

Whistleblowing Policy

Safeguarding People Who Use Services from Abuse (Outcome 7)

Policy Statement

Warren Park Nursing Home Limited is committed to promoting the highest possible standards of openness, probity and accountability in the delivery of its services. Whilst the home has put into place a wide range of policies and procedures to deliver this commitment, we realize that malpractice and/or wrongdoing unfortunately may occur.

This policy details the procedure to be followed by employees who wish to report concerns or to act as a 'whistleblower'. The procedures set out in this policy are in addition to the homes Complaints & Compliments Policy and Grievance procedures.

Warren Park aims to create an atmosphere of frank open communication and commitment to the delivery of high quality of care within which, criticisms can be frankly made and will be thoroughly investigated.

It's essential that all staff at Warren Park are aware of what is considered good and bad practice and feel encouraged and enabled to report, not ignore, instances of bad practice that they observe.

Aim of the Policy

This policy is intended to set out the values, principles and policies underpinning Warren Park's approach to dealing with 'Whistleblowing'.

Legal Requirements

The Public Interest Disclosure Act 1998 protects individuals who make certain disclosures of information in the public interest. Disclosures made regarding: a criminal offence, failure to comply with any legal obligation, miscarriage of justice, danger to the health and safety of any individual, damage to the environment or deliberate concealment of information tending to expose any of the matters listed above; are protected under the Act.

Section 43C(1) of the Employment Rights Act 1996 protects workers who make disclosures in good faith. Workers have the right not to suffer any detriment for making a protected disclosure e.g. dismissal, disciplinary, denial of a pay rise or other conditions that would otherwise be provided.

Whistleblowing

Employees are often the first to realise that there may be something seriously wrong within the home. However, staff are often worried about raising such issues or may want to keep their concerns to themselves, because they consider it to be none of their business because it might only be a suspicion. They may also feel that raising the matter would be disloyal to colleagues, managers or the home itself. Staff may also decide to say something but find that they have not spoken to the right person, or have raised the issue in the wrong way and are unsure about what to do next.

Warren Park is not prepared to tolerate any malpractice, abuse or wrongdoing and we expect our employees, and others that we deal with, who have concerns about what is happening at work to come forward and voice their concerns. This policy has been introduced by Warren Park to enable staff to raise concerns about such malpractice or wrongdoing at an early stage and in the right way without fear of victimisation, subsequent discrimination or disadvantage. This policy is intended to encourage and enable staff to raise concerns within the home or externally rather than overlooking a problem.

Malpractice, Abuse and Wrongdoing

Malpractice, abuse and wrongdoing can include a whole variety of issues including:

- Any unlawful act, whether criminal (e.g. theft) or a breach of the civil law (e.g. slander or libel)
- Maladministration (e.g. unjustified delay, incompetence, negligent advice)
- Breach of a statutory Code of Practice including clinical incompetence
- Presenting Health and Safety risks to Residents, the public and other employees by failing to comply with company policies, best practice, verbal instructions or training provided at all times
- The abuse of vulnerable adults (see Warren Park Nursing Home's Protection of Vulnerable Adults Policy for further details)
- Damage to the environment (e.g. pollution)
- Financial malpractice including fraud, theft, corruption and deliberate damage to property whether petty or serious
- The abuse of power/position (e.g. bullying, harassment, intimidation or discrimination)
- Other unethical conduct

This is not meant to be a comprehensive list but is intended to illustrate the sort of issues which may be raised under this policy.

Raising concerns

Staff who raise a genuine concern under this policy will not be at risk of losing their job or suffering any form of retribution as a result.

Staff who disclose information will be protected from suffering a detriment for making such a disclosure. Staff who feel they have suffered a detriment such as denial of promotion, facilities or training opportunities are entitled to raise a grievance using the grievance procedure.

Staff will be protected if they always act in good faith and reasonably believe that the information and any allegation it contains are substantially true.

However, where staff make malicious accusations with the intent and purpose of discrediting or defaming the character of a colleague or the home they may be subject to disciplinary action under the disciplinary procedure. They must not make a disclosure for personal gain or have ulterior motive as the predominant purpose of making it. Staff that act illegally to obtain information for the purposes of submitting a Public Interest Disclosure will be held personally liable for any breaches in the law and subject to the disciplinary procedure.

Employees will be advised of the progress being made and the action that was taken.

In line with the Home's Harassment Policy Warren Park will not tolerate any harassment or victimisation and will take appropriate action to protect any employee who raises a concern in good faith. If an employee asks for their identity to be protected we will not disclose that individual's identity without consent. However, it is possible that we will be unable to resolve the concern raised without revealing the individual's identity and a discussion will take place with that individual regarding how to proceed. This policy encourages individuals to put their name to an allegation wherever possible.

Internally

Stage 1

Any concerns must initially be raised verbally or in writing with the immediate line manager which would normally be done by approaching them and requesting to speak in private. In most circumstances a written statement (incident report) will be requested outlining the background and history of the concern (giving relevant dates) and the reason why the individual is particularly concerned about the situation. The earlier a concern is expressed the easier it will usually be to take action. As a general rule: If in doubt raise it.

Staff will not be expected to prove that their concern is true, but will need to demonstrate that there are reasonable grounds for raising the issue.

Stage 2

In the first instance it is expected that a member of staff will feel able to raise any concern about malpractice or wrongdoing with their line manager. If for some reason you feel unable to do this you should raise your concern with the Registered Manager being the designated person within Warren Park for training and receiving employees concerns. If you want your identity to remain confidential you should say so at this stage.

Stage 3

If you have raised a concern with your line manager or with the Registered Manager but feel that it has not been addressed properly and you still have concerns you should raise your concerns with somebody higher in the organization at Directorship level. Individuals within Warren Park you may do this with are Karl Lysaght, Jonathan Lysaght and John Lysaght.

You may also choose to take this action from the start if for some reason you feel unable to raise your concerns with the staff referred to at Stage 1 and Stage 2.

The exception to this procedure is when an individual has concerns that a vulnerable adult may be the victim of abuse. In such instances, concerns about abuse must be alerted as outlined in the Safeguarding Vulnerable Adults Policy i.e. directly to the Registered Manager or RGN and steps taken to prevent any further abuse.

Externally (Stage 4): Escalating to a regulatory organisation

This policy clearly details the processes to be followed for raising concerns within Warren Park. We hope this policy and the day to day operation of it provides staff with the confidence and reassurance needed to raise such matters internally and that they will be dealt with appropriately. However, in severe cases where staff have serious concerns we would rather the matter was raised externally than not at all and provision is also made for this to occur.

In such circumstances the concern must;

- **Have been raised previously and an unsatisfactory course of action taken by the line manager**
- **Have subsequently have been raised with the Registered Manager or Director and sufficient time allowed for action to be taken.**
- Be of such serious concern as to have a detrimental effect on the immediate health and welfare of staff/residents and you serious cause to doubt the ability of the management team to deal with the concern or believe that the management team might be involved.
- In all instances the employee must be acting in good faith and believe that sufficient evidence exists in order to demonstrate their cause for concerns.

External regulatory organisations:

- **Poor Care Practice/Abuse**
Sefton Social Services
Contracts, Commissioning & Direct Payments Section
Merton House, Stanley Road
Bootle
Liverpool
L20 3UU
0151 922 4040
- **Care Quality Commission**
National Correspondence
Citygate
Gallowgate
Newcastle upon Tyne
NE1 4PA
03000 616161
- **Breach of the Criminal Law**
Merseyside Police
Canning Place
Liverpool
L1 8JX
0151 709 6010

- **Health & Safety Dangers**
The Health & Safety Executive
Daniel House
Trinity Road
Bootle
L20 3TW
0845 345 0055
- **Environmental Dangers**
The Environment Agency
Northwest Regional Office, PO Box 12
Richard Fairclough House
Knutford
WA4 1HG
08708 506 506

Obligations on Staff to Report Abuse

All staff at Warren Park have a duty of care for the Service Users that they care for and an obligation to be vigilant regarding their welfare. We believe that teamwork and loyalty to colleagues should not deter staff from reporting bad practice when they observe it. Any member of staff who witnesses or receives information to suspect abuse by another member of staff, should report it immediately to the Registered Manager or Nurse in Charge. Should you receive information about poor practice or abuse it should be reported to your manager immediately.

Further information can be found in Warren Park Nursing Home Limited's Safeguarding Vulnerable Adults Policy. Failure to disclose information or participate in the investigation of poor practice or abuse will be dealt with under the disciplinary procedure.

Investigating and Dealing with Allegations

Once a concern has been reported it will be fully investigated and dealt with in line with the home's policies and procedures specific to the issue raised. An acknowledgement letter will also be sent to the individual who has raised the concern within 48 hours of the issue being raised. A further letter will be sent within 14 days outlining:

- How we propose to deal with the matter
- An estimate of how long it will take to provide a final response
- Whether any initial enquiries are being made and what further investigations will take place

If a line manager fails to act promptly, suppresses evidence or is involved in any action to discourage whistleblowing, they may render themselves liable to disciplinary action.

Whilst the purpose of this document is to enable us to investigate concerns of malpractice, abuse or wrongdoing and take appropriate steps to deal with it, we will give the member of staff as much feedback as we are able to. We may not be able to reveal the precise action we have taken where this would infringe a duty of confidence owed by us to someone else.

Where a whistleblowing disclosure raises concerns about the safety of Residents we will act in accordance with local multi-agency safeguarding policies.

Training

All new staff to Warren Park staff will read this Whistleblowing policy as part of the Care Certificate Induction training. Existing staff will receive a copy of this policy and be expected to attend mandatory refresher training covering basic information about health and safety and safeguarding.

Review of this Policy

This policy will be reviewed by Karl Lysaght or his representative in his absence not later than May 2018. It will be reviewed in response to changing legislative or contractual requirements and at least every year and where required re-issued.

Review of this Policy

Name: Karl Lysaght

Date: May 2017

Policy Review Date: May 2018