

WHISTLEBLOWING POLICY

1. Introduction

Spinal Homecare is committed to delivering high quality services to its service users and to that end expects high standards from its employees. In order to maintain those high standards a culture of openness and accountability is vitally important. The aims of this policy are threefold:-

- to encourage you to raise concerns about malpractice within the organisation without fear of reprisal;
- to reassure you that your concerns will be taken seriously;
- to provide information about how to raise your concerns and explain how Spinal Homecare will respond

The Directors are committed to this policy. If you raise a genuine concern under this policy, you will not be at risk of losing your job or suffering any form of retribution as a result. Provided you are acting in good faith, it does not matter if you are mistaken. Of course we cannot extend this assurance to someone who maliciously raises a matter they know is untrue.

With these assurances, we hope you will raise your concern openly. However, we recognise that there may be circumstances when you would prefer to speak to someone in confidence first. If this is the case, please say so at the outset. If you ask us not to disclose your identity, we will not do so without your consent unless required by law. You should understand that there may be times when we are unable to resolve a concern without revealing your identity, for example where your personal evidence is essential. In such cases, we will discuss with you whether and how the matter can best proceed.

Please remember that if you do not tell us who you are it will be much more difficult for us to look into the matter. We will not be able to protect your position or to give you feedback. Accordingly you should not assume we can provide the assurances we offer in the same way if you report a concern anonymously.

2. Scope of the Policy

This policy applies to all Spinal Homecare employees, former employees and agency staff engaged by Spinal Homecare.

3. What is whistleblowing?

In practical terms, whistleblowing occurs when a concern is raised about danger or illegality that affects others, e.g. Service users, members of the public or the organisation itself. As the person blowing the whistle you would not usually be directly affected by the danger or illegality. Consequently you would rarely have a personal interest in the outcome of any investigation into your concerns. This is different from a complaint or grievance. If you make a complaint or lodge a grievance, you are saying that you personally have been poorly treated. This poor treatment could involve a breach of your individual employment rights or bullying and you are entitled to seek redress for yourself by following the grievance policy procedure.

4. Blowing the Whistle on Malpractice

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Malpractice covers a wide range of concerns. The types of activity that should be disclosed include but are not limited to the following:

- fraud or corruption (see also the Counter Fraud and Corruption Policy)
- financial maladministration
- the physical, emotional or sexual abuse of service users
- failure to comply with legal obligations
- endangering of an individual's health and safety
- damage to the environment
- a criminal offence
- failure to follow financial and contract procedure rules
- showing undue favour to a contractor or a job applicant
- miscarriages of justice
- deliberate concealment of information relating to any of the above

5. How to raise a concern

Please remember that you do not need to have firm evidence of malpractice before raising a concern. However we do ask that you explain as fully as you can the information or circumstances that gave rise to your concern.

Step one: Your manager

If you have a concern about malpractice, we hope you will feel able to raise it first with your line manager. This may be done verbally or in writing.

Step two: Director

If you feel unable to raise the matter with your manager, for whatever reason, please raise the matter with one of the directors. This may be done verbally or in writing.

Independent Advice

If you are unsure whether to use this policy or you want confidential advice at any stage, you may contact the independent charity Public Concern at Work on **0808 168 0225** or by email at **advice33@pcaw.co.uk**. They can talk you through your options and help you raise a concern about malpractice at work.

6. How we will handle this matter

Once you have told us of your concern, we will assess it and consider what action may be appropriate. This may involve an informal review, an internal inquiry or a more formal investigation. We will tell you who will be handling the matter, how you can contact them, and what further assistance we may need from you. If you ask, we will write to you summarising your concern and setting out how we propose to handle it. If we have misunderstood the concern or there is any information missing please let us know.

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When you raise the concern it will be helpful to know how you think the matter might best be resolved. If you have any personal interest in the matter, we do ask that you tell us at the outset. If we think your concern falls more properly within our grievance, bullying and harassment or other relevant procedure, we will let you know.

Whenever possible, we will give you feedback on the outcome of any investigation. Please note, however, that we may not be able to tell you about the precise actions we take where this would infringe a duty of confidence we owe to another person.

While we cannot guarantee that we will respond to all matters in the way that you might wish, we will strive to handle the matter fairly and properly. By using this policy you will help us to achieve this.

7. External Contacts

While we hope this policy gives you the reassurance you need to raise your concern internally with us, we recognise that there may be circumstances where you can properly report a concern to an outside body. This should only be done where you are raising a genuine concern in good faith and where you believe the information is true, i.e. more than just suspicion. In fact, we would rather you raised a matter with the appropriate regulator, such as those listed below, than not at all. You are advised to discuss your concerns with a legal advisor, trade union or Public Concern at Work before reporting them outside the Company.

Regulator Contact Details

England

Care Quality Commission:
CQC National Correspondence
PO Box 1258
Newcastle upon Tyne
NE99 5AU
Tel: 03000 616161
Email: enquiries@cqc.org.uk
Website: www.cqc.org.uk

Scotland

Care Inspectorate
Compass House, 11 Riverside Drive
Dundee
DD1 4NY

Tel: 0345 600 9527
Email: enquiries@careinspectorate.com
Website: www.careinspectorate.com

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Wales

Care and Social Services Inspectorate Wales
Cathays Park
Cardiff
CF10 3NQ

Tel: 01443 848450
Fax: 029 2082 3417
Email: cssiw@wales.gsi.gov.uk
Website: www.cssiw.org.uk

Northern Ireland

Department of Health, Social Services and Public Safety
Castle Buildings
Stormont
BELFAST
BT4 3SJ

Tel: 028 90520500
Email: webmaster@dhsspsni.gov.uk
Website: www.dhsspsni.gov.uk

As a last resort you may choose to raise your concern outside the Company to someone other than a prescribed regulator, e.g. to the police or your MP. You should only do this if, in addition to the conditions above, they meet one of three preconditions.

Provided the disclosure is reasonable in all the circumstances and is not made for personal gain, the preconditions are that you:

- reasonably believed that you would be victimised if you raised the matter internally within the Company; or
- reasonably believed that the matter would be 'covered up' and there is no prescribed regulator; or
- you have already raised the matter internally or with a prescribed regulator

8. Protection for the Whistleblower

All concerns raised under this procedure will be treated seriously and a decision made about whether or not an investigation is appropriate. Depending upon the nature of the matter it may be referred to the external auditor or the police. The person to whom you reported your concern will be responsible for keeping you informed about the progress of the investigation and the action that has been taken, although you may not be told the outcome. In some cases the investigation may result in criminal or disciplinary proceedings. If this happens you may be invited to give a written statement or give evidence at a hearing. The Company will support you in this process and ensure that you are clear about what will happen.

The Company will not tolerate harassment or victimisation and will take action to protect you if you have raised a concern in good faith. Any employee who is found to have victimised or harassed an employee who has raised a concern will face disciplinary action.

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9. Allegations not made in Good Faith

Concerns that are raised frivolously, maliciously, for personal gain or where they are known to be untrue may result in disciplinary action or, in the case of agency staff, the termination of the agency contract. In the case of contractors, the matter will be reported to the directors so that a decision can be made about the appropriate action to take.

Approved by: 
Andrew Swanson, Director

Date: 12/01/2010
Review date 08/09/2011
Review date 24/09/2012
Review date 01/11/2013
Review date 05/10/2014
Review date 10/06/2015
Review date 23/03/2016
Review date 15/02/2017
Review date 10/01/2018

POL032 (issue No 2) 21.01.19 Approved by: 