This policy applies to Services within the Scottish, Northeast, Southeast and Midlands Regions Only. It does not apply to Older Peoples Services in Scotland.

A-F-148

Whistle Blowing Policy
England and Scotland
(Internal and External Procedure)

External Independent Confidential Whistle Blowing HOTLINE
TEL: 0800 047 4037

This policy should be read in conjunction with the following Danshell Policies:-

- A-B-157 SUI Policy
- A-A-165 Safeguarding Vulnerable Adults Policy
- A-A-203 Safeguarding Children Policy

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<thead>
<tr>
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This policy is subject to review at any time to reflect current national policy or guidelines.
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CONTENTS

<table>
<thead>
<tr>
<th></th>
<th></th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Introduction</td>
<td>3</td>
</tr>
<tr>
<td>2.</td>
<td>Policy</td>
<td>3</td>
</tr>
<tr>
<td>3.</td>
<td>Purpose/Scope</td>
<td>4</td>
</tr>
<tr>
<td>3.3</td>
<td>What is Whistle Blowing</td>
<td>4</td>
</tr>
<tr>
<td>3.4</td>
<td>What are the guiding principles</td>
<td>4</td>
</tr>
<tr>
<td>4.</td>
<td>Implementation</td>
<td>5</td>
</tr>
<tr>
<td>4.1</td>
<td>What is covered by whistle blowing</td>
<td>5</td>
</tr>
<tr>
<td>4.2</td>
<td>Procedure – Internal/External</td>
<td>5/6</td>
</tr>
<tr>
<td>4.3</td>
<td>Review Panel</td>
<td>7</td>
</tr>
<tr>
<td>4.4</td>
<td>Where can independent advice be sought</td>
<td>7</td>
</tr>
<tr>
<td>5.</td>
<td>Monitoring/Audit</td>
<td>7</td>
</tr>
<tr>
<td>6.</td>
<td>What can be done if the way Danshell has handled my concerns is unsatisfactory</td>
<td>8</td>
</tr>
<tr>
<td>6.1</td>
<td>Additional Guidance for England Only</td>
<td>8</td>
</tr>
<tr>
<td>6.2</td>
<td>Additional Guidance for Scotland Only</td>
<td>9</td>
</tr>
</tbody>
</table>
1. INTRODUCTION

All staff members at one time or another have concerns about what is happening at work. Usually these concerns are easily resolved. However, when you are troubled about something that involves a danger or risk (to service user, public or colleagues), professional misconduct or financial malpractice, it can be difficult to know what to do.

You may be worried about raising such an issue, perhaps feeling it’s none of your business or that maybe it’s only a suspicion. You may feel that raising the matter would be disloyal to colleagues, to managers or to the company. You may have said something but found that you have spoken to the wrong person or raised the issue in the wrong way and are not sure what, if anything, to do next.

Danshell has introduced this policy to enable everyone to blow the whistle safely so that such issues are raised at an early stage and in the right way. We know from experience that to be successful we must try to deal with issues on their merits. Should the issue involve any service users, or our services and it is deemed that their safety and welfare could be at risk then the matter will be referred to the appropriate local authority and relevant care regulator.

The company welcomes your genuine concerns and is committed to dealing responsibly, openly and professionally with them. Without your help, we cannot deliver a safe service and to protect the interests of service users, staff and the company. If you are worried, we would rather you raised it when it is just a concern than to wait for proof.

If something is troubling you that you think we should know about or look into, there are various ways to alert relevant staff to your concerns as identified in this policy and its delivery of the procedure.

2. POLICY

2.1 Danshell is committed to developing a culture where it is safe and acceptable for all employees and stakeholders to raise concerns about poor or unacceptable practice and misconduct.

2.2 The purpose of this policy is to provide a framework to promote responsible whistle blowing. It protects employees wishing to raise a concern about:

- Serious irregularities within Danshell, for example a failure to comply with a legal duty.
- The company where the interests of service users and others in the company are at risk, and are not being dealt with by Danshell appropriately in clinical governance reviews, investigations or other Danshell reviews or projects.

2.3 The policy does not release employees from their duty of confidentiality in the course of their work, for example, during clinical governance reviews or investigations, nor is it a route for taking up a grievance about a personal situation.
2.4 Danshell has a duty to pass on information to others if this is required in the public interest. However, if Danshell employees raise a concern in confidence, they will have that confidence respected unless Danshell is unable to resolve the issue without identifying the person who raised the concern, for example, because evidence is needed in court, or Danshell is subject to a judicial review and as a result all Danshell’s papers are open to scrutiny. If this happens, Danshell will discuss this with the employee beforehand.

2.5 If any issues are raised (including anonymously) that involve service users where their safety and welfare could be at risk the matter will be raised with the relevant local authority and the appropriate regulatory authority normally within 24 hours of receipt – unless the Company needs to seek any legal advice. Then the Safeguarding of Vulnerable Adults Policy or Safeguarding Children Policy must be followed.

3. PURPOSE/SCOPE

3.1 This policy is for people employed by Danshell. For the purposes of this policy this is someone who is:

- Employed on a substantive contract;
- On secondment to Danshell, for example on a clinical governance review or on an investigation;
- On a temporary contract or employed through an agency to work for Danshell;
- Students and others on work experience, placements etc;
- As an independent consultant for Danshell;
- Contractors and suppliers of services to Danshell.

3.2 This policy has been drawn up so that employees can be confident about raising a concern either internally with his or her line manager or with a Director or externally via a confidential service.

3.3 What is whistle blowing?

3.3.1 A whistle blower is not a “sneak” or a “trouble maker” but someone who comes to a decision to express a concern after a great deal of thought. The law only requires that there be a genuine doubt – the individual is not expected to produce unquestionable evidence to support the concern. Producing the evidence is up to Danshell or the organisation with which the matter was raised.

3.3.2 If the concern was raised in good faith, the person raising the concern will not be at risk of losing his or her job or suffering any form of reprisal for doing so.

3.4 What are the guiding principles?

To ensure that this policy is adhered to, and to assure the concern will be taken seriously, Danshell will:
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- Not allow the person raising the concern to be victimised for doing so;
- Treat victimisation of whistle blowers as a serious matter and take disciplinary action;
- Not attempt to conceal evidence of poor or unacceptable practice;
- Take disciplinary action if an employee destroys or conceals evidence of poor or unacceptable practice or misconduct;
- Ensure confidentiality clauses in Danshell contracts do not forbid or penalise whistle blowing;
- Respond to any concerns forwarded by the external confidential service regardless of whether they are anonymous or from a named individual or group.

4. IMPLEMENTATION

4.1 What is covered by whistle blowing?
In general, any aspect of malpractice, for example, a criminal offence, breach of contract, negligence or causing danger to health and safety. Concerns relevant to this policy include, but are not limited to:

- Clinical malpractice including the abuse of service users in care;
- Safeguarding children and adults.
- System failures, for example untoward incident reporting;
- Concerns about health and safety, including not complying with the Health and Safety Act;
- Financial irregularities, including fraud, or suspected fraud;
- Breach of employee codes of conduct or rules, for example gifts and hospitality;
- Failure of Danshell to comply with a legal duty.

Whistle blowing should not be used in place of Danshell grievance procedures or be a route for raising malicious or unfounded allegations against your colleagues.

4.2 Procedure
This can be either internal or external.

4.2.1 Internal Procedure
Employees can raise a concern with his or her line manager or with any Director. If a concern is raised with the line manager or Director he/she will:

- Note the key points of the concern and check if the matter has been raised with anyone else in Danshell, for example, clinical governance review manager.
- Check that the employee has a copy of the whistle blowing policy and explain the key principles, for example, the rights and responsibilities of someone expressing a concern under the Public Disclosure Act 1998 (applicable to Great Britain).
- Assure the whistleblower about complete confidentiality unless at a later stage this becomes unavoidable, for example, if legal proceedings take place.
• Explain how information will be recorded and stored (e.g. restricted access, held confidentially, may include written and electronic records etc)

• Refer the concern to a Director who on reviewing the information provided will advise on the best person to investigate the matter further.

The next steps will be:

Contact will be made with the whistleblower (where possible) within 5 working days acknowledging receipt of concern and outlining next steps.

If the concern relates to a safeguarding matter, then the decision may be made to refer immediately to the appropriate external agencies. This may involve the HR department and possible suspension of staff.

Depending on advice from the appropriate safeguarding authority, there may be a delay in an internal investigation commencing.

For matters that are not of a safeguarding nature, an internal investigation will commence. An investigation will be undertaken by appropriately trained individuals. Ideally, the investigation will be completed within a 30 day period.

The investigating team in consultation with the Director will prepare a report of the outcome of their investigation. This will clearly identify recommendations for any further action;

• The Director will agree the next steps with the HR Director or Deputy and/or Director of Nursing and Patient Safety.
• The Director will be responsible for progressing the action as agreed with the HR Director or Deputy and/or Director of Nursing and Patient Safety.

4.2.2 External Procedure

An individual employee and or group of employees may raise a concern with the nominated external confidential service on 0800 047 4037.

The external confidential service will then raise the concern with the Medical Director or Deputy. In essence, the concern will then be investigated following the internal procedure outlined above; the exception being if the concern is made anonymously. In such cases no confirmation can be provided within 5 working days.

Within both internal and external procedures it is not practical to identify all the specific steps, which may be needed to progress action on a case-by-case basis. If further involvement is required by the whistleblower, Danshell will maintain ongoing support, or arrange for support through others so that the whistle blower interests are
satisfactorily represented.

4.3 **Review Panel**
The committee members consist of the Chief Executive, the Director of Nursing and Patient Safety, Medical Director, representatives from Governance and Operations. The Safeguarding and Whistleblowing Committee meets on a monthly basis and will meet to review all on-going and completed cases.

4.4 **Where can independent advice be sought?**
If employees feel unsure about using this procedure, or would like independent advice at any stage, they may contact the independent charity Public Concern at Work on **020 7404 6609**. Their lawyers provide free confidential advice at any stage about raising a concern.

Hopefully the explanations in this policy give assurance that concerns will be taken seriously and that matters can be confidentially reported internally and externally either as a named employee or anonymously.

5. **MONITORING AND AUDIT**

5.1 **How will the policy be implemented?**
The implementation of this policy will include:

- A copy of the policy will be included in staff induction packs and information packs for people working in Clinical Governance Review Teams, in Investigating Teams, or National Service Framework Teams
- All current and future employees being notified formally of the policy and confidential telephone number
6. WHAT CAN BE DONE IF THE WAY DANSHELL HAS HANDLED MY CONCERNS IS UNSATISFACTORY?

If the whistleblower is unhappy with the response to his or her concerns within this policy, he or she may raise their concerns with the Review Panel. While Danshell cannot guarantee that they will respond to all matters in the way that the whistleblower might wish, Danshell will try to handle any matter promptly, fairly and appropriately. Please contact Debra Moore, Director of Nursing and Patient Safety, on 0844 998 0880.

6.1 Additional Guidance for England Only

If you have tried all these, or you do not feel able to raise your concern internally, you can raise your concern in confidence with the CQC.

You can contact the CQC by telephone, email or letter.

The CQC will ask if you are raising a concern and that you are a worker who is either employed by, or providing services to, a registered provider.

The CQC contact details are; Tel no: 03000 616161
Email: enquiries@cqc.org.uk
CQC opening hours are Monday to Friday: 8.30am - 5:30pm
Write to CQC at:
CQC National Correspondence
Citygate
Gallowgate
Newcastle upon Tyne
NE1 4PA
6.2 Additional Guidance for Scotland Only

If you have tried all these, or you do not feel able to raise your concern internally, you can raise your concern in confidence with either:

The Social Care and Social Work Improvement Scotland (SCSWIS) who formally regulate and inspect care homes in Scotland.

The SCSWIS contact details are:
Tel no: 0845 600 9527
Email: enquiries@careinspectorate.com
Website address: www.careinspectorate.com
Write to SCSWIS at:
Care Inspectorate
Compass House
11 Riverside Drive
Dundee
DD1 4NY

Healthcare Improvement Scotland (HIS) who formally regulate and inspect independent care hospitals in Scotland.

The Healthcare Improvement Scotland (HIS) contact details are:

Write to (HIS) at:
Healthcare Improvement Scotland
Elliot House
8-10 Hillside Crescent
Edinburgh
EH7 5EA

Tel no: 0131 623 4300
Email: hcis.chiefinspector@nhs.net
Website address: www.healthcareimprovementscotland.org

Both of the above organisations will ensure that your concerns are acknowledged and forwarded onto the relevant authority for further investigation.