

“WHISTLEBLOWING” POLICY & PROCEDURES

INTRODUCTION

DRH is committed to the highest standards of openness, probity and accountability. An important aspect of accountability and transparency is a mechanism to enable staff to voice concerns in a responsible and effective manner.

It is a fundamental term of every contract of employment that staff do not disclose confidential information concerning DRH, service users or colleagues affairs. However, where a member of staff has genuine concerns regarding malpractice or abuse within the organisation they should be able to raise these concerns internally without fear of reprisal. There should be arrangements to enable this to be done independently of the individuals direct manager, although in most instances the manager would be the appropriate person to be told.

The Public Disclosure Act 1998 gives legal protection to staff against being dismissed or penalised as a result of disclosing certain serious concerns. DRH endorse the principle that no member of staff should feel threatened or disadvantaged by raising legitimate concerns.

It should be emphasised that this Policy is intended to assist staff who believe they have discovered malpractice, abuse or impropriety. The provisions of this policy should not be used to reconsider any matters, which have already been addressed under harassment, complaint, and disciplinary or other procedures.

It is reasonable to expect staff to use “whistle blowing” procedures initially rather than to raise their concerns outside of DRH.

SCOPE OF THE POLICY

This policy is designed to enable staff to raise concerns internally and at a high level and to disclose information, which the individual believes shows malpractice, abuse or impropriety. These concerns could include:

- Improper conduct or unethical behaviour especially that directed towards our service users which amounts to abuse
- Failure to comply with legal obligations or statutes
- Dangers to Health & Safety or the environment
- Criminal activity
- Financial malpractice
- Attempts to conceal any of the above

SAFEGUARDS

1. Protection

This Policy is designed to offer protection to staff who disclose concerns provided the disclosure is made

- In good faith
- In the reasonable belief that the disclosure is indicative of malpractice, abuse or impropriety and if they make the disclosure to an appropriate person.

It is important to note that no protection from internal disciplinary procedures is offered to those who choose not to use the procedure. In an extreme case malicious or wild allegations could give rise to legal action on the part of the person complained about.

2. Confidentiality

DRH will treat all such disclosures in a confidential and sensitive manner. The identity of the member of staff making the allegation may be kept confidential so long as it does not hinder or frustrate any investigation. However, the investigation process may reveal the source of the information and the individual making the disclosure may need to provide a statement as part of the evidence required.

3. Anonymous Allegations

This Policy encourages staff to put their name to any disclosures they make. Concerns expressed anonymously are much less credible, but they may be considered at the discretion of the Chief Executive.

In exercising this discretion, the factors to be taken into account will include:

- The seriousness of the issues raised
- The credibility of the concern
- The likelihood of confirming the allegation from other sources.

4. Untrue Allegations

If a member of staff makes an allegation in good faith, which is not confirmed by a subsequent investigation, no action will be taken against that individual. In making a disclosure the member of staff should exercise due care to ensure the accuracy of the information. If, however, an individual makes malicious or vexatious allegations, and particularly if he or she persists with making them, disciplinary action may be taken against that individual.

PROCEDURE FOR MAKING A DISCLOSURE

Staff should normally raise any concerns about any form of malpractice with their direct manager normally the Home Manager or Head of Department.

Under certain circumstances it may be more appropriate for staff to contact the Chief Executive or Deputy Chief Executive directly for advice.

If this procedure has been followed, and staff still have concerns, or if they feel the matter is so serious that they cannot discuss it with any of the above, then staff should contact:

- **For Care Homes**

the local office of the Commission for Social Care Inspection. The address of the local office is:

Commission for Social Care Inspection
Unit 4 New Fields Business Park
Stinsford Road
Poole BH17 ONF Telephone no.01202 662992

- **Staff working at Fairfield House or Elsadene** should contact the Healthcare Commission which regulates Independent Hospitals:

Healthcare Commission
Westward House
Lime Kiln Close
Stoke Gifford
Bristol
BS34 8SR Telephone 0207448 9200

- **For staff working in Supported Accommodation**

Supporting People Team
Social Care & Health
Dorset County Council
Colliton Park
Dorchester DT1 1XJ Telephone 01305 291000

If a member of staff suspects that service users are suffering abuse and they feel that DRH managers have failed to respond appropriately, staff should contact the Duty Social Worker at the nearest Social Services office listed in Appendix A. (ref: DRH Adults at Risk Policy; and "No Secrets" Dorset Multi-agency policy & guidelines for the protection of vulnerable adults)

Failure to follow the appropriate internal routes for raising concerns may constitute a disciplinary offence. Staff who are unsure whether to use this procedure or who want independent advice at any stage should contact their Trade Union or representative. Alternatively, if they are not a member of a Union, they may contact the independent charity *Public Concern at Work* on 020 7404 6609. Their lawyers can give confidential

advice at any stage about how to raise a concern about serious malpractice at work. Any disclosure made to a lawyer, in the course of seeking advice on the procedure or the Public Interest Disclosure Act 1998 is protected under the Act.

TRAINING

All new staff should be encouraged to read the policy on whistle blowing as part of their induction training. Whistle blowing and the Public Interest Disclosure Act 1998 should also be included in regular in house training updates.

November 2003

Revised August 2004

Revised January 2005

APPENDIX A

**LOCAL SERVICE SERVICES OFFICES:
(Social Care & Health Directorate)**

Dorchester Office: Ackland Road Dorchester Dorset DT1 1SH	01305 251414
Weymouth & Portland Office Jubilee Retail Park Jubilee Close Weymouth Dorset DT4 7BG	01305 760139
Bridport Office The Grove Rax Lane Bridport Dorset DT6 3JL	01308 422234
North Dorset Office Bath Road Sturminster Newton Dorset DT10 1DR	01258 472652
Sherborne Office The Sheilings The Avenue Sherborne Dorset DT9 3AJ	01935 814104/5