

“WHISTLEBLOWING” (PUBLIC INTEREST DISCLOSURES) 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, abuse and/or failure to comply with a legal obligation within the organisation then they should be able to raise these concerns internally without fear of reprisal. In fact, DRH encourages staff to raise concerns if they have reasonable grounds for suspecting serious wrongdoing within the organisation. Failure to disclose information or suspicion of abusive and other harmful acts can be seen as a form of collusion with the offending behaviour.

In most instances the individual’s line manager would be the appropriate person to whom concerns should be raised. DRH does recognise that, in some cases, a member of staff may feel the need to raise their concerns with a more senior member of staff. In exceptional situations a member of staff may be justified in raising serious concerns to an outside agency.

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 DRH internal “whistle blowing” procedures initially rather than to raise their concerns outside of DRH. However, disclosure to an individual or body external to DRH would be deemed acceptable if:

- The individual has reasonable grounds for believing that evidence relevant to their concerns would be concealed or destroyed if they make a disclose to a DRH manager

- the individual wishing to make a disclosure reasonably believes that to do so would lead to victimisation by 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
- Serious risks to health and safety or to 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.

This Policy assures protection for staff who choose to disclose concerns externally (e.g. elected politicians; police and statutory agencies) in good faith and with reasonable grounds for believing that DRH are unable or unwilling to address their concerns or that they may suffer a personal detriment by raising their concerns internally, in the first instance

Malicious and unsubstantiated allegations could give rise to disciplinary action (including dismissal) and 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 this does not seriously hinder or frustrate an investigation. The investigation process may reveal the source of the initial disclosure 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 will be taken against that individual.

MEDIA

Staff are not permitted to discuss any issue relating to DRH, its service users or staff with any media representative without the express permission of the Chief Executive or Deputy. Media enquiries should always be referred to the Chief Executive, Deputy Chief Executive or Chairman. Unauthorised disclosures to media representatives will be subject to disciplinary action, including dismissal.

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. Concerns will be addressed accordance with DRH policies (e.g. Complaints and Grievance Policies)

Under certain circumstances it may be more appropriate for individual members of staff to contact the Chief Executive or Deputy Chief Executive directly for advice. However, once a manager is alerted to a serious concern they will be obliged to take appropriate remedial action.

Staff should consider taking confidential advice from their Trade Union representative or an organisation such as *Public Concern at Work* (see contact details below) before making a disclosure to a person other than a representative of DRH.

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 and Independent Mental Health Hospitals

Care Quality Commission (CQC)

National Correspondence
Citygate
Gallowgate
Newcastle upon Tyne
NE1 4PA
Tel: 03000 616161
e-mail: enquiries@cqc.org.uk

For staff working in Supported Accommodation

Contact the Manager, West Dorset Learning Disability Team at:
The Grove
Rax Lane
Bridport
Dorset DT6 3JL
Tel: 01308 422234

If a member of staff has reasonable grounds for concern that service users are suffering abuse and they believe that DRH managers have failed to respond appropriately to their concerns, staff should contact the relevant Dorset Social Services (Social Care) office listed in the DRH Adults at Risk Policy (Policy No.2).

Failure to follow the appropriate internal routes for raising concerns without reasonable grounds may constitute a disciplinary offence. The Public Interest Disclosure Act 1998 does protect staff who make a disclosure based on reasonable beliefs.

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, they may contact the independent charity *Public Concern at Work*:

Public Concern at Work
Suite 301
16 Baldwins Gardens
London
EC1N 7RJ

Telephone (general enquiries and helpline)

020 7404 6609

Fax

020 7404 6576

Email

UK enquiries: whistle@pcaw.co.uk

UK helpline: helpline@pcaw.co.uk

UK services: services@pcaw.co.uk

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 procedures should also be included in regular in house training updates regarding adult protection policies and procedures.

November 2003

Revised August 2004

Revised January 2005

Revised September 2008

Next review due: September 2011