Whistleblowing and Speaking Up Policy

Supportive Bridge Ltd | Community Support and Healthcare Staffing | Bradford, England

POLICY AT A GLANCE

- **Speaking up is expected, not optional.** If something is unsafe, dishonest or wrong, tell us.
- **You do not need proof.** An honest concern is enough. You will not be in trouble if you turn out to be mistaken.
- **You are protected by law.** The Public Interest Disclosure Act 1998 protects workers who raise concerns in the public interest from dismissal or any other detriment.
- **Victimising someone for speaking up is a disciplinary offence,** and so is deterring or silencing them.
- **Normally tell the Registered Manager.** If the concern is about them, or nothing happens, go to the Nominated Individual, and then outside the company.
- **You can go straight outside** to CQC, the council or the police at any time if that is the right thing to do. You do not need our permission.
- **Immediate danger to someone: call 999,** then follow the Safeguarding Adults Policy.

SERVICE DETAILS (fill in before issuing)

Registered Manager	
Nominated Individual (Freedom to Speak Up contact)	
Office phone	
Out-of-hours / on-call number	
Confidential email for concerns	
Date issued	
Next review date	

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1. PURPOSE

1.1 This policy explains how anyone working for Supportive Bridge Ltd ("Supportive Bridge", "we", "us") can raise a concern about wrongdoing, poor practice or risk, what we will do about it, and how we protect people who speak up.

1.2 Almost every serious failure in social care has been preceded by someone who knew something was wrong. Sometimes they said nothing because they were afraid, and sometimes they spoke up and were ignored. This policy exists so that neither happens here.

1.3 It supports Regulation 17 (Good governance) and Regulation 13 (Safeguarding) of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014, and gives effect to the protections in the Public Interest Disclosure Act 1998.

2. SCOPE

2.1 Supportive Bridge Ltd operates two arms, and this policy applies to both: our **healthcare staffing service**, supplying care and support workers to care homes, hospitals and other providers; and our **community support service**, where our own support workers visit adults and older people in their own homes, including council housing, on morning and evening shifts, to support them with daily living.

2.2 Supportive Bridge does **not** provide personal care. Personal care is a regulated activity under the Health and Social Care Act 2008 and we will provide it only if and when we are registered with the Care Quality Commission. Our support workers provide non-personal support such as companionship, meal preparation, shopping, domestic help, prompting, and support to get out and about. This policy is written to meet both local authority provider assurance requirements and the standards we will be assessed against at CQC registration.

2.3 This policy applies to everyone who works for us in any capacity: employees, bank and zero-hours workers, workers supplied to clients, agency workers, office staff, managers, directors, volunteers, students and contractors. It applies whether the concern is about our own service or about a client organisation our workers are supplied to.

2.4 People who use our service, their families and members of the public should normally use our Complaints, Concerns and Compliments Policy, but we will never turn away a genuine concern because it came through the wrong route.

3. WHAT TO SPEAK UP ABOUT

3.1 Raise a concern about anything that is unsafe, dishonest or wrong. Examples include:

- abuse or neglect of a person we support, including by a colleague, a manager, a family member or a client organisation;
- poor or unsafe practice: rushed or missed shifts, tasks recorded as done that were not, ignoring a support plan, unsafe moving and handling;
- a colleague working while unfit through alcohol, drugs or illness;
- someone working without the training, competency sign-off or DBS check they should have;
- falsifying records, timesheets, MAR charts or daily notes;
- theft, fraud, bribery, or misuse of a person's money or belongings;
- a risk to health and safety of workers or the public;
- breaches of confidentiality or misuse of personal information;

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- discrimination, bullying or harassment;
- a failure to comply with a legal duty, including CQC or local authority requirements;
- pressure to cover something up, or being told not to report something;
- concealment of any of the above.

3.2 If in doubt, raise it. It is always better to speak up about something that turns out to be nothing than to stay silent about something that was not.

4. WHAT IS PROTECTED IN LAW

4.1 The Public Interest Disclosure Act 1998, which amended the Employment Rights Act 1996, protects workers who make a **protected disclosure**: a disclosure of information which the worker reasonably believes is made in the public interest and tends to show a criminal offence, a failure to comply with a legal obligation, a miscarriage of justice, a danger to health and safety, damage to the environment, or the deliberate concealment of any of these.

4.2 A worker who makes a protected disclosure must not be dismissed, or suffer any other detriment such as losing shifts, being demoted, being excluded, or being treated badly by colleagues. These protections apply from day one of employment and there is no cap on compensation for dismissal in these circumstances.

4.3 The law does not require you to be right, only to hold a reasonable belief. You do not need evidence, and you should not try to gather evidence yourself or investigate.

4.4 Any clause in any agreement that tries to stop a worker making a protected disclosure is void and unenforceable. We will never ask a worker to sign anything that prevents them speaking up to a regulator.

5. SPEAKING UP: HOW TO DO IT

Step 1: The Registered Manager

5.1 Normally, raise the concern with the Registered Manager, in person, by phone, by email or in writing. Give as much detail as you can: what happened, when, where, who was involved, and anything you have already done. You can bring a colleague or union representative with you.

Step 2: The Nominated Individual

5.2 If the concern is about the Registered Manager, if you do not feel able to raise it with them, or if you have raised it and nothing has happened, go to the Nominated Individual, whose details are on page 1.

Step 3: Outside the company

5.3 You can go outside at any time, and you do not need our permission or to have raised it internally first. In urgent or serious cases, going straight to the council, CQC or the police is the right thing to do.

Where to go	Contact
Someone in immediate danger	999
Durham County Council, Social Care Direct (safeguarding adults)	03000 267 979 (24 hours)
Durham County Council, First Contact (children)	03000 267 979 (24 hours)

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Where to go	Contact
Care Quality Commission (whistleblowing line)	03000 616161 | enquiries@cqc.org.uk
Police	101, or 999 in an emergency
Health and Safety Executive	0300 003 1647 | www.hse.gov.uk
Information Commissioner's Office (data concerns)	0303 123 1113 | www.ico.org.uk
Disclosure and Barring Service	03000 200 190
Protect (free confidential whistleblowing advice)	020 3117 2520 | protect-advice.org.uk
Your trade union	As applicable

Check these numbers are current; the Registered Manager reviews them at each policy review.

5.4 CQC is a prescribed body for whistleblowing, which means a disclosure made to it is protected in the same way as one made to us, provided you reasonably believe the information is substantially true.

5.5 Going to the press or social media is not normally protected and can cause real harm to the people we support. If you feel nothing is being done, take free confidential advice from Protect first.

6. CONFIDENTIALITY AND ANONYMOUS CONCERNS

6.1 We will keep your identity confidential as far as we possibly can, and will discuss with you before sharing it with anyone. Sometimes your identity may have to be disclosed, for example if the matter goes to the police, a safeguarding enquiry or a tribunal, and we will tell you if that becomes likely and support you through it.

6.2 You can raise a concern anonymously, and we will look into it as far as we can. Anonymous concerns are harder to investigate because we cannot ask you questions or keep you informed, so we encourage you to give your name. Either way, the concern is recorded.

6.3 Raising a concern in confidence is not the same as gossip. Workers must not discuss the concern with colleagues, the person's family, or on social media.

7. WHAT WE WILL DO

7.1 When a concern is raised, the person receiving it will:

- thank the worker for raising it, and take it seriously;
- make sure anyone at immediate risk is safe, calling 999 or making a safeguarding referral where needed;
- record the concern on the Speaking Up log, with the date and what was said;
- acknowledge it to the worker within **2 working days**, in writing where the worker wants that;
- agree with the worker what will happen, what support they need, and how they will be kept informed;
- decide the route: safeguarding, disciplinary, health and safety, complaints, or a management investigation, and whether the council, CQC, police or another body must be told;

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- appoint someone independent of the concern to look into it;
- give the worker an outcome within **28 calendar days** wherever possible, or explain why longer is needed and keep them updated at least every 10 working days.

7.2 We will tell the worker the outcome and what has changed as a result, as far as confidentiality and employment law allow. We may not be able to share details of any action taken against another individual.

7.3 Where the concern is about a client organisation our workers are supplied to, the Registered Manager raises it with that organisation, checks it has acted, and makes a safeguarding referral or informs CQC directly if it has not. We will stop supplying staff to a setting where we believe people are at risk and our concerns are ignored.

8. PROTECTION AND SUPPORT FOR THE PERSON SPEAKING UP

8.1 No one will be dismissed, lose shifts or hours, be moved, be excluded, be disciplined, or suffer any other detriment because they raised a genuine concern.

8.2 Victimising, bullying, isolating or pressuring a colleague because they spoke up, and attempting to deter or silence someone, are serious disciplinary matters and may amount to gross misconduct.

8.3 We will offer practical support: time to talk, a named contact, adjustments where a worker feels uncomfortable working with someone involved, and signposting to Protect or a union for independent advice.

8.4 If a worker believes they have been treated badly for speaking up, they should tell the Nominated Individual immediately. They also have the right to bring a claim to an Employment Tribunal.

8.5 The one exception is a concern raised maliciously or dishonestly, which is a disciplinary matter. Being mistaken is not the same as being malicious, and honest mistakes are never disciplined.

9. MANAGERS' DUTIES

9.1 Any manager who receives a concern must act on it. Managers must not:

- tell a worker to keep quiet, to deal with it themselves, or to raise it "through the right channels" as a way of delaying it;
- make a worker feel disloyal for raising it;
- investigate a concern they are personally involved in;
- delay a safeguarding referral while carrying out their own enquiries.

9.2 A manager who fails to act on a concern, or who discourages someone from raising one, faces disciplinary action. We recognise that an open culture depends on how managers respond the first time someone speaks up.

10. RECORDS, LEARNING AND REPORTING

10.1 All concerns are recorded on the Speaking Up log with the date, nature, action taken, outcome and lessons learned, held securely and separately from personnel files.

10.2 The Registered Manager reviews the log monthly. The Nominated Individual reviews it at least quarterly, looking at the number of concerns, how quickly they were handled, whether people felt safe raising them, and what changed as a result.

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10.3 A service where no one ever raises a concern is not necessarily a safe service; it may be one where people do not feel able to speak. We treat a complete absence of concerns as something to look into, not to be pleased about.

10.4 Learning is shared with the team, and staff are reminded about this policy at induction, in supervision, at team meetings and at least once a year.

11. TRAINING AND AWARENESS

11.1 Every worker receives a copy of this policy at induction and is told who to contact. Whistleblowing is covered in induction training and refreshed at least every three years, and is a standing item in supervision.

11.2 Managers receive additional guidance on receiving and responding to concerns.

12. MONITORING AND REVIEW

12.1 This policy is reviewed every year, or sooner if the law changes, or if a case shows it needs to change. The review considers whether workers feel able to speak up, using supervision, exit interviews and staff surveys.

13. LEGISLATION AND GUIDANCE

- Public Interest Disclosure Act 1998 and Employment Rights Act 1996 (Part IVA)
- Health and Social Care Act 2008 (Regulated Activities) Regulations 2014, especially Regulations 13, 17 and 20
- Care Act 2014
- Safeguarding Vulnerable Groups Act 2006 (duty to refer to the DBS)
- Equality Act 2010
- Employment Rights Act 1996 (protection from detriment and dismissal)
- CQC guidance for people who whistleblow, and the list of prescribed persons
- Protect (formerly Public Concern at Work) guidance
- Freedom to Speak Up review (Francis, 2015) and the National Guardian's Office principles

14. RELATED POLICIES AND FORMS

Related policies: Safeguarding Adults; Complaints, Concerns and Compliments; Duty of Candour; Incident and Accident Reporting; Disciplinary; Grievance; Equality, Diversity and Inclusion (Staff); Data Protection and Confidentiality; Staff Code of Conduct; Governance and Quality Assurance.

Forms: Speaking Up Concern Form (Appendix A); Speaking Up Log; Incident Report; Safeguarding Concern Form.

15. DOCUMENT CONTROL

Version	Date	Approved by	Role	Reason
1.0			Nominated Individual	New policy for local authority assurance and CQC registration

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APPENDIX A: SPEAKING UP CONCERN FORM

You can use this form, or simply tell a manager. You do not have to use the form, and you do not need proof.

Your name (or write 'anonymous')	
Your role, and how to contact you	
Date and time you are raising this	
What is your concern? (what happened, when, where)	
Who is involved?	
Is anyone at immediate risk? What have you done so far?	
Have you raised this before? With whom, and when?	
What would you like to happen?	
Do you have any worry about how you might be treated for raising this?	

Office use: Received by _____ Date _____ Acknowledged (within 2 working days): _____
Route: safeguarding / disciplinary / H&S / complaint / management enquiry External body informed: _____ Outcome given to worker on: _____

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