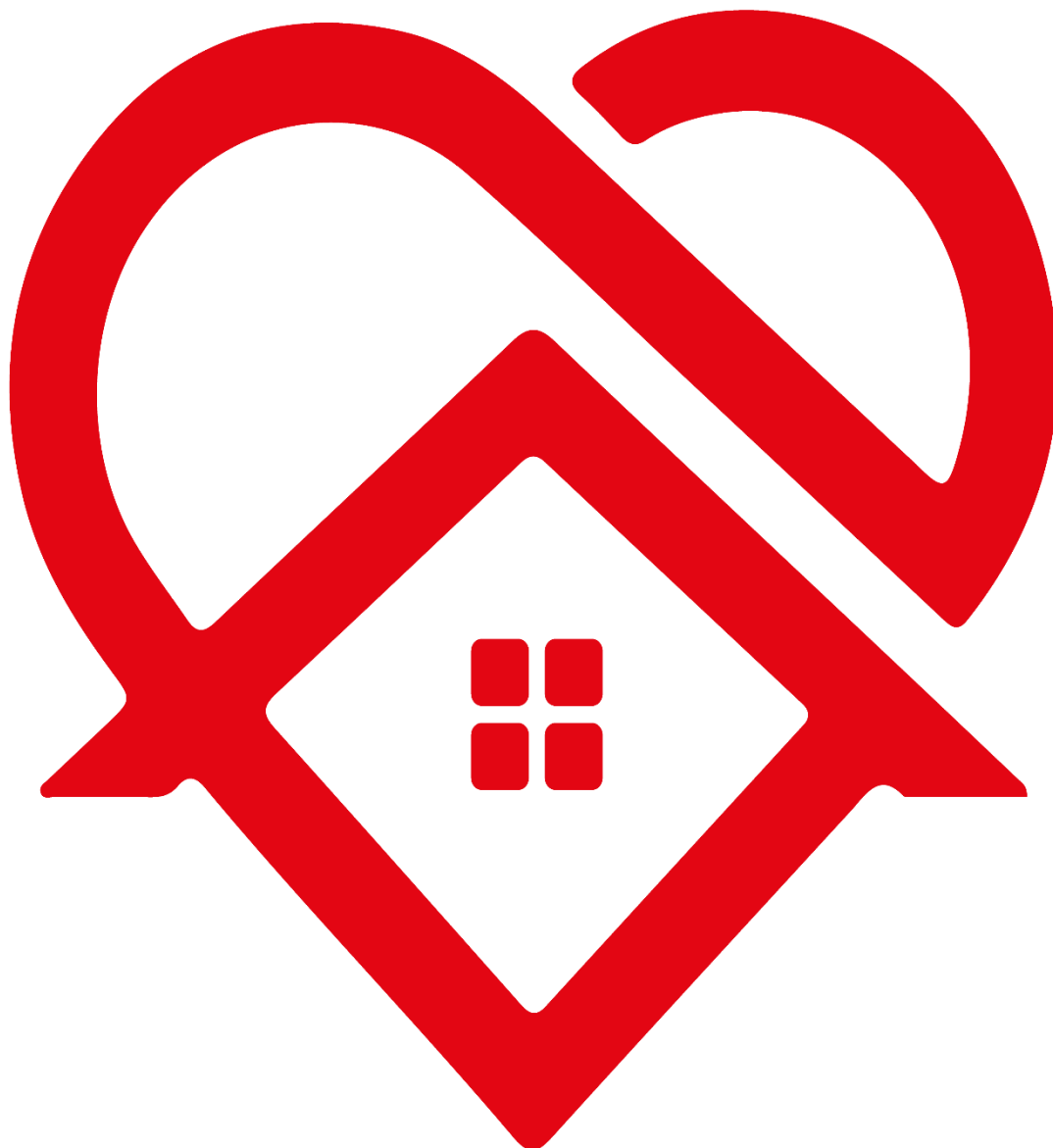


WHISTLE BLOWING POLICY AND PROCEDURE





4. Policy

4.1 Sheltering Arms of Yorkshire Ltd is committed to a high standard of care, to honesty, openness and decency in all its activities and in line with the requirements of duty of candour. It is recognised that Service User safety must come first at all times and, whilst it can be difficult for staff to raise concerns about the practice of others, including managers, the implications of not raising those concerns are potentially very serious for Sheltering Arms of Yorkshire Ltd, its employees and most importantly for those receiving its services.

4.2 Sheltering Arms of Yorkshire Ltd encourages a free and open culture in its dealings with its employees and all people with whom it engages in business and legal relations. In particular, Sheltering Arms of Yorkshire Ltd recognises that effective and honest communication is essential if any wrongdoing or malpractice is to be effectively dealt with and the organisation's success ensured.

4.3 Sheltering Arms of Yorkshire Ltd recognises that staff members are likely to be the first to realise that there may be something seriously wrong within the organisation but may feel that speaking up would be disloyal to colleagues or their employer who may, under certain circumstances, face criminal charges. They may also fear harassment or victimisation and fear for a loss of job or a reduction in work hours.

4.4 Sheltering Arms of Yorkshire Ltd will not tolerate the ill treatment, including any bullying or harassment, of anyone raising a concern. It will ensure that any individual who raises a concern, can do so confidentially in line with the Public Interest Disclosure Act 1998 (PIDA).

4.5 Sheltering Arms of Yorkshire Ltd will ensure that any individual who raises a genuine concern under the Whistleblowing Policy and Procedure will not be at risk of termination of their employment or suffer any form of reprisal which includes, but is not limited to, loss or reduction of hours or changes to regular working patterns because of it.

Sheltering Arms of Yorkshire Ltd will ensure that it follows not only the law on whistleblowing, but also best practice and guidance from the NHS and regulatory bodies including the Care Quality Commission



5. Procedure

5.1 All staff have a duty to raise concerns regarding inappropriate behaviour, unlawful conduct, poor practice or behaviour to ensure standards of quality care.

5.2 This procedure is intended to provide a safeguard to enable members of staff to raise concerns about one or more of the following that has occurred, is occurring, or is likely to occur. These Qualifying Disclosures (see definition) mean that staff can raise a concern about risk, malpractice or wrongdoing that they think is harming the services, might harm or has harmed in the past any

aspect of the services that Sheltering Arms of Yorkshire Ltd delivers. A few examples of this might include (but are by no means restricted to):

- Unsafe care
- Unsafe working conditions
- Inadequate induction or training for staff
- Lack of, or poor, response to a reported Service User safety incident
- Suspicions of fraud (which can also be reported to the local counter-fraud team)
- Damaging the environment - e.g. disposing of materials or waste incorrectly, for example, flushing medicines or syringes down the toilet or sink
- A bullying culture (across a team or organisation rather than individual instances of bullying)
- Incidents of unsafe staffing, falsification of timesheets, Service User visit logs or MARs or clinical or care records
- Failure to investigate claims of physical or sexual assault
- Physical, verbal or sexual abuse of any Service User, colleague or other person on the premises of Sheltering Arms of Yorkshire Ltd
- Breaching the Data Protection Act

5.3 How to Raise a Concern - Step 1

- If a member of staff has a concern about a risk, malpractice or wrongdoing at work, it is hoped that they feel they will be able to raise it first with their line manager
- This may be done verbally or in writing
- It is better to raise a concern as soon as it arises
- Where possible, unless, for example, where the concern relates to a safeguarding matter, the concerns raised will be treated confidentially
- The member of staff's line manager will inform them if they cannot keep the concern confidential
- The Registered Manager has overall responsibility for concerns raised and the member of staff's line manager may need to share the concern with the Registered Manager who will have access to 01964781249

5.4 How to Raise a Concern - Step 2

- If a member of staff does not feel they can raise the concern with their line manager or the concern relates to or involves the line manager (or they have raised it with the line manager and no action has been taken) the member of staff should then escalate their concerns to the Registered Manager

5.5 How to Raise a Concern - Step 3

- If the member of staff does not feel that the Registered Manager or 01964781249 will appropriately handle their concerns, the member of staff may report their concerns directly to:

- the Care Quality Commission on 03000 616161 or through its website
- The CQC will not disclose the member of staff's identity without their consent unless there are legal reasons requiring the CQC to do so, e.g. where the information is about a child or vulnerable adult who is at risk

5.6 Support

Prior to raising a concern, the member of staff may want to get free, independent and confidential advice from:

- The Whistleblowing Helpline for NHS and Social Care; or
- Public Concern at Work (a whistleblowing charity)

5.7 Investigation

The Registered Manager, in consultation with 01964781249, shall have discretion over the nature of the investigation into concerns raised, including, where it is considered appropriate, the involvement of others such as Adult Social Services or auditors. If there is evidence of criminal activity, the Police will be informed.

5.8 Registered Manager and 01964781249 Responsibility

- Responsibility for dealing with any concerns reported will lie with the Registered Manager who will have access to 01964781249
- If the concerns relate to the Registered Manager, concerns should be escalated to 01964781249
- If the concerns involve both the Lisa Nelson and 01964781249 or an individual is fulfilling both roles, the member of staff can contact the CQC

5.9 Protected Disclosures and Safeguarding

- Where a safeguarding concern is received by a member of staff, East Riding Of Yorkshire Council safeguarding policies and procedures will be followed
- Where a safeguarding concern is received by a member of staff and refers to the actions of the Manager or Deputy Manager, then the referral must in the first instance be made to the Social Services Adult Protection Team
- The Adult Protection Team will take the responsibility of informing other agencies. The contact details for the local Social Services for Sheltering Arms of Yorkshire Ltd are as follows:

East Riding of Yorkshire, safeguarding of adults team, County Hall,
Beverley, East Riding of Yorkshire, HU17 9BA
(01482) 396940

5.10 Raising a Concern - Timescales

The individual with whom the concern is raised will acknowledge the concern within locally agreed timescales and in line with best practice.

The investigating officer will be confirmed to the member of staff along with any further information required including contact information and an estimate of the likely timescales involved.

5.11 Where possible, the responsible manager will feed back to the member of staff who raised the concern on the outcome of any investigation, although this may not always be possible in full due to the nature of the disclosure.

5.12 A record of the information provided and details of the proceedings will be kept in line with best practice.

5.13 False Allegations

All whistleblowing concerns will be investigated. However, if a member of staff is found to have made allegations maliciously and/or not in good faith, disciplinary action may be taken. A member of staff will never be disciplined for raising a concern, so long as they follow the whistleblowing procedure or make disclosures in accordance with the Public Interest Disclosure Act 1998 (PIDA).

5.14 Bullying and Harassment of Whistleblowers

Unless an employer has taken reasonable steps to prevent this type of victimisation by co-workers, it will be deemed liable for the acts of its staff. It is therefore no longer enough to deal with incidents of bullying or harassment as and when they arise, on a case by case basis. The only basis upon which an employer will now be able to defend itself against liability for the actions of its staff will be by proactive steps. In order to demonstrate a “reasonable steps” defence, an employer will need to anticipate conduct such as bullying and harassment. To avoid incidents of bullying or harassment occurring, Sheltering Arms of Yorkshire Ltd will take the following steps:

- Adhere to the Whistleblowing Policy
- Embed a culture of openness and transparency
- Communicate the policy
- Offer any necessary training to ensure that it is put into effect
- Take action if any worker bullies or harasses a whistleblower

5.15 Employment Contracts, Whistleblowing and Confidentiality

The PIDA protects Whistleblowers from being restricted to bring claims of whistleblowing. Sheltering Arms of Yorkshire Ltd will seek legal or Human Resource advice to ensure that (where relevant) any agreements

between Sheltering Arms of Yorkshire Ltd and the employee/worker does not prevent them from issuing a whistleblowing claim

