

North Somerset Multi-Agency Adult Safeguarding Procedures



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Whistleblowing policy

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Introduction

The North Somerset Safeguarding Adults Board (NSSAB) Whistleblowing Policy provides guidance to partners on reporting concerns of malpractice, abuse, and/or neglect against adults with care and support needs. The policy advocates for transparency and accountability and encourages partners to act promptly to safeguard those who might not be able to protect themselves, ultimately enhancing the quality of care and protection for adults with care and support needs.

What is whistleblowing?

Whistleblowing is the act of reporting suspected wrongdoing, misconduct, or unethical behaviour within an organisation and is an essential part of safeguarding adults. Whistleblowing ensures that poor practice is acted upon and that adults at risk receive the care and support they deserve.

Complaints that count as whistleblowing

Examples of concerns that **can** be raised through an organisations whistleblowing policy include:

- malpractice
- criminal offences (including potential offences)
- failure to comply with legal obligations
- financial and/or identity fraud
- attempts to cover up issues
- corruption
- abuse or neglect of people drawing upon care and support
- actions against financial regulations, standing orders or policies
- endangerment to someone's health and safety (including potential endangerment)
- damage to the environment (including potential damage)
- non-compliance with health and safety law

What is a whistleblower?

A whistleblower is a worker who reports certain types of wrongdoing. This will usually be something witnessed at work – though not always. The wrongdoing disclosed must be in the public interest. The public interest refers to the welfare or well-being of the general public and society as a whole. By exposing and rectifying unethical or harmful practices, whistleblowing helps maintain public trust in care services and ensures that legal and ethical standards are upheld.

A whistleblower is protected by law and should not be treated unfairly or lose their jobs because they 'blow the whistle'.

A concern can be raised at any time about an incident that has happened in the past, is happening now, or when it is believed it will happen in the near future.

Whistleblowing examples

- A receptionist in a care home, is aware that the manager of the care home is not reporting safeguarding concerns to avoid an inspection.
- A domiciliary care worker is logging incorrect times on timesheets to finish work early, the manager has been informed but has not taken any action.
- A manager of a ward is documenting that ward staff have received mandatory training when they have not.
- A care worker in a supported living service is aware that there is a consistent pattern of insufficient staff on shifts for the level of need. This is causing the residents harm and/or is impacting negatively upon their well-being.

Protection by the law

Whistleblowers are protected by law to ensure they can report wrongdoing without fear of retaliation. In the UK, [the Public Interest Disclosure Act 1998 \(PIDA\)](#) provides this protection. Whistleblowers are protected if they are a [worker](#), for example:

- an employee, such as a police officer, NHS employee, care worker, social worker, housing support officer etc.
- a trainee, such as a student nurse

- an agency worker
- a member of a [Limited Liability Partnership \(LLP\)](#)

Whistleblowers are protected from unfair dismissal and detriment, such as being treated worse or experiencing bullying and harassment, due to their disclosure.

It is important to note that self-employed individuals and volunteers are not covered by the law.

[GOV.UK](#) should be able to advise if a person will be considered as a whistleblower.

Who to tell and what to expect

You should initially tell the employer about your concerns. They may have a whistleblowing policy that explains what to expect if a concern is reported to them. A concern can still be reported even if they do not have a policy. A concern can be raised anonymously, but the concern may not be able to be investigated further if all the information required by the investigator is not provided. A whistleblower can provide their name, but request confidentiality and every effort should be made to protect their identity.

The concern will be considered, and a decision made if any further action is required. The whistleblower does not have a say in how the concern is dealt with but can be kept informed about what action may be taken, dependent on the confidentiality requirements of the other people involved.

If the concern cannot be reported to the employer, or you are not satisfied that the concern has been looked in to properly and appropriate action taken you can report your concerns to a relevant [prescribed person or body](#), such as the Care Quality Commission (CQC).

You can also call The Whistleblowing Helpline on 08000 724 725. The Whistleblowing Helpline offers free advice to both workers and employers in the NHS and social care. The charity Protect also offers advice to employers as well as workers. You can get advice by telephoning 020 3117 2520 or by [visiting the Protect website](#).

You can raise your concerns about council services with North Somerset Councils audit team: 01934 634 750 and fraud@n-somerset.gov.uk.

[Whistleblowing | North Somerset Council](#)

Complaints that do not count as whistleblowing

Examples of concerns that **cannot** be raised through an organisations whistleblowing policy include:

- Personal grievances (unless your particular case is in the public interest).

Personal grievances should be reported under an [employer's grievance policy](#). You can contact the [Advisory, Conciliation and Arbitration Service \(ACAS\)](#) for help and advice on resolving a workplace disputes.

Personal grievance examples

- Unfair treatment based on race, gender, age, disability, religion, or sexual orientation etc.
 - Not being paid fairly in comparison with peers.
- A manager is giving another worker the best shifts because they are friends.
- An employee didn't get the promotion they felt they deserved.
- Another member of the team keeps prank calling another staff member and the manager is not dealing with it.
- Cyber bullying from colleagues.
- A member of staff is not included in relevant meetings because the chair of those meetings doesn't like them.
- Excessive workload, lack of resources, or unsafe working conditions.
- Breaches of contract.

NSSAB approach to whistleblowing

NSSAB partners are committed to being open, honest, and transparent.

Whistleblowers are protecting the community that the NSSAB exists to serve and so we will support any individual who raises their concerns through our partners whistleblowing procedures.

If an individual suspects a colleague or contractor to be doing something which would be detrimental to the health and well-being of an adults with care and support needs and/or their carers, we would encourage them to voice their concerns as soon as possible.

Acknowledgement/Further Information

- This learning brief has been written based on the: [Whistleblowing for employees: Who to tell and what to expect – GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/whistleblowing-for-employees-who-to-tell-and-what-to-expect)
- [Protect – Speak up stop harm – Protect – Speak up stop harm \(protect-advice.org.uk\)](https://protect-advice.org.uk/) - Protect aims to make whistleblowing work for individuals, organisations and society.
- [Advisory, Conciliation and Arbitration Service \(ACAS\)](https://www.acas.org.uk/) - ACAS provides free and confidential advice to employers, employees and their representatives on employment rights, best practice and policies, and resolving workplace conflict.
- [Care Quality Commissions Policy in regards to whistleblowing](#)
- [North Somerset Council – Complaints and Feedback - Whistleblowing](#)