

# Group Whistleblowing Policy

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# 1. Legislative Framework and Guidance

- Whistleblowing, list of prescribed people and bodies, updated 2023 (Gov.UK).
- Public Interest Disclosure Act 1998
- The Criminal Justice and Courts Act 2015
- The Enterprise and Regulatory Reform Act 2013
- The Care Act 2014
- The Health and Social Care Act 2012
- Protect [Whistleblowing or grievance? | Protect - Speak up stop harm \(protect-advice.org.uk\)](https://protect-advice.org.uk) [Accessed: 24<sup>th</sup> April 2024]
- PAS 1998:2008 Whistleblowing Arrangements Code of Practice. [Online]
- The Care Quality Commission, (2013), Whistleblowing: Guidance for providers who are registered with The Care Quality Commission. [Online] Available from: [Whistleblowing Guidance for providers who are registered with the Care Quality Commission v5 \(cqc.org.uk\)](https://www.cqc.org.uk) [Accessed: 24<sup>th</sup> April 2024]
- NHS Improvement Service, (2016), Freedom to speak up: raising concerns (whistleblowing) policy for the NHS. [Online] Available from: [NHS England » Freedom to speak up](https://www.nhs.uk) [Accessed: 24<sup>th</sup> April 2024]
- CQC, Whistleblowing and why we can't protect you in disputes with your employer. [Online] Available from: <http://www.cqc.org.uk/contact-us/report-concern/report-concern-if-you-are-member-staff> [Accessed: 24<sup>th</sup> April 2024]
- Nursing and Midwifery Council, Whistleblowing to the NMC. [Online] Available from: <https://www.nmc.org.uk/standards/guidance/raising-concerns-guidance-for-nurses-and-midwives/whistleblowing/> [Accessed: 24<sup>th</sup> April 2024]
- Employment Rights Act (1996)
- Data protection Act (2018)
- Protect (formerly Public Concern at Work) [PIDA - Protect - Speak up stop harm \(protect-advice.org.uk\)](https://protect-advice.org.uk) [Accessed: 24<sup>th</sup> April 2024]

## 2. Purpose

We, CareTech (The Company), are committed to conducting our business with the highest standards of honesty and integrity, and we expect all colleagues to maintain high standards in accordance with respective divisional Code of Conduct and Code of Practice policies.

Our primary loyalty at all times should be to those who use our services, and there is therefore a responsibility on every employee to report any conduct that is of concern. It is important to the Company that any fraud, misconduct, or wrongdoing by employee's, at any level is reported and

properly dealt with. The Company therefore encourages all individuals to raise any concerns that they may have about the conduct of others in the business or the way in which the business is run. This policy sets out the way in which individuals may raise any concerns that they have and how these concerns will be dealt with.

The aims of this policy are:

- To encourage all employees to report suspected wrongdoing as soon as possible, in the knowledge that concerns will be taken seriously, investigated appropriately and that confidentiality will be respected wherever possible.
- To provide employees with guidance on how to appropriately raise such concerns.
- To reassure employees that they can raise a genuine concern without fear of reprisal, even if the concern turns out to be mistaken.
- To assure relatives, parents/guardians, placing authorities and inspection and registration bodies that the Company gives high priority to securing the highest standards of behavior from and amongst its employees.

This policy is in line with:

- Keeping Children Safe in education (2023)
- Working together to safeguard Children (2023)
- Children's Homes Regulations (2015)
- Health and Social Care Act 2012
- National Minimum Standards for Independent Health care services in Wales
- The Independent Health Care (Wales) Regulations 2011
- Social Services and Well-being (Wales) Act 2014
- The 20 Principles of The Francis review 'Freedom to Speak Up', February 2015 and; gives due regard to Prevent Duty Guidance (2023)

It is made available to parents, carers, employees and individuals.

### **3. Background**

The law provides protection for employees who raise legitimate concerns about specific matters. These are called 'qualifying disclosures'. A qualifying disclosure is one made in the public interest by an individual who has reasonable belief that:

- a criminal offence;
- a miscarriage of justice;
- an act creating risk to health & safety;

- an act causing damage to the environment;
- a breach of any other legal obligation; or
- concealment of any of the above;

is being, has been, or is likely to be, committed. The individual does not have to provide proof that such an act is being, has been, or is likely to be, committed – a reasonable belief is sufficient, although you will need to demonstrate to the person contacted that there are sufficient grounds for your concern. It is the Company's responsibility to ensure that an investigation takes place.

A whistleblower is a person who raises a genuine concern relating to any of the above. For example;

- suspicions or concerns regarding any type of abuse or potential harm to individuals in our care or employees, which for some reason cannot be raised under the normal safeguarding procedures and as set out in our Child Protection and Safeguarding Policy;
- criminal activity;
- failure to comply with any legal or professional obligation or our regulatory requirements;
- danger to health and safety;
- bribery under our Anti-Bribery and Corruption Policies;
- dishonesty, fraud or financial mismanagement;
- breach of our internal policies and procedures including our Code of Conduct;
- unauthorised disclosure of confidential information;
- issues that are not being dealt with through clinical governance reviews or other legitimate avenues and;
- if you believe someone is covering up wrongdoing.

This list is not exhaustive.

Certain conditions must be met for a whistleblower to qualify for protection under the legislation. You must make a protected disclosure, and this has three main elements;

1. You must provide information of a concern that you "reasonably believe" shows a category of wrongdoing set out in the law.
2. You must reasonably believe that the concern is in the public interest\*
3. You must raise your concern in accordance with the law – either internally to your employer or externally to an outside body.

*\*Public Interest would usually be a concern about wrongdoing which affects people other than just themselves, it would fall in the public interest. This can be distinguished from cases where the employee is going through a personal issue at work or where employment law rights are affected, making it more of a grievance matter. However, there may be instances where a concern may also*

*affect the employee making it, for example if there is a culture of bullying or discrimination in the workplace, which would make this a public interest concern.*

We consider it is everyone's responsibility to carry out their duty to the highest standards of openness and accountability. **If you have any genuine concerns related to suspected wrongdoing or danger affecting any of our activities (a whistleblowing concern), you should report it under this policy.**

Any employee who makes such a protected disclosure has the right not to be dismissed, subject to any other detriment, or victimized because they have made a disclosure. The Company will not tolerate ill treatment of any sort to anyone raising such a concern, and in this event the matter will be dealt with under the formal disciplinary procedure.

## 4.Principles

Everyone should be aware of the importance of preventing and eliminating wrongdoing in the workplace. Employees must be watchful for illegal or unethical conduct and report anything of that nature that they become aware of.

Any matter raised under this procedure will be investigated thoroughly, promptly, and confidentially, and the outcome of the investigation, where possible, will be reported back to the individual who raised the issue. This may not always be possible in full due to the nature of the disclosure.

No employee or otherwise will be victimised or receive detrimental treatment as a result of raising a matter under this process. This means that continued employment and opportunities for future promotion or training will not be prejudiced in any way because they have raised a legitimate concern.

Victimisation of an employee for raising a qualified or protected disclosure will be a disciplinary offence.

If misconduct is discovered as a result of any investigation under this procedure it will be dealt with in accordance with the Company's disciplinary procedure, in addition to any appropriate external measures.

Maliciously making a false allegation is a disciplinary offence.

Wherever the Company's formal disciplinary process is invoked this could result in a formal sanction up to and including dismissal.

An instruction to cover up wrongdoing itself is a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority or Senior position in the Company, employees should not agree to remain silent.

## 5. Policy

This policy ensures that the Company complies with the Public Interest Disclosure Act 1998 (PIDA). It applies to all employees, foster parents, consultants, contractors, volunteers, interns, casual workers and agency workers.

This policy does not form any part of any employee's contract of employment and the Company may amend at any time.

This procedure is for disclosures about matters other than what could be considered a personal grievance (for example, a matter regarding your contract of employment) If you are not sure where your complaint or issue would be appropriately addressed, then you should speak to your Line Manager or a member of the HR team, you can also seek advice from Protect (Formerly Public Concern at Work) whose contact details are set out in section 1.

You should read and be familiar with respective divisional policies that will support in this area, such as Grievance Procedure and Bullying & Harassment.

The Company will ensure that the whistleblowing process is referred to and instruction is provided within training courses on how to raise concerns. Whistleblowing is covered within the Company's training on Safeguarding, in e-learning modules on MYRUS and is incorporated into safeguarding workshops and induction courses.

### 5.1 Safeguarding

Where a safeguarding concern is received, Local Authority or appropriate regulatory policies and procedure will be followed. **Employees have a responsibility to report all safeguarding concerns immediately using the appropriate internal process to ensure all appropriate protocols are completed as quickly as possible.**

## 6. Procedure

### 6.1 How to raise a whistleblowing concern

If an employee has a concern, it is expected that in the majority of cases you would be able to raise this with your Immediate Line Manager. If you feel your Line Manager is involved, or is not available, then you should contact the next level of Management such as Regional/Locality

Manager or Lead, or the Managing Director of your division. If you feel it is more appropriate, you can contact any of the Whistleblowing officers as set out in section 10.

**This may be done verbally or in writing.** Writing is preferred to ensure all of your concerns are captured accurately and you should endeavor to provide as much detail as possible. Your Manager may be able to agree a way of resolving your concern quickly and effectively. Your manager should make a written record of your concern, and ensure that it is properly investigated, feeding back to you as appropriate. In **all cases** they must refer any Whistleblowing concerns or reports to the Group Head of Human Resources as set out in section 10, or the other Whistleblowing Officer's so that a complete record of all such concerns and the action taken and outcomes, is recorded.

Where the matter is more serious or you feel that your line manager has not addressed your concern, or you prefer not to raise it with someone within the Company for any reason, you should contact our confidential independent external telephone hotline, on **0800 086 9128** (a Freephone number). This hotline is run on a 24hours, seven days a week basis by Navex Global, an independent specialist provider of whistleblowing services. Alternatively, you can contact Navex Global's EthicsPoint online service and record your concerns using their secure on-line portal at **caretech.ethicspoint.com**.

EthicsPoint will take down a written summary of your concern and read this back to you to ensure that they have accurately recorded your concerns. EthicsPoint will then notify the Company Whistleblowing Officers that a concern has been raised with them by secure e-mail . The Company Whistleblowing Officers will share the concerns with the appropriate operational manager .and the Whistleblowing Officers will ensure that safeguarding procedures are following and n investigations take place.commences. This service is also monitored at weekends by the Company Whistleblowing Officers, and concerns are shared with relevant operational stakeholders by text and by email the same day. Appropriate operational staff will ensure that an investigation takes place if appropriate, and that all safeguarding procedures are adhered to. Confirmation of acknowledgment of receipt will also be sent back to the Whistleblower. ~~at the same time.~~ After you have completed your report you will be assigned a unique code called a 'report key'. You will need to write down your report key and password and keep them in a safe place. After 5-6 business days you will be able to use your report key and password to check your report for feedback or questions.

Whether an individual raises a concern confidentially, via EthicsPoint, with their line manager or in any other fashion, the Company's investigation and response time will be consistent and the Company will be accountable for the same level of response (**see 'Investigation and outcome' below**). If a concern is deemed to be more appropriately managed via another policy such as Grievance, the complainant will receive confirmation and appropriate advice and support on how to take it forward under the correct procedure.

## 6.2 Confidentiality

Whichever route you use to raise your concern, we hope you will feel able to voice whistleblowing concerns openly under this policy. However, if you want to raise your concern confidentially, we will make every effort to keep your identity confidential. This may not always be possible to ensure a full and fair investigation process, and we will notify you accordingly if this is the case.

We do not encourage colleagues to make disclosures anonymously. Thorough investigation may be more difficult or impossible if we cannot obtain further information from you. It is also more difficult to establish the credibility of allegations. Whistleblowers who are concerned about possible reprisals if their identity is revealed should come forward to the Group Head of Human Resources or one of the other Whistleblowing Officers, and appropriate measures can then be taken to preserve confidentiality. If you are in any doubt you can seek advice from Protect, an independent whistleblowing charity who offer a confidential helpline for individuals who are thinking of whistleblowing. Their contact details are set out in section 1 of this Policy.

The Company has a duty to pass on information to others if this is required as a matter of law or in the public interest. On occasion this may mean that this cannot be done without identifying the person who raised the concern, for example:

- Because evidence is needed in court; or
- The Company is involved in legal proceedings and Company papers are open to scrutiny. If this happens, the Company will discuss this with the employee beforehand.

## 6.3 Investigation and Outcome

All whistleblowing incidents, regardless of the route, are sent to the Group Head of Human Resources, who will nominate an investigator or team of investigators with relevant experience and specialist knowledge of the subject matter. The relevant Managing Director will also be notified in the first instance, unless they are directly implicated. If the whistleblowing incident concerns a procurement or financial irregularities, the Chief Finance Officer (CFO) and Group Financial Controller will also be notified in the first instance.

If a Whistleblowing concern has been raised directly with the regulator or any other external body, and this is passed back to Operations, it must also be reported immediately to the relevant Whistleblowing Officers as set out in section 11, for the appropriate division.

We will seek to inform you as soon as possible and in any event within 20 working days of either the outcome of our assessment or how the investigation is progressing. If you have raised a concern through the EthicsPoint hotline, you can always contact them for an update on progress at any time, as they will be kept abreast of how the investigation is progressing. You may be asked to provide further information from time to time. After 5-6 business days you will be able to use your



report key and password to log back into the system and check your report for feedback or questions.

The investigator(s) may make recommendations for change to enable us to minimize 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 whistleblower has made false allegations maliciously or with a view to personal gain, the whistleblower may be subject to investigation which may result in a disciplinary sanction. In certain cases, malicious or wild allegations could give rise to legal action on the part of the persons complained about.

Depending on the nature of the concern, it may also:

- be referred to the Police
- form the subject of an independent inquiry

#### **6.4 If you are not satisfied**

While we cannot always guarantee the outcome you are seeking, we will try to deal with your concern fairly and in an appropriate way. By using this policy, you can help us to achieve this.

If you are not happy with the way in which your concern has been handled, you can raise it with one of the other Whistleblowing Officers.

You can also contact **Protect**, they are the independent authority on public interest whistleblowing (Contact details set out in section 1). They offer free advice to individuals with whistleblowing dilemmas.

If on full completion of the process, you reasonably believe that the appropriate action has not been taken, you should report the matter to the proper authority. The legislation sets out a number of bodies to which qualifying disclosures may be made. These include;

- HM Revenue & Customs;
- the Financial Conduct Authority;
- the Competition and Markets Authority;
- the Health and Safety Executive;
- the Environment Agency;
- the Independent Office for Police Conduct; and

- the Serious Fraud Office.

## **7. External disclosures**

Whilst we hope this policy gives our employees the reassurance they need to raise any concerns internally, we recognize that there may be circumstances where you can properly report a concern to an outside body. We would prefer you to raise a matter with an appropriate regulator, such as those set out in section 11 than not at all.

It will very rarely, if ever, be appropriate to alert the media. We strongly encourage you to seek advice before reporting any concern externally. Protect also offer a confidential helpline and have a list of prescribed regulators for reporting certain types of concern.

## **8. Data protection**

When an individual makes a disclosure, the Company will process any personal data collected in accordance with its Data protection Policy. Data collected from the point at which the individual makes the report is held securely and accessed by, and disclosed to, individuals only for the purposes of dealing with the disclosure.

## **9. Accountability**

The Whistleblowing officers, whose details are set out below, have day to day operational responsibility for this policy and must ensure that all employees who may deal with concerns or investigations under this policy receive regular and appropriate guidance on its use.

All employees are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing.

## **10. Freedom to Speak Up**

On occasion, an employee may feel reluctant to utilize the Whistleblowing procedure. Whilst the Company provides full assurance that this process will not result in any form of detrimental treatment towards anyone who uses it, we would also like to point out the availability of the Group Freedom to Speak Up Guardian. Contact details are available in section 11.

## **11. Contact details**

Whistleblowing Hotline (24 hours)	EthicsPoint	0800 086 9128
Navex Global EthicsPoint website		<a href="http://www.caretech.ethicspoint.com">www.caretech.ethicspoint.com</a>
<b>Group</b> Freedom to Speak Up Guardian	Amanda Sherlock, Group Executive Director, Compliance	07816660289 <a href="mailto:Amanda.sherlock@caretech-uk.com">Amanda.sherlock@caretech-uk.com</a>
<b>Children's Services</b> Whistleblowing Officers	Shilleen Freeth, Group Head of Human Resources	07929042220 <a href="mailto:Shilleen.freeth@caretech-uk.com">Shilleen.freeth@caretech-uk.com</a>
	Tom Burford, Group Executive Director, Quality Improvement	07711765786 <a href="mailto:Tom.burford@caretech-uk.com">Tom.burford@caretech-uk.com</a>
<b>Adults Services</b> Whistleblowing Officers	Shilleen Freeth, Group Head of Human Resources	07929042220 <a href="mailto:Shilleen.freeth@caretech-uk.com">Shilleen.freeth@caretech-uk.com</a>
	Amanda Sherlock, Group Executive Director, Compliance	07816660289 <a href="mailto:Amanda.sherlock@caretech-uk.com">Amanda.sherlock@caretech-uk.com</a>
<b>Protect</b>	Formerly Public Concern at Work (PCaW)	02031172520 <a href="http://www.protect-advice.org.uk">www.protect-advice.org.uk</a>

## 12. Social Care

### 12.1 Social Care Wales

About matters relating to the registration of social care workers in Wales.

<https://socialcare.wales/registration>

### 12.2 Care Inspectorate

About matters relating to the provision of care services in Scotland.

Compass House

11 Riverside Drive

Dundee DD1 4NY

Tel: 0345 600 9527

Email: [enquiries@careinspectorate.com](mailto:enquiries@careinspectorate.com)

### **12.3 Care Quality Commission**

About the provision of adult social care services in England.

CQC National Customer Service Centre

Citygate

Gallowgate

Newcastle upon Tyne NE1 4PA

Tel: 03000 616161

[www.cqc.org.uk](http://www.cqc.org.uk)

### **12.4 Health and Care Professions Council**

About matters relating to the registration and fitness to practice of health and care professional.

Email - [ftp@hcpc-uk.org](mailto:ftp@hcpc-uk.org)

<http://www.hcpc-uk.org/>

### **12.5 Healthcare Improvement Scotland**

About matters relating to furthering the improvement in quality of health care in Scotland.

Healthcare Improvement Scotland

Gyle Square

1 South Gyle Crescent

Edinburgh EH12 9EB

Tel: 0131 623 4300

Email: [comments.his@nhs.net](mailto:comments.his@nhs.net)

[www.healthcareimprovementscotland.org](http://www.healthcareimprovementscotland.org)

### **12.6 His Majesty's Chief Inspector of Education, Children's Services and Skills ('the Chief Inspector')**

About matters relating to regulation and inspection of establishment and agencies for children's social care services.

Ofsted

Piccadilly Gate

Store Street

Manchester M1 2WD

Tel: 0300 123 3155

Email: [whistleblowing@ofsted.gov.uk](mailto:whistleblowing@ofsted.gov.uk)

## **12.7 Scottish Social Services Council**

About matters relating to the registration of the social services workforce in Scotland.

Scottish Social Services Council

Compass House

11 Riverside Drive

Dundee DD1 4NY

Tel: 01382 207101

Email: [registration@sssc.uk.com](mailto:registration@sssc.uk.com)

[www.sssc.uk.com](http://www.sssc.uk.com)

## **12.8 Social Services and Child Welfare**

His Majesty's Chief Inspector of Education, Children's Services and Skills ('the Chief Inspector') about matters relating to regulation and inspection of establishment and agencies for children's social care services.

## **12.9 Ofsted**

Piccadilly Gate

Store Street

Manchester M1 2WD

Tel: 0300 123 3155

Email: [whistleblowing@ofsted.gov.uk](mailto:whistleblowing@ofsted.gov.uk)

## **12.10 Scottish Social Services Council**

About matters relating to the registration of the social services workforce in Scotland.

Compass House

11 Riverside Drive

Dundee DD1 4NY

Tel: 01382 207 101

Email: [registration@sssc.uk.com](mailto:registration@sssc.uk.com)

[www.sssc.uk.com](http://www.sssc.uk.com)

### **12.11 Welsh Ministers**

About the inspection and performance assessment of Welsh local authority social services.

[Contact us | Care Inspectorate Wales](#)

Tel: 0300 7900126

### **12.12 Public Services Ombudsman for Wales**

Has legal powers to look into complaints about public services and independent care providers in Wales.

Complaints Advice Team: 0300 790 0203

E-mail [ask@ombudsman-wales.org.uk](mailto:ask@ombudsman-wales.org.uk)

Visit the website [www.ombudsman-wales.org.uk](http://www.ombudsman-wales.org.uk)

## **13 Revision History**

Date of next review: March 2026

Date of review: April 2023

Date of review: September 2021

Date of review: March 2021

Date of review: October 2018

Date of review: January 2018

Date of review: July 2016

Date of review: May 2015

Date of review: May 2014

Date of review: March 2013

Date of release: January 2013

