

Whistleblowing Guidance to support the Code of Conduct



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1. Purpose

The purpose of this document is to provide extra guidance in relation to the Code of Conduct section on Reporting Inappropriate Behaviour (Whistleblowing). This guidance sets out the procedure to follow for raising concerns regarding negligence, abuse, fraudulent or corrupt activity or malpractice.

2. What is 'whistleblowing'?

Whistleblowing is where an individual raises a concern about malpractice or wrongdoing or provides information about illegal or dishonest practices within an organisation. Under The Public Interest Disclosure Act (1998) you are allowed to make a "protected disclosure". This provides protection against victimisation or dismissal for workers (this includes permanent and temporary employees, agency staff, contractors, home workers and trainees) who blow the whistle on criminal behaviour or other wrongdoing.

We attach great importance to maintaining high standards of honesty, openness, integrity and accountability, and therefore take seriously any form of malpractice, fraud and abuse within the workplace. We will support all workers where the disclosure is a genuine concern made in good faith. Malicious allegations may result in disciplinary action which we will deal with under our Disciplinary Procedure.

3. What types of concerns can you raise?

Under The Public Interest Disclosure Act (1998), our Code of Conduct, other relevant Professional Codes of Practice and this supporting guidance, you can raise concerns relating to:

- a criminal offence
- failure to comply with any legal obligation
- miscarriage of justice
- a danger to the health and safety of any individual
- damage to the environment
- a deliberate concealment of information about any of the above matters

Please note that this list is not exhaustive, but provides guidance around the types of concerns that you can raise. If your concern does not fall in to one of these categories, it is unlikely to be a whistleblowing concern.

In cases where you are raising a concern in regards to fraud or bribery, please refer to the Fraud Policy and Response Plan. This can be found under the Finance section of the intranet.

Example of whistleblowing in the workplace

Laura is an inspector and she suspects one of her colleagues accepted a bribe in return for awarding a provider a higher grade. This should be investigated under the whistleblowing procedure.

Example of non-whistleblowing workplace issue

James is unhappy at work because a person in his team made an offensive and discriminatory comment. This is not a whistleblowing concern. James should raise this with their line manager. If the issue is not resolved then James can take a more formal approach through the Dignity at Work Policy.

4. Will your concern remain confidential?

We will not disclose your identity without your consent. However, if the issue leads to disciplinary action, or a criminal investigation, it may not be possible to preserve anonymity from the people we are, or another body are investigating.

5. How to blow the whistle?

If you are unsure about raising a concern then ask your line manager or Organisational Development via the mailbox odenquiries@careinspectorate.

The earlier a problem is raised and looked in to, the earlier any wrongdoing can be addressed and you can be reassured that the appropriate action has been taken.

When setting out your concern it would be helpful to take note of key details such as:

- what is the cause of the suspicion
- when things happened
- who was involved

Absolute proof is not required prior to the start of an investigation.

Internal disclosure

Concerns should always be raised with your line manager, where possible. The worker will be protected by The Public Interest Disclosure Act (1998) where they reasonably suspect that they alleged malpractice has occurred, is occurring or is likely to occur.

If you feel it is inappropriate to raise the matter with your line manager, or if you do not feel comfortable, then you should raise your concern with the Director of Corporate Services.

If you have raised the matter with your line manager or the Director of Corporate Services and you still have concerns, please contact the Chief Executive.

Alternatively if you do not feel comfortable raising your concern at any of these levels, please contact the Chair of the Board.

Under no circumstance should you try to investigate the matter independently. The legislation only covers the concern raised itself and not the conduct leading up to it.

Consequently, if you break a rule to investigate suspicions, we may regard the rule-breaking action as misconduct and we may be deal with it through the disciplinary procedure.

External disclosure to a prescribed person

The internal route should be the first course of action wherever possible.

However, there is an external route that can be used if appropriate. This should only be used when the worker does not have the confidence to raise their concerns internally or the worker is not happy with an internal investigation following their disclosure. If a worker wants to make an external disclosure they should contact the Cabinet Secretary, Minister of Health and Wellbeing.

6. How we will handle the matter?

Once you have reported a complaint, the procedure will be as follows

- We will appoint a senior officer to carry out an initial investigation of your complaint and to make recommendations to the appropriate Director/Head of Service or Chief Executive.
- We will send a written acknowledgement to you within **5 working days** (or earlier in exceptional circumstances). This will advise you who will handle the matter, how you can be contacted, and whether we require further assistance.
- We will carry out an investigation to establish the relevant facts prior to making any recommendations.
- You will have the right to have support from either a representatives from your trade union or a co-worker at meetings discussing the case.
- If you would like to know how the investigation is going throughout the process, please contact your line manager or the senior officer. However there may be instances where we are unable to tell you how the matter may be handled, or precisely what action that will happen. To do so would be a breach of our duty and confidentiality to the person we are investigating.
- We will complete the investigation within reasonable timescales. We will act as quickly as reasonably possible to ensure we respond to high risk cases in the most appropriate timescale.
- We will present a report to the Chief Executive and to the Chair of the Board about how we have addressed the issues raised through your whistleblowing complaint.