



SURREY CHOICES

WHISTLEBLOWING POLICY and PROCEDURES

October 2014

1. Introduction

1.1 It is important for staff working for Surrey Choices to feel safe and listened to when raising concerns. Surrey Choices promotes the values of openness, transparency and candour and encourages all staff to treat people using services with dignity, respect and compassion. In that way, the wellbeing and safety of people using Surrey Choices services and the provision of good care will become part of the culture and will be seen as ‘the way we do things around here’.

1.2. The Surrey Choices 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. The Management team will not tolerate the harassment or victimisation of anyone raising a genuine concern.

1.3. Whistleblowing refers to making a disclosure in the public interest about malpractice or wrongdoing in the workplace. This means that Surrey Choices staff should speak out if there is a concern about inappropriate or unlawful conduct, financial mismanagement or poor practice and behaviour.

1.4 Surrey Choices is committed to achieving the highest possible standards of service. In order to achieve this standard we encourage staff to use the whistleblowing policy to report any malpractice or illegal acts or omissions by people working for Surrey Choices.

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

1.6 Within Surrey Choices the HR Manager has the overall responsibility for ensuring that the Whistleblowing Policy works effectively and that procedures are followed.

2. The Scope of the Policy and the Law

2.1. This Policy applies to all Surrey Choices workers, including full and part time employees, agency workers, those on temporary contracts, as well as trainees, non-executive directors, contractors and consultants.

2.2. This policy has been written to take into account the Public Interest Disclosure Act 1998 which protects workers from suffering detrimental treatment or losing their job because they have made a disclosure.

2.3. To be protected, the disclosure **must** be in the public interest, **must** have a reasonable belief that the information shows that one of the categories of wrongdoing listed in the legislation has occurred or is likely to occur, and the concern **must** be raised in the correct way.

2.4. The Public Interest Disclosure Act 1998 details six subject areas under which disclosures have to fit so as to be ‘qualifying disclosures’:

- Criminal offences
- Failure to comply with legal obligations
- Miscarriages of justice
- Threats to health and safety of an individual
- Damage to the environment; or
- A deliberate attempt to cover up any of the above

2.5. The way the Public Interest Disclosure Act works is to allow people to apply to an Employment Tribunal for a remedy or compensation if they feel they have suffered bad treatment as a result of whistleblowing.

2.6 The Act covers all workers including those on temporary contracts or supplied by an agency, trainees, non-executive directors, contractors and consultants. It does **not** cover volunteers or students, however if volunteers and students raise concerns they will be listened to, and appropriate action will be identified and taken.

2.7. As from 25th June 2013, to qualify for protection under this Act a disclosure should be in relation to a concern that is in the ‘public interest’. The public interest means the public good, not what is of interest to the public, and not the private interests of the person raising the concern.

2.8. Examples of concerns might be:

- Physical or emotional abuse
- Bullying
- Theft, fraud or bribery
- Health and Safety issues and risks
- Abuse of power, position or authority
- Failure to treat people with dignity
- Financial mismanagement

2.9. The government has now extended whistleblowing protection to allow workers who blow the whistle, protection against bullying and harassment by co-workers.

2.10 Co-workers who victimise whistleblowers could be held personally liable for their actions.

2.11. Where there are concerns relating to someone’s practice who works for another employer, the concerns should be reported to the Surrey Choices member of staff line manager who should then raise the concerns with the manager of the person about whom there are concerns

3. The relationship to the Safeguarding Policy and Procedures

3.1. Safeguarding the health and wellbeing of people using Surrey Choices services means they should not be exposed to abuse whether physical, psychological, sexual or financial, neglect or institutional abuse.

3.2. It is not the workers responsibility to investigate or decide if abuse has happened, only to make sure that the appropriate agencies are referred to.

3.3. All Surrey Choices staff must understand and follow the Surrey Choices safeguarding procedure

4. The Procedure for Raising a Concern (see Appendix 1 – flowchart of whistleblowing process)

4.1. All Surrey Choices staff have a duty to support and maintain standards of care within all services provided by Surrey Choices

4.2. If a staff member has any concerns regarding inappropriate behaviour, unlawful conduct, poor practice or behaviour they are expected to raise their concern.

4.3. A concern must be raised in the public interest – it should be something that should be reported for the public good (**see point 2.3**).

4.4. In the first instance the member of staff should either read the Surrey Choices Whistleblowing Policy and Procedures and where unsure of what to do seek advice from the Surrey Choices HR Manager, a Trade Union, or the Whistleblowing external helpline or discuss the concern informally with their line manager who will try to resolve the concern (**Stage 1 of flowchart**)

4.5. The member of staff should refer to **Appendix 3 (Guidance for workers)**

4.6. A concern should be raised with the person's line manager either face to face, by telephone, in writing (letter or email) or by completing the Raising Concerns Disclosure Form. (**See Appendix 2 – Raising Concerns disclosure form**)

4.7. A concern that is 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 more information from the worker or give them feedback

4.7. The Manager receiving the concern refer to **Appendix 4 – (Guidance for Managers)**

4.8. When an individual raises a concern with a manager there should be consideration as to 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 Surrey Choices grievance procedure.

4.9. If the member of staff feels that the concern they have raised with their line manager has not been dealt with or that they cannot discuss the issue with their line manager e.g. the line manager is implicated within the issue, the concern should then be raised with a more senior manager. (**Stage 2 of flowchart**)

4.10. The Senior Manager will respect a workers request for confidentiality and will explain where they may be limits on confidentiality e.g. legal or police led investigations

4.11 The Senior Manager will ensure that the concerns are investigated thoroughly and fairly, identifying a person to undertake the investigation and will advise the member of staff the timescale for the completion of the investigation

4.12. The Senior Manager will consider what support is necessary for the person raising the concern and ensure that any support arrangements are in place

4.13. The investigating manager will conduct a full investigation of the concerns raised including the interview of any witnesses and the examination of relevant documentation and records.

4.14. The investigating manager will produce a written report with recommendations for the Senior Manager within the timescale stated by the Senior Manager which should not exceed 28 days

4.15. The Senior Manager will formally share the outcome of the investigation findings and recommendations with the concern raiser

4.16. If the member of staff feels that the concern has not been dealt with by the Senior Manager to their satisfaction the concern should then be escalated to the Managing Director of Surrey Choices. (**Stage 3 of flowchart**)

4.17. The Surrey Choices Managing Director will review the findings of the investigation undertaken at Stage 2 and may request additional information or recommend further actions in an attempt to resolve the concern. The Managing Director will formally share the outcomes of any further actions with the concern raiser

4.18. If the member of staff feels that the concern has not been dealt with by the Surrey Choices Managing Director to their satisfaction a referral can then be made externally to a ‘prescribed person’. (**Stage 4 of flowchart**)

4.19. The ‘prescribed person’ as designated under the Public Interest Disclosure Act relevant to the NHS and Social Care include:

- The Care Quality Commission (CQC)
- Monitor
- The Health and Safety Executive
- The Charity Commissioners for England and Wales
- Professional regulatory bodies (e.g. Health Care Professionals Council (HCPC) Nursing and Midwifery Council (NMC)
- Member of Parliament

4.20. Surrey Choices staff should always seek to resolve the concern internally and exhaust all internal procedures before taking the step of raising the concern more widely.

4.21. Should the concern raiser feel unable to raise the concern at any level within Surrey Choices, consideration should be given as to raising a concern with a regulator. **(See Appendix 5 – list of prescribed persons)**

5. Monitor and Review

5.1. All concerns raised formally under the Whistleblowing procedures together with the outcomes will be formally recorded and shared with the Senior Management Team.

5.2. The nature of the concerns and the outcomes will be reported to the Managing Director at the senior executive meeting, in order that Senior Management is fully aware of and are assured that concerns are being appropriately responded to

5.3. Learning and recommendations arising from concerns reported and any subsequent investigations will be reviewed against any relevant Surrey Choices Policies and Procedures

6. False Allegations

6.1. Surrey Choices will take a robust approach towards any member of staff found to be making a false allegation or where a member of staff maliciously makes a disclosure they know to be untrue

Should a member of staff raise a false or malicious claim, then disciplinary action will be considered.