

All Services Whistleblowing Policy



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Aim of the Policy

Embrace is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees, and others that we deal with, who have serious concerns about any aspect of Embraces work to come forward and voice those concerns.

The aim of the Policy is to:

- To encourage you to feel confident in raising concerns and to question and act upon concerns about practice.
- To provide avenues for you to raise concerns in confidence and receive feedback on any action taken.
- To ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied.
- To reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made a disclosure in good faith.

Background

The Public Interest Disclosure Act 1998 was enacted to ensure a climate of greater frankness between employers and workers so that irregularities can be identified and addressed quickly and to strengthen employment rights by protecting responsible workers who blow the whistle about wrongdoing or failures in the workplace.

Definitions

Whistleblowing is when an employee reports suspected wrongdoing at work. Officially this is called 'making a disclosure in the public interest'.

Qualifying Disclosure: disclosures of information where the employee reasonably believes (and it is in the public interest) that one or more of the following matters is either happening, has taken place, or is likely to happen in the future:

- 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.

Protected Disclosure: disclosure of information where the employee feels they cannot go to their employer with the disclosure and makes their disclosure to a prescribed person/body.

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The policy applies to all employees, (including those designated as casual hours, temporary, agency, authorised volunteers or work experience), and those contractors working for Embrace, for example, agency staff, builders, drivers.

If someone is going to make disclosure it should be made to the employer first, or if they feel unable to use the Embrace procedure the disclosure should be made to a prescribed person (see Appendix A), so that employment rights are protected.

What types of concern are covered?

- Conduct which is an offence or a breach of law
- Failure to comply with a legal obligation
- Disclosures related to miscarriages of justice
- Health and safety risks, including risks to the public as well as other employees
- Damage to the environment
- The unauthorised use of funds
- Possible fraud and corruption
- Sexual, physical or other abuse of service users
- Other unethical conduct
- Actions which are unprofessional, inappropriate or conflict with a general understanding of what is right and wrong

NB. Other procedures are available to employees e.g. the Grievance procedure which relates to complaints about your own employment.

Safeguards and Victimisation

Embrace recognises that the decision to report a concern can be a difficult one to make. If what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer and those for whom you provide a service.

Embrace will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith.

Confidentiality

All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness.

This policy encourages you however to put your name to your concern whenever possible. Please note that:

- Staff must disclose the information in good faith.
- Staff must believe it to be substantially true.
- Staff must not act maliciously or make false allegations.
- Staff must not seek any personal gain.

How to raise a concern

As a first step, you should normally raise concerns with your immediate manager or their line manager. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that management is involved you should approach one of the following people:

Amanda Morgan-Taylor - Director of Quality
Tel: 07885 879 637
Amanda.Morgan-Taylor@Embrace.co.uk

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Paul Newton – Human Resources Director
Tel: 07715 063 336
Paul.Newton@Embrace.co.uk

Trish Lee - Chief Executive Officer
Tel: 07739 671 545
E-mail: trish.lee@Embrace.co.uk

Alternatively e-mail: whistleblowing@embracegroup.co.uk

Or contact:

Independent Whistleblowing Hotline

Tel: 0800 047 4037 and quote scheme number 73167

Concerns may be raised verbally or in writing. Staff who wish to make a written report are invited to include the following information:

- The background and history of the concern (giving relevant dates);
- The reason why you are particularly concerned about the situation.

The earlier you express the concern the easier it is to take action.

Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.

You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.

You may invite your professional association representative or a friend to be present during any meetings or interviews in connection with the concerns you have raised.

How Embrace will Respond to Your Concerns

Embrace will respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.

Where appropriate, the matters raised may:

- Be investigated by management, staff from the Embrace Quality Department, or through the disciplinary process
- Be referred to the police or other appropriate agency such as Her Majesty's Revenue and Customs (HMRC) or the United Kingdom Borders Agency (UKBA)

In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle, which Embrace will have in mind, is the public interest.

Concerns or allegations which fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.

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Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

Within ten working days of a concern being raised, the team dealing with the disclosure will write to you:

- Acknowledging that the concern has been received
- Indicating how we propose to deal with the matter
- Giving an estimate of how long it will take to provide a final response
- Telling you whether any initial enquiries have been made
- Supplying you with information on staff support mechanisms
- Telling you whether further investigations will take place and if not, why not

The amount of contact between the manager considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, Embrace will seek further information from you.

Where any meeting is arranged, off-site if you so wish, a professional association representative or a friend can accompany you.

Embrace will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings Embrace will arrange for you to receive advice about the procedure.

Embrace accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the outcome of any investigation.

The Responsible Officer

The Chief Executive has overall responsibility for the Whistleblowing Policy. The day to day maintenance and operation of the policy will be undertaken by the Director of Quality who will maintain records of concerns raised and the outcome (but in a form which does not endanger your confidentiality) and will report as necessary to the Group Executive Committee of the Company.

How the Matter Can Be Taken Further

This policy is intended to provide you with an avenue within Embrace to raise concerns. Embrace hopes you will be satisfied with any action taken. If you are not happy with the action taken or if you wish to make a protected disclosure in the first instance, it is your right to take the matter outside of Embrace.

Please refer to Appendix A for a list of prescribed people with whom you can share your disclosure.

If you do take the matter outside of Embrace, you should ensure that you do not disclose confidential information.

This policy is owned by: HR Department

Date: 11/03/2016

Signed:

A handwritten signature in black ink that reads "P. E. Newton".

Company Confidential

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Appendix A: BLOWING THE WHISTLE TO A PRESCRIBED PERSON

List of prescribed persons and bodies (October 2014: Gov.UK)

Children's Interest

Children's Commissioner about matters relating to the rights, welfare and interests of children in England.

The Office of the Children's Commissioner
Sanctuary Buildings, 20 Great Smith Street, London, SW1P 3BT
Tel: 020 7783 8330
Email: info.request@childrenscommissioner.gsi.gov.uk
www.childrenscommissioner.gov.uk

Children's Commissioner for Wales about matters relating to the rights, welfare and interests of children in Wales.

Children's Commissioner for Wales
Oystermouth House, Phoenix Way, Llansamlet, Swansea SA7 9FS
Tel: 01792 765600 Fax: 01792 765601
Email: post@childcomwales.org.uk
www.childcomwales.org.uk

Her Majesty's Chief Inspector of Education, Children's Services and Skills ("the Chief Inspector") about matters relating to regulation and inspection of establishment and agencies for children's social care services.

Ofsted, Piccadilly Gate, Store Street, Manchester M1 2WD
Tel: 0300 123 3155
Email: whistleblowing@ofsted.gov.uk

The National Society for the Prevention of Cruelty to Children (NSPCC) about matters relating to child welfare and protection.

NSPCC Weston House 42 Curtain Road London EC2A 3NH
Switchboard: 020 7825 2500 Fax: 020 7825 2525
Email: help@nspcc.org.uk

Health and Safety

The Health and Safety Executive about health or safety of any individual at work or the health and safety of the public in connection to health and safety.

Health and Safety Executive
Tel: 0300 003 1647
Online form: <http://www.hse.gov.uk/contact/raising-your-concern.htm>
www.hse.gov.uk

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Your local authority about matters which may affect the health or safety of any individual at work or matters which may affect the health and safety of any member of the public arising out of or in connection with the activities of persons at work. You can find the contact details for the relevant local authority here: <https://www.gov.uk/find-your-local-council>

Healthcare

Care Quality Commission about matters relating to the regulation and provision of health and social care.

CQC National Customer Service Centre, Citygate, Gallowgate, Newcastle upon Tyne NE1 4PA
Tel: 03000 616161
www.cqc.org.uk

Healthcare Improvement Scotland about matters relating to furthering the improvement in the quality of health care in Scotland.

Executive Office Business Manager, Healthcare Improvement Scotland, Gyle Square, 1 South Gyle Crescent
Edinburgh EH12 9EB
Phone 0131 623 4300
www.healthcareimprovementscotland.org

Nursing and Midwifery Council about matters relating to the registration and fitness to practise of a registered nurse or midwife and any other activities in relation to which the Council has functions.

Nursing and Midwifery Council , 23 Portland Place, London W1B 1PZ
Tel: 020 7637 7181
Email: whistleblowing@nmc-uk.org
www.nmc-uk.org

Welsh Ministers about the review of, and investigation into the provision of health care by and for Welsh NHS bodies.

Healthcare Inspectorate Wales, Welsh Government, Rhydycar Business Park, Merthyr Tydfil CF48 1UZ
Phone: 0300 062 8163 Fax: 0300 062 8387
E- mail: hiw@wales.gsi.gov.uk
www.hiw.org.uk

Social care

Care Council for Wales about matters relating to the registration of social care workers in Wales.

Care Council for Wales, South Gate House, Wood Street, Cardiff CF10 1EW
Tel: 0300 30 33 444
info@ccwales.org.uk

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Care Inspectorate about matters relating to the provision of care services in Scotland.

Compass House, 11 Riverside Drive, Dundee DD1 4NY
Tel: 0845 600 9527
Email: enquiries@careinspectorate.com

Care Quality Commission about social care services in England.

CQC National Customer Service Centre, Citygate, Gallowgate, Newcastle upon Tyne NE1 4PA
Tel: 03000 616161
www.cqc.org.uk

Health and Care Professions Council about matters relating to the registration and fitness to practise of health and care professional.

Health and Care Professions Council, Park House, 184 Kennington Park Road, London SE11 8BU
Tel: 0845 300 6184
www.hpc-uk.org

Scottish Social Services Council about matters relating to the registration of the social services workforce in Scotland.

Scottish Social Services Council, Compass House, 11 Riverside Drive, Dundee DD1 4NY
Tel: 01382 207101
Email: registration@sssc.uk.com
www.sssc.uk.com

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Whistleblowing – Frequently Asked Questions

We recognise that the success of our business and our reputation depends on our staff and managers doing the right thing. We want to encourage you to speak up if you have any concerns about a risk to our service users, patients, customers, the public or the Company. By identifying a problem early you can help us to address it before any damage is done.

However, we recognise that there may be times when this can feel difficult or awkward and this is why we have a Whistleblowing Policy. The policy is designed to reassure you that it is safe and acceptable to speak up in the normal way to your manager. It also sets out alternative routes to raise a concern should you feel unable to tell your manager.

This guide is designed to help answer your questions and provide you with practical information about how the policy applies to your work. We hope you find this useful but should you have any further questions, please ask.

What's covered?

1. What to do if I have a concern, even if it is only a suspicion
2. What is whistleblowing?
3. Who can blow the whistle?
4. Difference between a concern and a grievance
5. On what kind of activities can I blow the whistle?
6. What will my manager do?
7. Will anything happen to me if I raise a concern?
8. What if I am worried about raising it with my manager?
9. Difference between confidentiality and anonymity
10. How will I know what has happened to the issue I raised?
11. If my raising a concern upsets colleagues, what can the company do?
12. What if my concern leads to a colleague being disciplined?
13. Should I collect evidence?
14. The role of outside bodies such as a regulator
15. Monitoring
16. What is the Public Interest Disclosure Act and how does it relate to our whistle blowing policy
17. What if I still have questions about this policy?

1. What to do if I have a concern, even if it is only a suspicion.

If you have a concern about wrongdoing or a risk that could damage the people we support, patients, customers, colleagues or the Company, we want you to raise it in the normal way with your line manager. There is no need for you to conduct your own investigation or obtain proof of wrongdoing before you raise your concern – a genuine suspicion is enough. The earlier we know about a problem, the sooner we can fix it and minimise any damage. We do not want you to keep quiet about your concern.

Most issues and potential problems are dealt with easily by talking to the person concerned or to your line manager, usually through a simple one-to-one conversation. When this approach doesn't work, or is inappropriate, you should refer to the Whistleblowing Policy. The policy will tell you whom else you can speak to.

2. What is whistleblowing?

Someone blows the whistle when they tell their employer, a regulator, the police or the media about a dangerous, illegal, or inappropriate activity that they are aware of through their work.

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Whistleblowing can inform those who need to know about deficiencies in the care of vulnerable people, health and safety risks, fraud, corruption, potential environmental problems, cover-ups and many other problems. Often it is only through whistleblowing that this information comes to light and can be addressed before real damage is done.

Whistleblowing is a valuable activity, which can positively influence all of our lives.

3. Who can blow the whistle?

Employees whether full-time or part-time, self-employed contractors, agency workers, volunteers, applicants for employment, service users/patients, service users/patients families, relations and friends, suppliers, sponsoring authorities, contractors and the general public can blow the whistle.

4. Difference between a concern and a grievance.

Generally speaking, a whistleblowing concern is about a risk or wrongdoing, which affects someone other than you. It could be something, which adversely affects our service users, patients, customers, the public, other employees or the company itself. A grievance, on the other hand, is a personal complaint about your own employment situation. For example you may feel aggrieved if you think a management decision has affected you unfairly or you are not being treated properly. A whistleblowing concern is one you raise as a witness, whereas a grievance is something you raise as a complainant.

5. On what kind of activities can I blow the whistle?

You can blow the whistle on any activity that may significantly threaten the health or safety of the people we support, patients, employees or the public; or gross misconduct, gross incompetence; or the commission of unlawful acts such as corruption, bribery, theft or misuse of property, fraudulent claims, fraud, coercion, wilful omission to perform one's duty.

6. What will my manager do?

If you raise a concern with your manager they will want to discuss it with you. The manager may be able to address the concern immediately or they may wish to make a preliminary assessment and speak to you again. You may be asked how you think the matter might be resolved. If the issue would be more properly dealt with under the grievance or some other procedure, your manager will tell you which one and why you should use it.

If the concern cannot be resolved at this stage, your manager will need to refer it to a more senior level and it may be necessary for the concern to be fully investigated. In this case, your manager will discuss with you what this will mean and whether your further assistance will be needed.

If your manager has any questions about how to proceed, you can approach the Quality Director or your Regional Manager / Divisional Director for assistance.

7. Will anything happen to me if I raise a concern?

We assure all our staff that we will not tolerate the victimisation or unfair treatment of anyone who raises a genuine concern. This assurance is extended even if the concern is unfounded. We will, however, treat seriously any case where a member of staff has maliciously raised a concern they know to be untrue.

If you have a genuine concern – and, even if you are mistaken – we want you to know that there is a safe alternative to silence.

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8. What if I am worried about raising it with my manager?

We understand that there may be times when you feel it is inappropriate, or you are unable to raise a concern with your manager. In such a situation you can speak to one of the divisional designated contacts whose names and details are listed in the policy.

9. Difference between confidentiality and anonymity

There is an important difference between confidentiality and anonymity. If a concern is raised anonymously it means no one knows who has raised it. Not knowing who has raised a concern means that we will not be able to seek further information or details (which will affect our ability to investigate) nor protect the position of the person who raised it or provide any feedback. This is why you should not assume we could provide the assurances we offer under the policy in the same way if you report a concern anonymously.

If you request confidentiality, this means that we know who you are but will not reveal your identity more widely without your consent or by court order. This does not mean, however, that others might not try to guess who it was that raised the concern. If you are worried at all about your own position, we ask that you tell us so that we can address it sensibly and effectively. If we find that we are unable to resolve a concern without revealing your identity, for example where your personal evidence is essential, we will discuss with you whether or how the matter can best proceed.

10. How will I know what has happened to the issue I raised?

You generally have the right to be informed of the status of the concern you raised and the findings of the investigation, although there might be overriding legal or public interest reasons not to do so.

If you ask, we will always endeavour to tell you as much as we can, though you should understand that there may be limits as to how much information can be fed back – for example, where it might compromise an investigation or breach a duty of confidence the company owes a third party.

Additionally, any action taken against an employee as a consequence of the findings of the investigation may be personal and confidential, in which case it cannot be disclosed.

11. If my raising a concern upsets colleagues, what can the Company do?

If you have raised a genuine concern in a responsible way it is unlikely to cause any difficulties with colleagues – in fact, this should be part of normal working practice. Sometimes, however, you may be worried that raising a concern will be considered disloyal or cause upset amongst colleagues. If you believe you are being victimised for having raised a concern, please tell your manager or the person you have raised it with so that they can take appropriate steps to address it.

Sometimes it will be difficult for staff to accept that a serious problem has been found or that there is wrongdoing in the workplace. While we cannot guarantee that we will respond to all matters in the way that you or indeed your colleagues might wish, we will handle the matter fairly and properly. By using this policy, you will help us to achieve this.

12. What if my concern leads to a colleague being disciplined?

By telling us that we may have a problem, you are helping us address any serious issue before damage is done. In exceptional circumstances, such as where there has been a fraud or a serious breach of internal rules, disciplinary action may be taken. Please be assured that this is a decision for us and not for you and we will only do so after a thorough consideration of all the information and evidence before us.

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13. Should I collect evidence?

No. The whistleblower is usually not personally affected by the danger or illegality. For this reason, the whistleblower should not be expected to prove the malpractice. He or she is a messenger raising a concern so that others can address it. Collecting evidence, such as taking undercover video footage, could potentially lead to disciplinary proceedings from a professional body that the whistleblower is a member of.

14. The role of outside bodies such as a regulator

Regulating bodies, such as the Care Quality Commission, CSSIW, Ofsted, Scottish Commission for the Regulation of Care or the Health and Safety Executive work to ensure that standards are maintained and to minimise risk for service users, patients, consumers, employees, the public or the environment. We want our staff to raise any concern they have with us so we can address any wrongdoing before it becomes a real problem. In this way we can demonstrate to the public, to ourselves, and to those that regulate us that we are an accountable and responsible Company.

However, in certain circumstances it may be appropriate for a member of staff to raise a concern directly with a regulating body the details of all relevant agencies can be found within the policy.

15. Monitoring

The implementation, communication and use of the Whistleblowing Policy will be monitored by the Group Executive Committee as part of its overall governance and risk management strategy. If you have any comments or questions about the policy, please contact the Director of Quality.

16. What is the Public Interest Disclosure Act and how does it relate to our Whistleblowing Policy?

The Public Interest Disclosure Act is part of UK employment law. It provides protection for workers who raise genuine concerns about certain types of wrongdoing and who then suffer a detriment or are dismissed for having done so. We encourage our staff to tell us if they have a concern about wrongdoing and have implemented this policy to offer clear direction as to where and with whom they can do this without fear of retribution or victimisation.

17. What if I still have questions about this policy?

Please do not hesitate to ask the Director of Quality, a member of the Quality Team or your Regional Manager/ Managing Director if you have any questions about the policy.