

Whistleblowing Policy

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1	22 March 2019	Amended to reflect updated ISO 9001 2015 controlled document register	JP
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Purpose of this Document

This document outlines the policy of Agincare in relation to dealing with allegations of poor practice and/or harm which are made by members of staff against other staff or the company. This process is known as whistle-blowing. It explains that any employee who has a reasonable belief that there is serious malpractice relating to any of the areas specified in the Policy, may raise a concern through the appropriate channels within the organisation.

There is also information about the rights of staff to raise the matter externally if they are not satisfied with the Agincare response. There is protection afforded to them if they choose to do this after the internal procedures have been exhausted or where they reasonably believe the internal procedure has not dealt with their concerns sufficiently.

This document is held in accordance with the Public Interest Disclosure Act 1998

Policy Statement

Agincare recognises that its staff are the most likely to observe and be in a position to report on poor or neglectful practice. We therefore try to create an atmosphere of open communication and commitment to high standards of work, within which criticisms can be frankly made and thoroughly investigated through internal channels where appropriate. Agincare and its subsidiary companies comprise a large organisation in which the hierarchy of management will support staff at all levels to come forward with any concerns with the confidence that they can be resolved and improvements made where required.

The term "whistle-blowing" has no legal definition in law; however, it has been used to describe incidents where an employee publicly discloses some alleged wrongdoing within an organisation.

The Public Interest Disclosure Act 1998 aims to promote greater openness in the workplace and, by amending the Employment Rights Act 1996, protects "whistle-blowers" from detrimental treatment, i.e. victimisation or dismissal, for raising concerns about matters in the public interest. In providing this protection, the Act also reinforces the obligations of all persons employed by Agincare not to disclose to external sources any trade secrets or confidential information acquired during the course of their employment unless they fall within the qualifying for protection disclosures.

Obligations on Staff

All persons employed by Agincare are under an obligation, implied in their contract of employment, to give honest and faithful service to their employer. This includes an obligation not to disclose to external sources any trade secrets or confidential information acquired during the course of employment or act in a manner that will undermine the mutual trust and confidence on which the employment relationship is based. All staff also have an obligation implicit in their duty of care to safeguard vulnerable people from abuse and to treat colleagues, people who use services and visitors to services with dignity and respect. In this regard, any concerns or complaints about the service or any of its employees should be raised in the first instance through appropriate channels internally.

The Public Interest Disclosure Act 1998 compliments those obligations by providing protection to employees for disclosure made, without malice and in good faith, of certain specific confidential information to a third party in defined circumstances. Known as Qualifying Disclosures these include:

- A criminal offence
- The breach of a legal obligation
- A miscarriage of justice
- A danger to the health and safety of any individual
- Damage to the environment
- Deliberate attempt to conceal any of the above

We believe that teamwork and loyalty to colleagues should not be allowed to deter staff from reporting poor or neglectful practice when they observe it. Any member of staff, who witnesses or suspects poor or neglectful practice by another member of staff, should report this as soon as possible to their work place representative, their line manager or the HR department; failure to do so makes the staff member complicit in the actions and leaves them subject to the same investigations as the perpetrator(s). Staff representatives are nominated in each workplace with the expectation that any concerns will be firstly raised with this representative who will assist with finding a satisfactory outcome although you can speak with your line manager or wider senior management team directly.

Staff members can blow the whistle directly to outside agencies although the expectation is that they will first go through the internal channels of management and/or senior management before doing so.

- CQC can be contacted at www.cqc.org.uk;
- the Public Concerns at Work charity can be contacted on 020 7404 6609 for whistleblowing advice
- your local authority social services department can be contacted for any whistle-blowing concern, local authority contact details will be available on safeguarding information in your location

Who can raise a concern?

Any employee, who has a reasonable belief that there is serious malpractice relating to any of the protected matters specified above, may raise a concern under the procedure detailed below.

The issues raised under the protected list may relate to another employee, a group of staff, the individual's own service or another part of the Organisation.

Concerns must be raised without malice and in good faith, and the individual must reasonably believe that the information disclosed, and any allegations contained in it, are substantially true. The disclosure must not be made for purposes of personal gain, and in all the circumstances it must be reasonable to make the disclosure.

Agincare will ensure that any employee who makes a disclosure in such circumstances will not be penalised or disadvantaged or suffer any adverse treatment for doing so. The whistle-blower will be protected from suffering a detriment, bullying or harassment from any another employee.

However, an employee who does not act in good faith, makes an allegation without having reasonable grounds for believing it to be substantially true, makes it for purposes of personal gain, or makes it maliciously or in a vexatious manner, may be subject to Agincare disciplinary proceedings.

In view of the protection afforded to an employee raising a bona fide concern, it is preferable if that individual puts his / her name to any disclosure. The identity of the person raising the matter will be kept confidential, if so requested, for as long as possible provided that this is compatible with a proper investigation.

Anonymous complaints are not covered by this procedure, but may be reported, investigated or acted upon, as the person receiving the complaint sees fit (including the use of this procedure). Regard should be made to the seriousness of the issue raised, the credibility of the complaint, the prospects of being able to investigate the matter, and fairness to any individual mentioned in the complaint.

Agincare accepts that it has an obligation to ensure that employees who make a disclosure without malice and in good faith are protected, regardless of whether or not the concern raised is upheld. An employee who has made a disclosure and who feels that, as a result, he or she has suffered adverse treatment should submit a formal complaint in writing following Agincare's grievance procedure, detailing the adverse treatment. If it appears there are reasonable grounds for making the complaint, the onus will be upon alleged perpetrator of the adverse treatment to prove that any actions taken were not in retaliation for a protected disclosure.

Where it is determined that there is a case that an employee has suffered adverse treatment, harassment or victimisation as a result of his or her disclosure, a further investigation may take place and disciplinary action may be taken against the perpetrator in accordance with Agincare's disciplinary procedure.

Managing whistle-blowing concerns

Where an employee raises a concern either with their line manager or workplace representative, this person will fully investigate the issues raised and inform the whistle-blower of their findings to a satisfactory conclusion; where the whistle-blower is not satisfied with the outcome they are at liberty to take their concern to an outside agency if it falls within the remit of those issues identified above.

Contractual impact

Agincare's policies and procedures are to be followed in conjunction with the requirements of the contracts under which you provide services. There may be occasions where the contract contains requirements which appear to contradict or be in addition to, standard Company policy. In these instances you are to:

- If the requirement is in addition to standard Company policy - adhere to the terms and conditions of your contracts
- If the requirement is lesser than standard Company Policy - follow Company policies and procedures

If you require any further clarification, please contact the Commercial Department for guidance.

Training

The management team of Agincare believe that, in order to provide a quality service, Agincare requires high quality staff who are suitably trained, supervised and supported.

Agincare policies and procedures are referenced in the induction programme and are available for staff in their work place (Care Home or Branch office). Staff will be informed of how to access all policies, procedures and related documentation and of how to seek further advice regarding Agincare's agreed ways of working. Staff should be provided with regular updates to encourage continuous improvement and include latest good practice.

Agincare is committed to provide an ongoing programme of support for all staff. This includes supervisions, appraisals and training which will be in line with company policy, contractual obligations and current best practice.

REVIEW OF THIS POLICY

Review of this document is recorded on the controlled index and reviewed annually as part of the management review process.

Name: Policy Review Group

Date: March 2019