a service for the provider reports concerns where there is:
 - Harm, or the risk of harm, to people or
 - Possible criminal activity

and

- The management have not dealt with those concerns by discussing them or by using the employer's own whistleblowing policy or
- Where the worker or volunteer does not feel confident that the management will deal with those concerns properly and contacts a 'prescribed body' such as a regulator.

Confidentiality

Grace Eyre will respect confidential reporting and will make every effort to keep the identity of the whistleblower secret. There may be circumstances in which, because of the nature of the investigation or disclosure, it will be necessary to disclose their identity such as in connection with a disciplinary, legal or police investigation. It is also possible that in a small team it can be deduced who the whistleblower is.

Grace Eyre will also respect anonymous reporting. However, this can be more difficult to deal with and investigate appropriately as the investigating manager may have little or no confirmed evidence to substantiate the allegations and cannot obtain further information from the worker or volunteer or give them feedback.

Grace Eyre encourages open reporting as this is more likely to lead to actions being taken.

The confidentiality of service users must be protected and not compromised as workers have a duty in law, as part of their contract of employment with Grace Eyre and within their professional codes of conduct to maintain this.

Support

For any support or advice, workers and volunteers are directed to Human Resources, Trade Unions or The Whistleblowing Helpline.

All workers and volunteers will receive training covering the National Occupational Standards for social care workers (Care Certificate) which will cover whistleblowing. In addition, the corporate induction carried out by the Chief Executive also covers whistleblowing. All managers within Grace Eyre receive internal bite size training covering whistleblowing and have access to other internal and external management training covering whistleblowing.

Any victimisation, bullying or harassment of any person raising a concern will not be tolerated by Grace Eyre and any co-worker who are involved in such activity may be subject to disciplinary proceedings and/or be personally liable under the law.

The Chief Executive takes overall responsibility for whistleblowing within Grace Eyre and day-to-day responsibility will rest with the HR Manager to communicate and support the whistleblowing policy and to act as a whistleblowers champion.

Monitoring and Review

This policy will be monitored by the Quality Manager. All reports of the use of the whistleblowing policy will be submitted monthly by the HR department to the Quality Manager. Monitoring reports are then presented to the trustees and senior management team incorporating information as to number of formal concerns raised, the nature and location of the concerns and outcomes and actions taken.

The policy will be reviewed every three years by the senior management team.

False allegations

Grace Eyre is clear that if someone maliciously makes a disclosure that they know to be untrue it will be dealt with under **Grace Eyre's Disciplinary Policy** as gross misconduct.

However, if a genuine mistake has been made no person will be penalised.

Appendices:

- Appendix 1. Frequently Asked Questions
- Appendix 2. Flowchart of Whistleblowing Process
- Appendix 3. Top Tips
- Appendix 4. Form for Staff to Raise Concerns Internally
- Appendix 5. Further Advice and Information
- Appendix 6. Guidance for Managers

Appendix 1. - Frequently Asked Questions

Question	Answer
Is whistleblowing the same as making complaints?	<p>Whistleblowing is about reporting a concern at work, and the Public Interest Disclosure Act (PIDA) only applies to workers raising concerns at work. Consequently the whistleblowing process cannot be used by a service user or their family/friends to make a complaint about poor care and support. If an individual or a carer has a complaint about poor care, they should ask to see Grace Eyre's complaints policy & procedure. All social care services are required to have a complaints procedure in place. The Care Quality Commission gives information about how to make a complaint on their website link: www.cqc.org.uk/public/sharing-your-experience</p>
What is the difference between a grievance and a public interest disclosure?	<p>When someone raises a grievance, this tends to be an issue, problem or complaint about their work, working conditions or employment rights. The person wishes to complain to management about their treatment and they have a personal interest in ensuring the issue is addresses.</p> <p>A concern raised through a protected public disclosure (a whistleblower) tends to be about malpractice or serious wrongdoing such as dangerous or criminal activity which affects others (e.g. service users, members of the public, or the employer).</p> <p>The whistleblower is not usually directly, personally affected by the danger or illegality. Therefore, the whistleblower should be treated as a messenger alerting others to a concern so that they can address it, and not be expected to prove the malpractice. They do not have a vested interest in the outcome of the whistleblow, unlike a grievance where they will normally be expected to be able to prove their case under the grievance procedure.</p> <p>When an individual raises a concern with a manager, they should consider whether it is a qualifying whistleblowing issue or whether the matter is a personal employment issue which would be more appropriately dealt with through the Grace Eyre Grievance Policy & Procedure.</p>
Can a concern be raised in confidence or anonymously?	<p>Workers are often concerned about possible reprisals and can ask for their identity to be kept confidential. If they want to do this, Grace Eyre will make every effort to keep their identity secret. There may be circumstances in which, because of the nature of the investigation or disclosure, it will be necessary to disclose their identity. For example this could occur in connection with associated disciplinary, legal or police investigations. Where this is the case this should be fully discussed with the worker or volunteer.</p> <p>Concerns raised anonymously can be more difficult to deal with and investigate appropriately as the investigating manager may have little or no confirmed evidence to substantiate the allegations and cannot obtain further information from the worker or volunteer or give them feedback. More action is likely or possible if concerns are not raised anonymously. It may be possible to raise concerns as a team/group of colleagues if the worker does not want their individual identity known.</p>

<p>What about using confidential information?</p>	<p>In terms of confidential service user information, if you intend to report a concern outside of your social care team which might reveal someone's identity, you should get advice from your professional body or Trade Union. In particular, if you are thinking about things such as filming individuals you should be aware of the implications for their dignity and privacy. In the past, Employment Tribunals have not been sympathetic towards this kind of 'undercover' act as whistleblowing is primarily about disclosing information.</p>
<p>What about bullying and harassment?</p>	<p>The Enterprise and Regulatory Reform Act imposed a new personal liability on co-workers who victimise or harass whistleblowers as well as vicarious liability on the part of their employers. Unless an employer has taken reasonable steps to prevent this type of victimisation by co-workers, it will be deemed liable for the acts of its staff. This means that it is no longer enough to deal with incidents of bullying or harassment as and when they arise, on a case by case basis. The only basis upon an employer will now be able to defend itself against liability for the actions of its staff will be by pro-active steps. In order to demonstrate "reasonable steps" defence, an employer will need to anticipate conduct such as bullying and harassment.</p> <p>Having a clear policy is a vital first step, but it is just as important to ensure communication of the policy and offering any necessary training to ensure it is put into effect. Undertaking any of these steps after the event is too late. It will also be important to take appropriate action if any worker is found guilty of causing detriment to other workers.</p> <p>Proactive management to build/rebuild working relationships/teams after a concern has been raised (whistle has been blown) is recommended, with appropriate support and advice from HR, Trade Unions etc. It is always best to anticipate repercussions or reprisals and to take action to nip these types of behaviour in the bud.</p>
<p>What happens when you have concerns about someone who is employed by another organisation (e.g. in a multidisciplinary team)?</p>	<p>If you have concerns about someone's practice who works for another employer, you may wish to approach the person directly on an informal basis. If this is not possible or appropriate, you should report these concerns to your own manager and they should raise your concerns with the manager of the person about whom you have concerns.</p>
<p>What happens if someone has left their job (or been dismissed) but wants to pursue their concern?</p>	<p>If someone has raised a concern with their employer and then subsequently leaves their employment or has been dismissed, as a result of raising the concern, they should still be given protection under the Public Interest Disclosure Act 1998 (PIDA),. However, if someone chooses to leave their employment or is dismissed and later decides to pursue a concern, it is unlikely that they would be protected under PIDA.</p> <p>Whilst there may not be protection under PIDA, if they wish to pursue the concern, the CQC have a disclosure line they can ring on 03000 616161. They can use this service to alert the CQC to a concern in confidence or</p>

<p>When an organisation is drafting its Whistleblowing Policy, it usually defines the scope of the policy, so that it is clear who the policy applies to. The law applies to workers, so that employees and agency workers are covered. What about subcontracted workers (shared lives carers)?</p>	<p>anonymously.</p> <p>When drafting a whistleblowing policy it is important to consider the wider scope of the workforce. If an organisation contracts out work (Shared Lives Carers), they will need to think about how to approach subcontractors.</p> <p>Grace Eyre has agreed that Shared Lives Carers are included and that the organisation's whistleblowing policy is adopted in relation to a threat or risk to the organisation.</p> <p>This is achieved through contractual arrangements with the Shared Lives Carers.</p>
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Appendix 2. - Flowchart of Whistleblowing Process

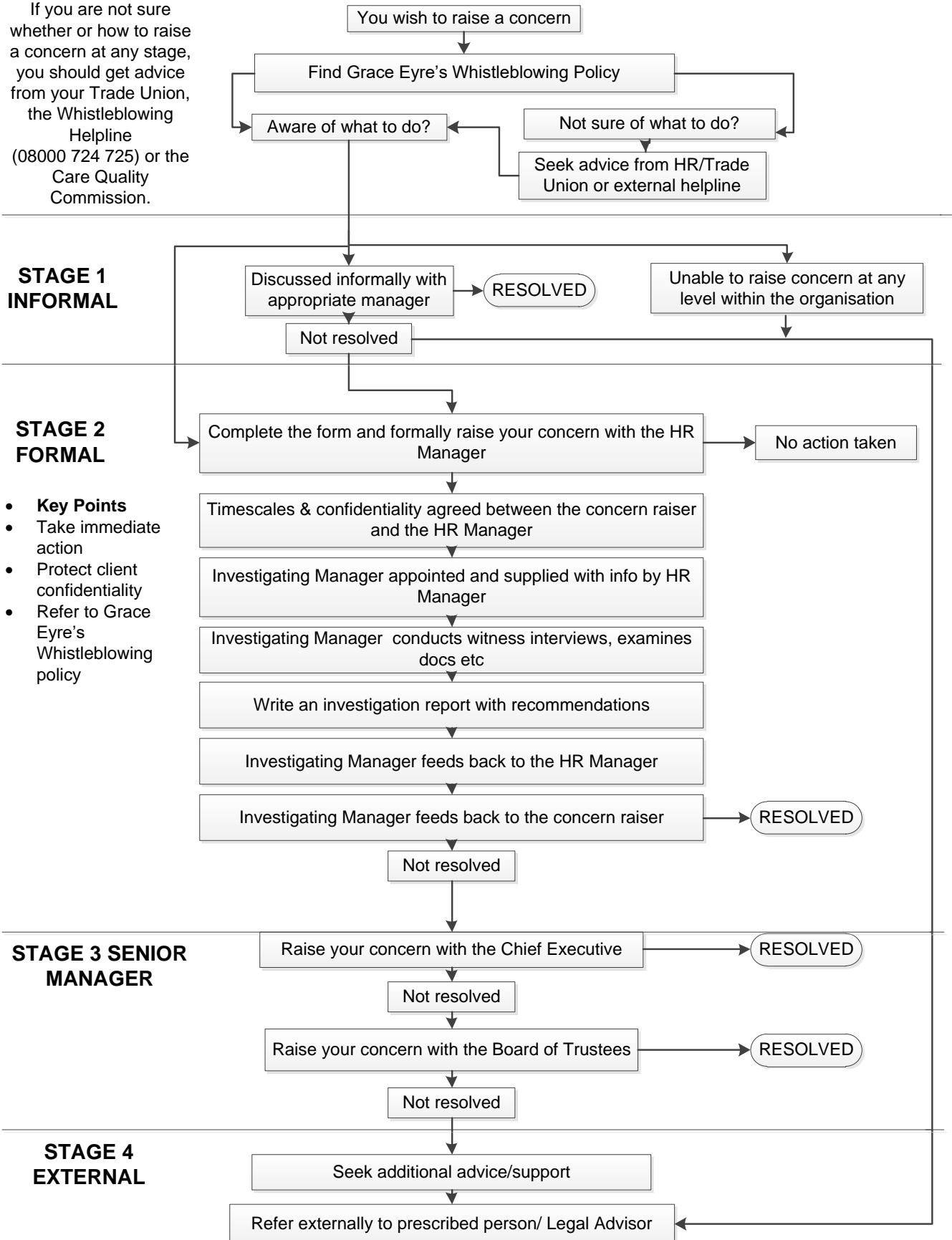
Flowchart of Whistleblowing Process

This flowchart sets out the stages in raising a concern and shows the management levels for internal disclosure.

SEEK ADVICE

Getting Advice

If you are not sure whether or how to raise a concern at any stage, you should get advice from your Trade Union, the Whistleblowing Helpline (08000 724 725) or the Care Quality Commission.



- **Key Points**
- Take immediate action
- Protect client confidentiality
- Refer to Grace Eyre's Whistleblowing policy

Appendix 3. – Top Tips

The following tips are intended to support workers and volunteers in raising concerns and to help managers respond appropriately when handling concerns raised.

Grace Eyre thinks it is very important to create a culture of openness and transparency, where workers and volunteers feel safe and are encouraged to speak up. The Board and the senior management team (SMT) are committed to open dialogue and communication and will ensure that the safety and wellbeing of service users are seen as the responsibility of everyone involved in the provision of our services.

Grace Eyre believes that raising concerns as soon as possible is an effective early warning of wrongdoing, malpractice or risks. Where possible, opportunities to raise concerns should be embedded into routine discussions on service delivery and care and support, (e.g. problem solving in supervision and team meetings, annual business and service reviews, annual appraisals & performance improvements, quality reviews, training and development)

Top Tips for Workers and Volunteers

Whistleblowing is when you speak out about something you are concerned about at work because you think it needs bringing out into the open for the public good. It can be a hard decision to do this. Here are some top tips to help you make your decision in an informed way and to help you access any support you may need:

1. Read the whistleblowing policy and procedure. It will tell you:

- What type of concerns are covered
- When and how a concern should be raised and who with.

You can find the policy in Staff Folders – Grace Eyre Shared Folder – Policies and Procedures – Strategic Policies, though the website www.grace-eyre.org or ask your manager for a copy. You need to follow the procedure to make sure you remain protected under the law – this is called the **Public Interest Disclosure Act 1998 (PIDA)**

You can get independent advice by contacting your Trade Union representative, the Whistleblowing Helpline on 08000 724725, the HR Manager or Citizen's Advice Bureau. In some circumstances you also may wish to obtain independent legal advice.

2. Raise the concern immediately or at the earliest opportunity.

If you believe that something is wrong, you do not need proof. Speaking out early could stop the issue from becoming more serious, dangerous or damaging.

3. Think about whether your concern can be discussed in an informal way.

or at things like supervision meetings, at your appraisal, team meeting or at the staff forum.

4. Find out if other workers or volunteers share your concerns.

If so, you may be able to raise your concerns as a group – there can be strength in number.

5. Check Grace Eyre's policy to find out who you should report your concerns to.

Your manager is usually the first person to go to. If you believe that your manager may be involved or you feel unable to raise it with them, you may need to go to another manager or the HR Manager (see Raising Concerns Disclosure Form)

6. Try to see if you can sort things out inside your organisation first.

But if you are not satisfied, then you may need to tell someone outside of where you work. This might mean telling your professional regulator or the CQC. Reporting anything to the media should always be the LAST thing you turn to. Try all the other places talked about first (see Further Advice and Links) – particularly if what you want to report involves private or confidential information.

7. When you report your concern, focus on as much factual information / evidence as possible.

This means things like being specific about;

- Dates and times
- What happened and the order of events
- Who was involved
- Any witnesses

Act honestly and professionally at all times in the interests of service users.

8. Try to present the situation as clearly and with as much information as possible – either verbally or in writing.

Identify what you believe to be the key issues and risks. For example, is there a risk to the service user or is it to do with a professional practice etc.?

Writing it down will help you to get your thoughts in order particularly if you are upset, worried or feeling emotional about it. Your trade union and the Whistleblowing Helpline can offer support.

Provide as much supporting information as you can, for example files or emails. ALWAYS ask for further advice, for example from your Trade Union or professional body, if these contain private and confidential information.

9. Check out the process and what will happen next.

Talk about what might happen next with your manager or the HR Manager.

You will need to give them a reasonable amount of time to check the facts and to find out more if they need to, before they feed back to you.

Respect the fact that your manager may need to keep some information private and confidential if it relates to other people.

Try to cooperate with any investigation into what you have reported and the attempts to resolve the issues and put things right.

You are entitled to get support from a work colleague or union representative at any meeting to discuss your concerns or during any investigation that takes place.

10. Keep track of what is happening

Even if you raise your concern verbally, you should also keep a record in writing of any discussions relating to your concern – this means things like the dates things happened, who you talked to, what was said, what the response was.

One way of keeping track of things is to email the manager/HR Manager after any discussions with a summary of the main points. Make it clear that you are raising a concern

in line with Grace Eyre's Whistleblowing Policy and the **Public Interest Disclosure Act 1998 (PIDA)**. This is the law to do with whistleblowing.

11. Maintain confidentiality.

It is best if you can speak out openly about what you think, although you can ask for your identity to be kept confidential.

The person/manager with whom you talk about things should make every effort to protect your identity. However, there may be times when, because of the nature of the investigation or what you need to say, it will be necessary to say who you are publicly. If this IS going to happen then the person you raise your concerns with should make every effort to let you know first.

Remember, if you work in a small team then people you work with might guess or work out your identity. If this happens, tell your manager and let him/her know if you are being bullied or harassed or being treated badly as a result.

Concerns raised anonymously – this means when you do not reveal your name – can be more difficult to deal with and investigate in the best way. More action is likely and possible if your identity is known when you report something.

12. If you are not satisfied...

If you feel your concern has not been addressed or the issues have not been resolved to achieve a solution and positive outcome, you should use the sources of support and help available to pursue the matter. Not speaking up might mean that poor care will carry on and may even get worse.

If this is the case, you will need to refer to Grace Eyre's policy in order to be clear about what action you can take and where you can go next.

If there is nothing more you can do inside Grace Eyre, then you can raise a concern with a regulator. This means the Care Quality Commission (CQC). They have a confidential number you can call on 03000 616161. If your concern is regarding an individual's professional practice, the professional regulator would be best placed to take action. If you do this, you need to have reason to believe that the information you give and any allegation you make is substantially true – if you only suspect something then that is not enough when you report concerns outside Grace Eyre. You can raise your concern with a regulator such as CQC even if you have left your job.

Talking to the police, the media and MPs, are also protected under the PIDA law, but only under certain circumstances. For example, if you genuinely believe you would be victimised or bullied if you raised the matter internally or with a regulator, you would probably be protected.

Going to the media should always be the last resort. Doing this could have an impact on your employment and it is a good idea to get advice before telling anyone outside of work.

Appendix 4. - Form for Staff or Volunteers to Raise Concerns Internally

Raising Concerns Disclosure Form
STRICLTLY CONFIDENTIAL

This form is to be completed by individuals who want to raise a concern under the Public Interest Disclosure Act 1998. Please send when complete to HR Manager, in an envelope marked Private and Confidential.

SECTION1 – DETAILS OF THE PERSON RAISING THE CONCERN

If you wish to remain anonymous, please go straight to section 2. However please note that whilst such concerns will be given due consideration, it will not be possible to progress matters in accordance with this policy.

Name:.....

Home Address:.....

.....
.....

Home contact number / mobile:.....

Work Address:.....

.....
.....

Work contact number / mobile:.....

Which address do you wish any correspondence to be sent to?:

Home address / Work address (please delete as appropriate)

Date disclosure form submitted:.....

SECTION 2 – DETAILS OF THE DISCLOSURE

What is your concern about? (please tick)

- Service User care and support
- Service User Safety
- Conduct (including malpractice, unethical conduct)
- Criminal offence/legal obligation
- Professional practice or competence

Other (please state).....

Who is involved? Please list witnesses and anyone carrying out the act causing you concern, and the date(s), time and place(s) the act occurred:

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.....

.....

Please describe what has happened / what you think will happen. Please provide as much detail as you can (use additional sheets of paper as needed):

.....

.....

.....

SECTION 3 – PERSONAL INVOLVEMENT / PERSONAL INTEREST

Please declare any personal interest you may have in this matter (i.e. does the outcome of this matter have the potential to affect you personally in any way?)

.....

.....

SECTION 4 – EXPRESSED PREFERENCES

Do you wish your identity to be kept confidential (bearing in mind that, depending on the nature of the investigation or disclosure, it may become necessary to disclose your identity)? YES / NO

Appendix 5. – Further Advice and Information

Social Care

Care Quality Commission “Whistleblowing: guidance for workers of registered care providers”, October 2012

Care Quality Commission “Whistleblowing: guidance for providers who are registered with the Care Quality Commission”, December 2011:

http://www.cqc.org.uk/sites/default/files/documents/20131107_100495_v5_00_whistleblowing_guidance_for_providers_registered_with_cqc.pdf

Department of Health (2012) Transforming Care: A National Response to Winterbourne View Hospital.

<https://www.gov.uk/government/publications/winterbourne-view-hospital-department-of-health-review-and-response>

The Social Care Institute for Excellence (SCIE) has webpages on whistleblowing for employees and employers on: www.scie.org.uk/publications/guides/guide15/whistleblowing/

Department of Health (2000) “No Secrets”: guidance on developing and implementing multi-agency policies and procedures to protect vulnerable adults from abuse”

<https://www.gov.uk/government/publications/no-secrets-guidance-on-protecting-vulnerable-adults-in-care>

Department of Health (2009) “The report on the consultation on the review of “No Secrets”

Health and Care Professions Council gives advice on raising concerns at:

<http://www.hcpc-uk.org/complaints/>

Skills for Care: the Social Care Commitment – a promise to improve the quality of care and support in adult social care

www.thesocialcarecommitment.org.uk/Home/About

Skills for Care: the Care Certificate – find out more at:

www.skillsforcare.org.uk/Standards/Standards.aspx

Skills for Care: the Code of Conduct for Healthcare Support Workers and Adult Social Care Workers in England – find out more at:

<http://www.skillsforhealth.org.uk/about-us/news/code-of-conduct-and-national-minimum-training-standards-for-healthcare-support-workers/>

General

British Standards Institute “Code of Practice on Whistleblowing Arrangements”, PAS 1998:2008

Charity Commission for England and Wales gives guidance on whistleblowing at:

<http://www.charitycommission.gov.uk/detailed-guidance/protecting-your-charity/guidance-for-auditors-and-independent-examiners/the-public-interest-disclosure-act/>

Chartered Institute of Personnel and Development “Whistleblowing” CIPD factsheet, revised May 2013

<http://www.cipd.co.uk/hr-resources/factsheets/whistleblowing.aspx>

Chartered Institute of Personnel and Development “Whistleblowing law FAQs”

Department for Business Innovation & Skills “The Whistleblowing Framework: Call for Evidence”, July 2013

The Government’s website on whistleblowing:

www.gov.uk/whistleblowing

The Health and Safety Executive provides information on raising concerns on:

<http://www.hse.gov.uk/contact/concerns.htm>

The Pensions Regulator gives information on raising concerns on:

<http://www.thepensionsregulator.gov.uk/individuals/reporting-a-concern.aspx>

The Whistleblowing Commission (2013) “Report on the effectiveness of existing arrangements for workplace whistleblowing in the UK” Public Concern at Work.

The **Whistleblowing Helpline** can provide training packages on raising concerns for delivery to workers, and training for managers on how to respond positively to workers raising concerns. To find out more, email enquiries@wbhelpline.org.uk, telephone 0800 724725 or visit the Whistleblowing Helpline website

www.wbhelpline.org.uk

Appendix 6. - Guidance for Managers

Create a good culture to allow workers to feel confident about raising concerns

1. Consider your management style.

Read through the section on the responsibilities for employers in the policy which sets out what support Grace Eyre should provide to help you respond positively to workers or volunteers who raise concerns at work. It is important that you are approachable, and foster a climate of openness and mutual respect.

2. Be prepared.

Find, read and understand the whistleblowing policy and procedure. The policy will help you to:

- Understand your role and responsibilities as a manager in how to respond to and handle concerns raised. Seek advice from HR when required.
- Know how and where to escalate serious concerns which need to be dealt with by senior staff, and explain this to the worker or volunteer raising the concern.

Attend any training provided, or request training when needed.

Train workers and volunteers to understand and practice values and demonstrate acceptable behaviour in their everyday work. The Care Certificate and National Occupational Standards have to be completed by all workers and new managers are encouraged to use the Management Induction Standards. Both of these require understanding of raising concerns / whistleblowing procedures.

Train and inform staff and volunteers about their personal responsibility for respectful treatment of co-workers who raise concerns for the public good, and their legal liability for any bad treatment (*see also Equalities Policy, including harassment & bullying*).

3. Offer support and encourage early action.

Support and encourage workers and volunteers to raise concerns at the earliest opportunity. Concerns at work could be a regular agenda item for discussion in normal communication and regular meetings such as supervision, team meetings and departmental meetings.

Focus on constructive discussion and dialogue, finding a solution, making improvements and dealing with risk.

Be approachable and encourage workers and volunteers to check if they are unsure what is appropriate and to admit mistakes rather than concealing them, so they can be remedied.

Identify any training or development needs for workers and volunteers to support competency in the role.

What to do when a worker or volunteer reports a concern

1. Listen carefully to any worker or volunteer raising a concern.

- Commit to taking the matter seriously.
- Thank the person for raising it (even if you think they may be mistaken).
- Acknowledge how they may be feeling, that it may be a difficult or stressful situation, and offer reassurance.
- Respect the worker's or volunteer's belief that they are raising a genuine concern in the public interest.
- Treat this as being reasonable.

- Avoid prejudging whether this is correct or valid until an appropriate investigation has taken place.

2. Respond positively and clearly.

- Reassure the person that the concern will be looked into promptly and (where appropriate) investigated thoroughly and fairly as soon as possible.
- Manage expectations of the individual – discuss next steps, reasonable timeframes, and arrangements for feedback on the outcome.
- Respect worker's and volunteer's request for confidentiality and any concerns about their job or career, but explain any circumstances where there may be limits on confidentiality (*see frequently asked questions*).
- Offer advice about the type of support available to them (e.g. HR, Trade Union or where they can seek independent advice – such as Whistleblowing Helpline or Citizen's Advice Bureau).
- Be clear on what the worker or volunteer should do and where they should go if they experience any reprisals or unacceptable behaviour, e.g. bullying, harassment or victimisation, from managers or colleagues.
- Give the person a copy or refer them to Grace Eyre's whistleblowing policy.

3. Ensure a fair process of investigation.

- Ensure any investigation is carried out fairly and thoroughly.
- Keep an open mind – you may not want to believe all that you hear, but it's important to remain objective.
- Focus on the information that is being disclosed, not on the worker or volunteer who is raising the concern.
- Don't let personal views influence your assessment of the issues.
- Recognise any strong emotions you may have and ask for help if you need it. (It is not unusual to have feelings such as anger, shock or distress).

4. Assess how serious and urgent the risk is.

- Decide whether the concern would be best dealt with under the whistleblowing policy or some other procedure (such as grievance).
- Don't dismiss the disclosure as an exaggeration or being trivial unless there is clear evidence to support this assessment.
- Decide whether the assistance of, or referral to, senior managers or a specialist function (such as finance) is desirable or necessary.
- Where there are grounds for concern, take prompt action to investigate or if the concern is potentially very serious or wide-reaching make sure this is escalated to the most appropriate person within the organisation to undertake further investigations.

5. Maintain good communication with the worker or volunteer who raised the concern.

- Keep the worker or volunteer advised and informed on progress.
- Update on any changes or delays in process.
- Give feedback on the outcome to the worker or volunteer.
- Explain any action to be taken (or not), but maintain confidentiality where this involves other parties.
- Explain any mistaken perceptions or misunderstandings which may have occurred.
- Ideally feedback should be given face to face and followed up in writing.

6. Act fairly.

- Understand that you are accountable for your actions.
- Be clear on any action taken or not taken and the reasons for this.
- Never attempt to ignore or cover up evidence of wrongdoing.

- Always remember that you may have to explain how you have handled the concern.
- Don't ever penalise someone for making a disclosure that proves unfounded if, despite making a mistake, s/he genuinely believed that the information was true.

7. Seek appropriate advice and/or support where required.

- If you are uncertain about how to proceed with a concern, always seek advice from HR.
- They will be able to support and advise you throughout any investigations you need to undertake into the issues raised, and in undertaking any actions required as a result of evidence being presented.

8. Keep clear concise records of all discussions.

- Date(s), what was said, response given by whom.
- Keep a record/log of all concerns raised (can be anonymised). Report this monthly to HR/Quality Manager.
- Note the nature of the concern.
- Record how the investigation was conducted (see template investigation report form)
- Record outcome, decision or action taken.
- Retain record for a minimum of five years.

9. Follow up action.

- Consider the potential actions:
 - Is this a safeguarding matter?
 - Is this a serious disciplinary matter?
 - Are there alternative ways to achieve constructive, positive solutions for future improvement rather than simply apportion blame?
 - Address any issues of competence or ability highlighted, via training and development.
- Report on all issues identified in the monthly monitoring reporting (see monthly complaints, safeguarding & whistleblowing monitoring report).
- Make recommendations across the organisation where appropriate i.e. feed into the 'bigger picture' through Grace Eyre Manager's (GEMs) meeting or Senior Management Team (SMT) meetings and take remedial, proactive and preventative action where this is needed.
- Take steps to help share any learning, establish long-term solutions and prevent recurrence of the issues elsewhere in the organisation.
- Raise any issues identified in other relevant forums e.g.
 - Health & safety Committee
 - Risk Assessments
 - Incident reporting
 - Quality reviews (Annual Business Reviews)
 - Service and performance reviews
 - Strategic planning discussions
 - Appraisals, Training and development reviews

10. Ensure the process has a positive outcome

- Publicise and 'celebrate' positive outcomes/actions/improvements resulting from someone raising a concern and speaking up (the person need not be named). This may encourage others to do the same.
- Provide appropriate feedback on the outcome to the person raising the concern.
- Build or rebuild working relationships and teams after a concern has been raised (the whistle has been blown) with appropriate support and advice from HR, Trade Unions etc.

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- Check on the worker's or volunteer's wellbeing at regular intervals to ensure they have not suffered any disadvantage, bullying, harassment or victimisation as a consequence of raising a concern.