



Whistleblowing and Reporting of Bad Practice



Whistleblowing and Reporting of Bad Practice



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Whistleblowing and Reporting of Bad Practice



1. Scope

ZENO Ltd is committed to the highest possible standards of openness, probity and accountability and will not tolerate malpractice or wrongdoing.

ZENO Ltd is committed to achieving the highest possible standards of service and ethical practice. To achieve these ends it encourages freedom of speech. It also encourages employees to use all internal mechanisms for reporting malpractice or illegal acts by omission by its employees.

ZENO Ltd is therefore committed to a policy which seeks to protect individuals who make certain disclosures with regard to any instance of malpractice or wrongdoing and to investigate them in the public interest.

This policy covers any wrongdoing relating to unlawful conduct financial malpractices or dangerous working environment.

It is not to be used where other more appropriate procedures are available. There are existing procedures which enable employees to lodge a grievance relating to their conditions of employment, raise matters of harassment or to make a complaint. This policy covers concerns that fall outside the scope of these existing procedures.

1.1. What is Whistleblowing?

Whistleblowing is the term used when someone directly employed by a Care Quality Commission (CQC) registered provider, or someone providing a service for the provider, raises concerns about the activities of the organisation they work for where there is harm, or the risk of harm, to people, or unethical or possible criminal activity

AND EITHER

- The management have not dealt with those concerns by discussing them or by using the employer's own whistleblowing policy

OR

- Where the worker does not feel confident that the management will deal with those concerns properly and then contact an organisation like the CQC, which is the Health and Social care services regulator.

1.2. Culture and Key Principals

Effective whistleblowing arrangements are integral to the creation of a culture which encourages employees to express their concerns without fear of intimidation or recrimination. ZENO Ltd will not tolerate any harassment or victimization of a whistle-blower, and will treat this as a formal disciplinary offence, which will be dealt with under the disciplinary rules and procedures. They should know that any reported concerns will be treated seriously, in confidence and will be fully investigated.

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Without effective whistleblowing procedures misconduct may continue undetected and unreported, leading to failure of service delivery, financial loss and more serious long term consequences for all involved.

2. The Policy – Aims and Values

When any member of staff believes that they have reasonable suspicions and raises one or more of these issues in good faith and in the best interest of others, then the organisation understands that they will be covered under the Public Interest Disclosure Act 1998 (PIDA) and that the organisation has a legal duty to protect them from detrimental treatment, unfair dismissal, ill treatment, harassment or victimisation, etc. A summary of the Public Interest Act 1998 (PIDA) can be found in Appendix A

ZENO Ltd will:

- Ensure there is an effective system in place for reporting bad practice;
- Provide for a culture of zero tolerance toward fraud , corruption,
- Encourage employees and others with serious concerns about any aspect of ZENO's work to feel confident to come forward and voice those concerns;
- Inform and train employees to raise concerns at an early stage and in the right ways and enable them to get feedback on any action taken;
- Ensure that employees know what to do if they are not satisfied with actions taken;
- Provide re assurance that employees who raise concerns in good faith can do so without fear of reprisals, ridicule or victimisation;
- ZENO will seek to ensure that their stance on whistleblowing is available for all employees
- Adopt a culture of safety where staff feel secure about raising concerns
- Develop a culture where raising concerns becomes a regular staff activity
- Foster a culture that doesn't bully or oppress staff
- Develop a culture where ZENO's leaders are visible and lead by example
- Value employees and their ability to speak up, to keep Supported People and others safe
- Create a culture where managers and staff regularly reflect on their practice raising concerns within the workplace.

3. Referenced Documents

Confidentiality and Access to Records Procedure
Safeguarding Policy & Procedure
Employee Hand Book
Notification to an Enforcing Agency Form (via e mail to CQC)
Significant Events of Importance Book
Public Interest Disclosure Act 1998 (PIDA)
Data Protection Act 1998
Support for whistle blower

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4. Responsibilities

The whistleblowing policy and procedure can be used by all employees including management, administrators, Support Workers, short term, temporary and contract workers, consultants and agency staff have a responsibility to report bad practice

The Registered Manager is responsible for ensuring investigation of any allegations.

5. The Procedure

In all cases where bad practice has been identified, it is that person's/employee's responsibility to contact to inform their line manager, on-call, immediately, via telephone, letter, and e-mail. In other words in any form of communication they feel comfortable with.

The person/employee is advised to keep written records of the bad practice that can be used as evidence. Any written communication must be kept on the person. The line manager will meet up with the whistle blower to discuss and collate any written communication.

ZENO's will open up their internal investigation procedure.

5.1. Investigation of an Allegation

In any case where bad practice has been alleged, the Registered Manager should ensure that a thorough investigation is carried out. (In line with PIDA, Data Protection Act) In order to protect all parties, the Registered Manager should ensure strict adherence to the Confidentiality and Access to Records Procedure, and Safeguarding Policy and Procedure

All employees of ZENO Ltd should be aware that where they observe bad practice, whether on a single occasion or more often, they have a duty and responsibility to report these matters to their Service Manager or Registered Manager.

Reporting of bad practice can be done verbally or in writing. The person reporting bad practice/whistleblowing, may wish to remain anonymous and for the concern to be raised in confidence. In such cases every effort will be made to ensure confidentiality as far as this is reasonably practical. The Registered Manager must be made aware of bad practice as soon as the Service Manager has been made aware of it. The Registered Manager will investigate the bad practice, in conjunction with the Human Resources Manager.

Where concerns are raised, an initial interview will be arranged to ascertain the area of concern. At this stage the 'whistle-blower' will be asked if they wish to make a formal or informal statement. If they wish to make a formal statement this will be recorded and an investigation will be carried out.

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The Registered Manager may deem it necessary to suspend a person who an allegation has been made about until the investigation has been carried out. The person who an allegation has been made about is not to contact the whistle-blower under any circumstances whilst the investigation is being carried out. All parties will be kept fully informed of proceedings whilst the investigation is being carried out

The Registered Manager should ensure that all staff have access to the name, address and telephone number of the relevant enforcing agency, Care Quality Commission (CQC) (03000 616161) www.cqc.org.uk in case an employee does not feel able to report bad practice to the Service Manager/ Registered Manager.

The Registered Manager should ensure that all reports of bad practice are treated as serious matters and should be dealt with promptly and effectively. (Within 24hours)

The Registered Manager should ensure that a system exists which would provide anonymity for any person who reports bad practice.

If the result of the investigation is that there is a case to answer by any individual, the disciplinary rules and procedures will be followed. In cases where the gross misconduct is proven, the Registered Manager should move for dismissal of the guilty staff member(s). The relevant enforcing agencies (CQC, Police, DBS) will be informed about the outcome of the gross misconduct by the Registered Manager.

Where there is no case to answer, but the employee held a genuine concern and was not deemed to be acting maliciously, the Registered Manager shall ensure that they receive no reprisals.

Only where false allegations are made maliciously, will it be considered appropriate to act against the whistle-blower under the disciplinary rules and procedures.

If the 'whistle-blower' is not satisfied with the outcome of the investigation, ZENO Ltd recognises the right of the individual to take other lawful action and seek advice elsewhere, (e.g. Citizens Advice Bureau, Care Quality Commission (CQC) Local Authority.

Should the Registered Manager be aware of any form of victimisation or reprisal against a complainant, they should immediately begin to take disciplinary action against the perpetrators on the grounds of gross misconduct.

The Registered Manager should ensure that where necessary, reports are made using the Notification to an Enforcing Agency Form (to Care Quality Commission CQC)

Any visits by staff of enforcing agencies to ZENO Ltd relating to such reports should be entered into the Significant Events of Importance Book.

These procedures are clearly identified in the flow chart over the page.

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If at any time you want to raise a concern about the care service you work for you can report anonymously to CQC. There is more information on their web site

Care Quality Commission
City Gate
Gallowgate
Newcastle upon Tyne
NE1 4PA

Telephone: 03000 616161

Email: enquiries@cqc.org.uk

5.2. Keeping the Whistle-blower Informed

If an internal investigation is conducted within the organisation then the senior management or Registered Manager will be responsible for keeping the whistleblower informed about the progress of the investigation and action taken. Where criminal or disciplinary proceedings occur as a result of the disclosure then the whistleblower may be required to give a written statement or give evidence at a hearing. In such cases the organisation will give full support.

5.3. Responsibilities of Management

The nominated person for concerns under this procedure is the Registered Manager.

Management and supervisors in the organisation have a duty to:

- Investigate any alleged malpractice as sensitively and speedily as possible
- Protect the rights and interests of staff who have blown the whistle and are covered by the Public Interest Disclosure Act 1998 (PIDA), investigating any allegations of bullying or harassment and taking appropriate action.
- Regularly revise policies and procedures to combat abuse updating them with current good practice.
- Operate systems of management, supervision, internal inspection and quality control which are designed to reveal abuse if it exists and encourage a culture and ethos for the organisation which is hostile to any sort of abuse.
- Operate recruitment policies and procedures which identify and exclude from employment in the organisation potential or actual abusers.
- Provide training for staff in all aspect of abuse and protection including their duties to protect services users from abuse and their rights to protection under the Public Interest Disclosure Act 1998 (PIDA) and the organisation's Whistle blowing policy.

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- Monitor cases and incidents, analysing trends and patterns and implementing improvements to procedures if an investigation into abuse reveals deficiencies in the way in which the organisation operates or loopholes which could be exploited by abusers

5.4. The Whistle-blower

When an employee whistle blows in relation to

- another employee
- Health and safety matter,
- supported person,
- or for any other reason.

The whistleblower's information will be treated at all times with confidentiality.

All written and verbal information will be kept safe, and held centrally throughout the investigation.

The whistleblowers name and identity will be protected, throughout the investigation and after the investigation.

ZENO will ensure that the whistleblower is protected in the best way possible. This may be that the person is moved from their place of work.

The whistleblower will be able to ask for support and protection throughout the investigation.

The whistleblower will be offered regular contact with HR, or any member of the management team they feel comfortable with, in order to keep lines of communication open, offer support and help.

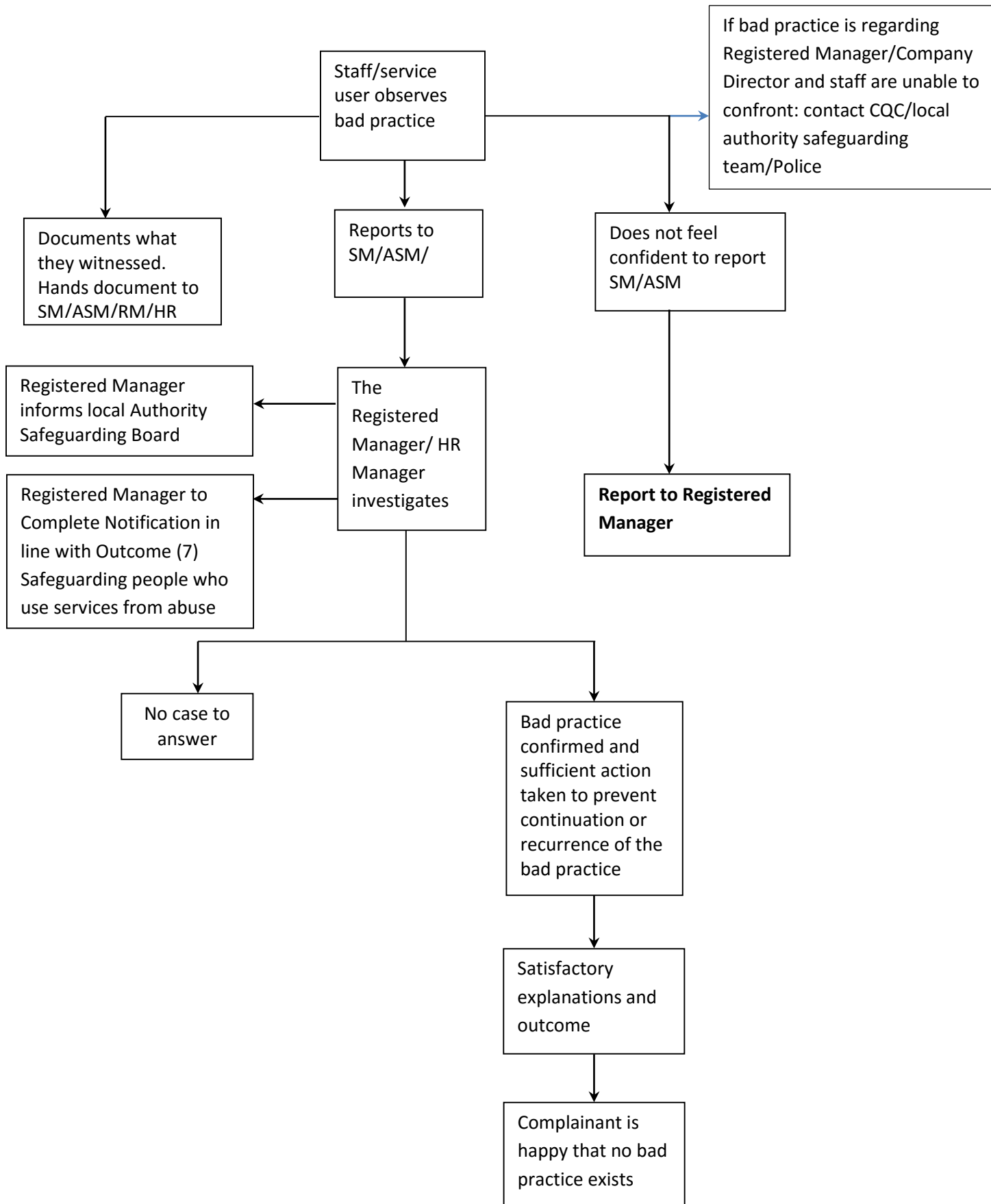
ZENO offers a 24 hour counselling service where employees of Zeno can discuss and get advice from Simply Health. Staff can find this information found in their Personal Development Plan.

If a member of staff is unsure of how to contact and needs to speak to the HR Manager whilst the investigation is being carried out then they will have access to the HR Manager, or any other person of the management team that they feel able to talk to.

All conversations will be documented and all documentation will be held centrally and may be used as evidence.

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6. Flowchart for Reporting Bad Practice Whistleblowing



Appendix A The Public Interest Disclosure 1988

The Public Interest Disclosure Act 1988: Offers protection to workers from any detriment from their employer that arises from the worker making a “protected disclosure” To qualify as a “protected disclosure” the disclosure must satisfy a number of requirements under PIDA. These being:

- The worker must have made a “qualifying disclosure”. This is a disclosure of information which, in the reasonable belief of the worker, tends to show one or more of the following:
- That a criminal offence has been committed, is being committed, or is likely to be committed
- That a person has failed, is failing, or is likely to fail to comply with any legal obligation to which he is subject
- That a miscarriage of justice has occurred, is occurring, or is likely to occur.
- That the health and safety of any individual has been, is being, or is likely to be endangered
- That the environment has been is being or is likely to be damaged
- That information tending to show any matter falling within any of the preceding paragraphs has been, or is likely to be deliberately concealed
- A disclosure of information is not a qualifying disclosure if the person making it commits a criminal offence in doing so
- The qualifying disclosure must be in good faith
- The worker must make the qualifying disclosure to one of a number of “specified persons” set out in PUDA, which include:
- The workers employer or, if they reasonably believe that the failure relates solely or mainly to (i) the conduct of a person other than their employer or (ii) any other matter for which a person other than their employer has legal responsibility.
- A “prescribed person” which includes CQC. However, the worker must reasonably believe that the information disclosed and any allegation contained in it is substantially true. The worker must also reasonably believe that the relevant failure being disclosed falls within any description of matter for which CQC is a prescribed person.

Where the above requirements are satisfied, a worker who has made a protected disclosure is protected under PIDA from dismissal or any other detriment arising from making that disclosure.

Detriment can include detriment suffered from a previous employer where, for example, the employer refuses to give a reference because the worker has made a protected disclosure.

A worker who suffers dismissal or detriment may bring a claim for compensation (which is unlimited) in the Employment Tribunal.

The term “worker” includes employees, contractors or self-employed people.