

Whistleblowing Guidelines

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ADAPTATION	<p>Adapted by:</p> <ul style="list-style-type: none"> • Jane Timson – Head of Safeguarding and Practice Assurance - RBC • Jayne Todd – Advanced Practitioner – Rochdale Adult Care • Gemma Colbeck – Advanced Practitioner – Rochdale Adult Care <p>With thanks to Gloucester Safeguarding Adults Board for their kind permission for us to adapt their original guidelines.</p>
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About Whistleblowing

Introduction

- Rochdale Borough Safeguarding Adults Board (RBSAB) is committed to ensuring best practice and the protection of all adults at risk across the county.
- Supporting and empowering staff to report concerns is an essential part of keeping adults with care and support needs safe.

Who is this aimed at?

- This guidance is specifically aimed at organisations working with adults at risk of abuse or neglect (as defined by the Care Act 2014) but the general principles can also be applied to other service groups.
- This guidance may be used by any organisation working with adults in the Rochdale Borough.
- It is of particular relevance to those commissioned by Rochdale Borough Council, their partners, or a sub-contracted agency.

What is whistleblowing?

Whistleblowing is the raising of a concern, either within the workplace or externally about a danger, risk, malpractice or wrongdoing which affects others. All agencies should have a whistleblowing policy/procedure in place but if there are barriers for a whistle-blower using it, concerns can be raised with Rochdale Adult Care directly or if a crime has been committed, with the Police.

Safeguarding Adults

If there is an immediate safeguarding concern Rochdale Adult Care (0300 303 8886) and/or the police should be contacted. The whistleblowing process can continue separately or in conjunction with a safeguarding concern.

Value of whistleblowers

- Every organisation faces the risk that something will go wrong and the first people to know of the risk will usually be those who work in or with the organisation. Whistleblowers can provide an additional safeguard for patients or service users, where organisations are failing to recognise abuse or neglect or are not acting on concerns.
- When concerns are raised at an early stage, corrective action can be put in place to ensure high quality and compassionate care.

Effective complaints processes

- It is important for staff to be able to raise concerns at work, or across agencies. Effective complaints, allegations and whistleblowing processes demonstrate that an organisation is open, willing and able to respond to concerns. Creating regular opportunities to raise issues before they escalate can increase the opportunity for early intervention.
- Whistleblowing can be seen as the result of employees lacking confidence to raise issues internally, or not trusting the organisation to respond effectively.

Failure to listen

- Evidence suggests that workers often fail to speak up because of fear of reprisal, being viewed as a troublemaker, or because they believe that they will not be listened to and that nothing will be done.
- Many examples exist where internal complaints were not acted upon by organisations, leading to death or serious injury.
- Where there is a failure to listen, it is vital that individuals can safely report to a competent external authority and that they are aware of the steps they can take to do so.
- Organisations may have a limited opportunity to address a concern before it escalates; swift and appropriate action needs to be taken.

Culture of confidence

- In a healthy open culture workers are encouraged to speak out and have the confidence and freedom to raise any concerns and 'do the right thing' without adverse repercussions. It is part of encouraging workers to reflect on practice as a way of learning. Providing regular opportunities to share concerns in a supportive environment can significantly reduce the risk of poor practice going unnoticed; it is key to good governance.

Response from colleagues

- Co-workers who victimise whistleblowers may be held personally liable for their actions. Where bullying and harassment have taken place by co-workers, employers may be held vicariously liable, and responsible for the actions of their employees, unless they can show that they took reasonable steps to prevent victimisation.
- Managers should be aware of their responsibilities and liabilities and given practical tools to facilitate the managing of concerns.

Response to whistleblowers

- It is important that the member of staff who raises the whistleblowing concern is given a formal acknowledgement and where possible provided with feedback on the outcome of the investigation.

Confidentiality

- Whistleblowers are often concerned about possible reprisals and can ask for their identity to be kept confidential. The employer should make every effort to keep their identity secret, however they should make the employee aware that there may be circumstances where this cannot be ensured e.g. associated disciplinary, legal or police investigations. Where this is the case this should be fully discussed with the member of staff.

Public Interest Disclosure Act 1998 (PIDA) and Protection of Whistleblowers

- Employees who genuinely raise a concern will not be at risk of losing their job or suffering any form of retribution as a result, regardless of the outcome of concern raised.

- The Public Interest Disclosure Act (PIDA) protects workers from detrimental treatment or victimisation from their employer if, in the public interest, they blow the whistle on wrongdoing.
- The PIDA protects most workers in the public, private and voluntary sectors.
- It does not apply to genuinely self-employed professionals (other than in the NHS) or voluntary workers (including charity trustees and charity volunteers).
- To be protected under the PIDA, the individual must have a reasonable belief that one of the following has occurred or is likely to occur:
 - Criminal offence
 - Failure to comply with a legal obligation
 - Miscarriage of justice
 - Danger to the health and safety of an individual
 - Damage to the environment
 - Deliberate attempt to cover up any of the above

Malicious reporting

- Workers may sometimes make malicious reports against individuals or organisations for personal gain, often after leaving employment. Disclosures that are malicious or knowingly untrue are not protected under the PIDA.

Limitations of anonymous reporting

- Concerns raised anonymously can be more difficult to deal with effectively as the investigating officer may have little or no confirmed evidence to substantiate the allegations and cannot obtain further information from the worker or give them feedback.
- Employees should understand the implications of anonymous disclosures and the fact that proper investigations may be hindered as a result. It may be possible to raise a concern as a team or group of colleagues, if one member of staff does not want their individual identity to be known.
- All allegations should be taken seriously whether anonymous or not and assessed to determine whether a full investigation is required.

Independent advice and support

- People who have raised concerns often say they feel isolated and unsure of what to do. It is important to access appropriate support at an early stage. There are different types of advice and support available.
- Confidential advice can be obtained from Protect, an independent whistleblowing charity. They provide advice to individuals and can help to raise a concern about malpractice at work.
- Web: <https://protect-advice.org.uk/>
- Whistleblowing Advice Line: 020 3117 2520
- Email Advice Line: info@protect-advice.org.uk
- Trade unions or relevant professional bodies can also be contacted for advice. In certain circumstances a solicitor may be appropriate.
- Emotional or therapeutic support, such as counselling services are available via an individual's employer or GP.

If you have a whistleblowing concern

Anyone who has a concern or worry that something is wrong or needs investigating should raise it at the earliest opportunity.

If in doubt – raise it!

Useful Contact Numbers

Rochdale Adult Care -
Number One Riverside
Smith Street
Rochdale, OL16 1XU
0300 303 8886 or adult.care@rochdale.gov.uk
Out of office hours 0300 303 8875

Rochdale Children's Social Care
Number One Riverside
Smith Street
Rochdale, OL16 1XU
0300 303 0440 or ehash@rochdale.gov.uk
Out of office hours 0300 303 8875

Rochdale Allegation Management Lead (AML) – for any concerns regarding an adult working or volunteering with adults: aml@rochdale.gov.uk

Rochdale Local Authority Designated Officer (LADO) – for any concerns regarding an adult working or volunteering with children: lado@rochdale.gov.uk

Organisation-specific contacts:

- Police Integrity Line– As a police employee, you can use this form to give information anonymously - 0800 111 444
Police Anti-Corruption Unit - 01452 753480
- NHS Whistleblowing Team
08000 724 725
www.wbhelpline.org.uk
enquiries@wbhelpline.org.uk

General Data Protection Regulation (GDPR)

GDPR came into force on 25th May 2018. GDPR is not a barrier to the legitimate sharing of information; it is a framework to ensure that personal information about living individuals is shared appropriately. Once information is shared with another organisation they become the controller of the shared information and are responsible and accountable for the use and protection of it.

RBSAB Information Sharing Guidance has been updated to reflect GDPR and covers all of the agencies represented on the RBSAB. It provides a framework for making decisions about sharing information in order to help protect adults with care and support needs who may be experiencing or at risk of abuse or neglect. The guidance can be found at www.rochdalesafeguarding.com