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## Speaking Up/Whistleblowing (England) Policy

### Policy Statement

This policy sets out the values, principles and procedures underpinning this care service's approach to speaking up or whistleblowing.

The terms "whistleblowing" and "speaking up" are often used interchangeably. The term "whistleblowing" can have negative connotations or be associated with a formal process and/or a matter that is escalated outside an organisation, which may be a barrier to speaking up.

MKEC understands speaking up to refer to actions taken by an employee or employees to raise concerns about:

- alleged, suspected or observed malpractice
- assessed, identified or perceived risks (eg to the safety of people using services)
- unethical conduct or possible illegal acts.

Any of the above could harm, or create a risk of harm, to people using services, colleagues or the general public.

The policy is in line with the Care Quality Commission (CQC) recommendations for the reporting of concerns about people's care and the safeguarding provisions under Regulation 13 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014.

The right to speak up is also built into the practice of "Good Governance" as described in Regulation 17, which requires care providers to be transparent and open and comply with the Public Disclosure Act 1998 (and as amended under the Enterprise and Regulatory Reform Act (ERRA) 2013).

The policy also reflects the following quality statements:

#### **Safe: Learning culture**

"We have a proactive and positive culture of safety based on openness and honesty, in which concerns about safety are listened to, safety events are investigated and reported thoroughly, and lessons are learned to continually identify and embed good practices."

#### **Well-led: Freedom to speak up**

"We foster a positive culture where people feel that they can speak up and that their voice will be heard."

The policy should be read and used to complement MKEC's complaints procedure.

MKEC recognises that speaking up is distinct from a complaint in that those who speak up (“whistleblowers”) raise their concerns as employees. Complaints about a service are raised by people using the service, others acting on their behalf or members of the public. However, it is recognised that similar procedures should be followed to respond to complaints and whistleblowing.

## Principles

This service’s speaking up principles can be summarised as follows.

- Care services should be promoting open, transparent cultures, which encourage staff to act on and report any concerns about practices that fall below acceptable standards.
- Staff members are the people most likely to observe and be in a position to report on bad practice.
- Employees, who raise genuine concerns about harmful practices, which they come across in their work (as described above) must be taken seriously and seen to be acting correctly.
- They should not be regarded as “troublemakers” to be penalised in some way by their employing organisation.
- The employing organisation should listen to and thoroughly investigate every concern raised by a staff member as they would if the matter was raised as a complaint by a person receiving care or others acting on their behalf.
- In line with the Public Interest Disclosure Act 1998, MKEC must make sure that staff members who raise, in good faith, reasonable concerns about unacceptable practices are not victimised as a result.

MKEC applies these principles in their approach to speaking up and the procedures it expects its staff to follow.

## Procedures

### Obligations on staff to report malpractice, unacceptable risks and wrongdoing

MKEC recognises that its staff members have a duty of care, moral and legal obligations to report all incidents where they consider vulnerable adults or colleagues to have been harmed or are at serious risk of being injured or harmed in the course of their work.

MKEC considers that these obligations to report such incidents, which include suspected breaches of MKEC’s or other employees’ professional codes of conduct, override any other considerations such as loyalty to colleagues.

Any member of staff who witnesses or suspects abuse or acts of harm by another member of staff should report the matter without delay to their supervisor or manager. The manager will accept responsibility for the actions that follow and will assure the colleague

speaking up that they have acted correctly by reporting the matter, will not be victimised and their confidentiality assured unless there are overriding, eg legal reasons for disclosing their identity.

MKEC accepts that there may be occasions when the staff member does not feel confident or able to report in the first instance to the manager. In these circumstances, it is recognised that the staff member speaking up might need to take their concerns to a more senior manager or the registered person.

*[Some organisations also have a named person, eg safeguarding lead other than the person's line manager to whom concerns could be raised in confidence. Where this the case contact details of the designated person should be provided in the policy.]*

MKEC also accepts the right and obligation of any staff member, who thinks that their concerns are not being or might not be properly responded to or addressed, to report their concerns to an outside authority. This could be the police, the local safeguarding adults authority or the CQC.

Each of these organisations can be expected to respond in line their respective procedures. Again, in line with its Public Disclosure Interest Act responsibilities, MKEC will not penalise or victimise any staff member who responsibly reports their concerns in any of these ways.

### **Commitment to staff**

MKEC assures its staff that their concerns about any poor practice or possible mistreatment of the people will be listened to and investigated.

Staff members are encouraged to raise any concern directly or in writing. They are also entitled to make their representations accompanied by a friend or colleague or trade union representative as they decide and think fit. They might also wish to obtain witness statements.

MKEC undertakes to assess and investigate any concerns impartially, proportionately and objectively, so that it can be fair to all parties concerned in seeking to clarify the facts before taking further actions.

MKEC's management will keep any staff members affected by an investigation aware of the actions being taken and the outcomes, considering the need to respect the possible confidentiality of some of the information relating to other staff members and people using the services, which has developed in the process of the investigation.

Information will usually be treated with the utmost confidence. This might not be possible in all cases, eg if the alleged malpractice requires reporting to the police and/or the local safeguarding adults authority.

Staff are also made aware that all instances of alleged or actual abuse must be notified to the local safeguarding adults' authority and to the CQC under its notification of serious incidents procedures.

## Investigating and dealing with allegations

The manager to whom abuse by a staff member is reported will take the necessary steps under its safeguarding policy. In addition, the manager will if possible protect the source of the information.

If a manager fails to act promptly, suppresses evidence or is involved in any action to discourage staff from speaking up, they will be liable to disciplinary action.

Where the colleague speaking up has gone directly to the CQC or local safeguarding authority to report their concerns, MKEC will always co-operate fully with any resulting enquires and investigations and take all necessary actions from the outcomes.

## Dealing with interference with or victimisation of staff who speak up

Any member of staff who attempts to prevent a staff member from reporting their concerns to a manager or who bullies, attempts to intimidate or discriminates against a colleague in these circumstances will be dealt with under disciplinary proceedings.

A staff member who speaks up and who feels themselves to be subject to hostile action from colleagues should inform their manager who should, if necessary, take steps to alter the staff member's duties to protect them from the hostile action.

MKEC provides staff with information on how to contact Protect (formerly Public Concern at Work), an organisation that has been established to protect whistleblowers from victimisation and bullying.

## Unjustified reporting

MKEC's managers take reports from staff speaking up seriously and investigate all allegations thoroughly. Any allegations against colleagues, however, which are found to be unwarranted or malicious may render the person who made them liable to disciplinary action.

## Information

MKEC provides staff with the following information, which they may need to help raise a concern in confidence.

- Speak Up Direct (helpline for NHS and social care staff): Tel. 08000 724 725 or [their contact form](#).
- How to contact the CQC: Tel. 03000 616161; email: [enquiries@cqc.org.uk](mailto:enquiries@cqc.org.uk).
- Local Safeguarding Authority/Multi-Agency Safeguarding Hub (MASH): [*Add details*].
- Care Quality Commission leaflet *Raising a Concern with CQC* available at [www.cqc.org.uk](http://www.cqc.org.uk).
- [Protect](#) (formerly Public Concern at Work) for advice and guidance on ways forward.

## Training

All new staff receive training in this policy on speaking up/whistleblowing as part of the induction training. All staff receive updated training as policies change.

Signed:                   \_IUKELEGHE

Date:                     \_10/04/2024

Policy review date: \_09/0/2025

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