

## WHISTLE - BLOWING POLICY

Prepared by The Lantern Community Registered Manager and the Safeguarding Adult Co-ordinator and endorsed by The Lantern Council

Procedure dated: November 2012

Implemented in: November 2012

Reviewed in December 2014, June 2016, March 2017

### GLOSSARY OF TERMS:

**The Lantern Community:** The organisation responsible for providing the care and support service

**Companion:** Beneficiary of the charity, person who is receiving the care and support service

**Staff:** An employee or a person who works on a voluntary basis for Lantern Community which provides domiciliary care and support services to service users who live in their own homes.

**Whistle-blowing:** Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:

- criminal activity;
- miscarriages of justice;
- danger to health and safety;
- damage to the environment;
- failure to comply with any legal or professional obligation or regulatory requirements;
- financial fraud or mismanagement;
- negligence;
- breach of our internal policies and procedures;
- conduct likely to damage our reputation;
- unauthorised disclosure of confidential information;
- the deliberate concealment of any of the above matters.

## POLICY STATEMENT

The Lantern Community's policy on "whistle blowing" sets out to comply in every aspect with the *Public Interest Disclosure Act 1998* in protecting and not victimising staff who seek to report and have investigated genuine and reasonable concerns about any form of malpractice that they encounter in their work.

'We all depend on care staff not only to do the work of providing the care but also to sound the alarm if something seems to be going wrong.' (Public Concern at Work, 1997 page3)

At the same time, the Lantern Community does seek to create an atmosphere of open communication and commitment to high standards of work, within which criticisms can be frankly made and thoroughly investigated.

We aim to build a positive and open culture by:

- Integrating whistle-blowing into wider philosophies of good practice and codes of conduct
- Challenging poor practice before it becomes entrenched and escalates
- Fostering an open culture that encourages staff to question and discuss care / other practices through regular supervision and team meetings
- Providing effective induction /on-going training for all staff to ensure awareness of adult protection and whistle-blowing policies
- Undertaking to reflect on and learn from whistle-blowing incidents

## OBLIGATIONS ON STAFF TO REPORT ABUSE

The principles of 'Best Interest' and common law 'Duty of Care' require that staff have a responsibility to:

- Draw attention to any matter they consider to be damaging to the interest of a companion or a fellow employee
- Put forward any suggestions that may improve a service

'No Secrets spells out that it is the responsibility of all staff to act on any suspicion or evidence of abuse or neglect and describes appropriate responses and support for Whistle-blowers.' (Department of Health, 2000 page 26-28)

We believe that teamwork and loyalty to colleagues should not be allowed to deter staff from reporting suspected harm, criminal acts, neglect of companions or bad practice that is against the **GSCC Code of Conduct for Social Care Workers**, when they observe it. Any member of staff who witnesses or suspects harm by another member of staff should report on it as soon as possible to their line manager. The manager will accept responsibility for the actions that follow and will assure the "whistle-blower" that they have acted correctly by reporting the matter and will not be victimised. We will arrange a meeting with you as soon as possible to discuss your

concern. You may bring a colleague to any meetings under this policy. Your companion must respect the confidentiality of your disclosure and any subsequent investigation.

We will take down a written summary of your concern and provide you with a copy after the meeting. We will also aim to give you an indication of how we propose to deal with the matter.

Once you have raised a concern, we will carry out an initial assessment to determine the scope of any investigation. We will inform you of the outcome of our assessment. You may be required to attend additional meetings in order to provide further information.

In some cases, we may appoint an investigator or team of investigators including staff with relevant experience of investigations or specialist knowledge of the subject matter. The investigator(s) may make recommendations for change to enable us to minimise the risk of future wrongdoing.

We will aim to keep you informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent us giving you specific details of the investigation or any disciplinary action taken as a result. You should treat any information about the investigation as confidential.

If we conclude that a whistle-blower has made false allegations maliciously, in bad faith or with a view to personal gain, the whistle-blower will be subject to disciplinary action.

Despite the assurances the Lantern Community gives to its staff, the community accepts that there may be incidents that the staff does not feel confident or able to report in the first instance to the managers. If this is the case, the staff should report their concerns to an outside authority such as the police, the Local Authority Safeguarding unit or to the Care Quality Commission to initiate an investigation. The Lantern Community provides every staff member with the contact details, which are included in this policy and in the other related policies such as the Lantern Community Complaint Handling Policy and Procedures.

## **INVESTIGATING AND DEALING WITH ALLEGATIONS**

The manager to whom harm by a staff member is reported should take the necessary steps under the agency's policy on safeguarding. In addition, they should if possible protect the source of the information. If a manager fails to act promptly, suppresses evidence or is involved in any action to discourage whistle-blowing, they may render themselves liable to disciplinary action.

## **DEALING WITH INTERFERENCE WITH OR VICTIMISATION OF STAFF WHO HAVE REPORTED HARM**

Any member of staff who attempts to prevent a staff member from reporting their concerns to a manager or who bullies, attempts to intimidate or discriminates against a colleague in these circumstances will be dealt with under disciplinary proceedings. A

whistle-blower who feels themselves to be subject to hostile action from colleagues should inform their manager, who should if necessary take steps so as to protect them from the hostile action.

The Lantern Community also recommends that its staff make arrangements to have access to independent legal advice in the event of their being involved in allegations as whistle-blowers or as people against whom allegations are made. They are encouraged to do this through membership of a trades union or professional organisation that includes legal advice as part of its services.

**Public Concern at Work**

Helpline: (020) 7404 6609

(Independent whistleblowing charity)

E-mail: [whistle@pcaw.co.uk](mailto:whistle@pcaw.co.uk)

Website: [www.pcaw.co.uk](http://www.pcaw.co.uk)

Staff must not suffer any detrimental treatment as a result of raising a concern in good faith. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform a member of the HR Team immediately. If the matter is not remedied you should raise it formally using our Grievance Procedure.

**TRAINING**

All new staff receive training in this policy on whistle-blowing as part of the induction training. Staff receive updated training as needed as policies change.

**RESPONSIBILITY FOR THE SUCCESS OF THIS POLICY**

The managers have overall responsibility for this policy, and for reviewing the effectiveness of actions taken in response to concerns raised under this policy.

The General Manager has day-to-day operational responsibility for this policy, and must ensure that all staff who may deal with concerns or investigations under this policy receive regular and appropriate training.

The General Manager should review this policy from a legal and operational perspective at least once a year.

All staff are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing. Staff are invited to comment on this policy and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed a member of the HR Team.