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|  | | Whistleblowing Policy  First Issued 2002 |
| Policy Number | | G020 |
| Date Reviewed and Reissued | | January 2022 |
| Next Review Date | | April 2025 |
| **Related legislation and Guidance:**  Alternative Futures Group as a provider of Health and Social Care are required to meet the requirements of the Care Act 2014. This policy is the foundation for the development of practice to meet those requirements.   |  |  | | --- | --- | | **Related / Relevant Policies:**    **Alternative Futures Group Human Resources Policies:**  HR024 – Disciplinary Policy  HR028 – Bullying & Harassment Policy  HR027 – Grievance Policy  **Alternative Futures Group Operational Policies:**  G005 – Safeguarding Policy  G004 – Code of Practice  **Alternative Futures Group Health & Safety Policies:**  HS005 – Reporting Management Review of Significant Events | **Regulations/Legislation/Guidance:**  **Health and Social Care Act 2008 (Regulated Activities) Regulations 2014**  Fundamental Standard;  12, Safe Care & Treatment;  13, Safeguarding service users from abuse and improper treatment.  **Employment Rights Act 1996 (ERA)**  **Public Interest Disclosure Act 1998 (PIDA)**  **Enterprise and Regulatory Reform Act 2013 (ERRA)** | | | |
| **Summary**  This Policy is written with the aim to reassure Alternative futures Group employees, ex employees and anyone providing a service to AFG that it is safe and acceptable to speak up if you have any concerns.  The aim of this policy is to have clear guidance on how to raise genuine concerns and to ensure that all staff are aware of the steps to take including alternative ways to raise concerns if unable to raise with line managers or where they have done so and this was unsuccessful  Concerns raised should be genuine in nature and may relate to: unlawful conduct, breaches of Policy, financial malpractice, health and safety issues or the abuse of service users. Using this process will ensure that employees are afforded the protection which the law gives to workers who raise concerns. | | |
| **Contents**  [1.0 Introduction 3](#_Toc92443625)  [2. Key Principles 4](#_Toc92443626)  [2.1 Key Principle 1 4](#_Toc92443627)  [2.2 Key Principle 2 4](#_Toc92443628)  [2.3 Key Principle 3 4](#_Toc92443629)  [3. Main Points of Policy 4](#_Toc92443630)  [4 Roles and Responsibilities 5](#_Toc92443631)  [4.1 Board of Trustee’s 5](#_Toc92443632)  [4.2 Executive Team 6](#_Toc92443633)  [4.3 Director of Quality 6](#_Toc92443634)  [4.4 Managers 6](#_Toc92443635)  [4.5 All Staff 6](#_Toc92443636)  [5. Compliance 6](#_Toc92443637)  [6. Support for Implementation 6](#_Toc92443638)  [Appendices 7](#_Toc92443639) Appendices Appendix 1 Whistleblowing feedback form  Appendix 2 Procedural guidance | | |
| **Version** | V15 | |
| **Policy Lead** | Wendy Pike | |
| **Executive Lead** | Chris Hughes | |
| **Approved By** | Policy Group | |

**Version Control**

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| --- | --- | --- | --- | --- |
| Version No | Details of Changes | Section(s) Changed | Author | Date |
| Insert version number |  |  |  |  |
| 10 | This policy has been reviewed to reflect The Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 with reference to the Fundamental Standards. Staff titles have been reviewed in line with current positions | All | Michael Henshaw | April 2015 |
| 11 | Amended generic Policy GO20, job titles amended to reflect changes | All guidance updated | Jenny Chapman | October 2015 |
| 12 | Amendment to appendix 3 , change of telephone number and contact address for whistleblowing line. All other contents remain the same | Appendix 3 | Lynsey Cunliffe | December 2017 |
| 13 | Addition of  Student nurses in protected status, and Audit (T824) in Procedural guidance document (Appendix 3)  All associated documents referenced is in appendices  Quality Standards added to Procedural Guidance (Appendix 3)  Role titles amended | All | Steve Baker | January 2019 |
| 14 | Amendment to appendix 3. Change of details of internal audit partner | Appendix 3 | Lynsey Cunliffe | August 2020 |
| 15 | Amendment to appendix 2. Introduction that was in guidance (appendix 2) is now incorporated into main body of policy.  Removal of appendix 1 and list of prescribed persons updated and now in appendix 2 as hyperlink.  Summary changed.  Added principles.  Template updated.  Purpose incorporated from previous policy.  Re wording in main points of policy ( which was in previous policy) |  | Wendy Pike | January 2022 |

# Introduction

All of us at one time or another have concerns about what is happening at work. Usually these concerns are easily resolved. However, when they are about unlawful conduct, breaches of Policy, financial malpractice, health and safety issues, the abuse of service users, or the concealing of any mistakes which have or could have caused harm to a service user, it can be difficult to know what to do.

You may be worried about raising such issues or may want to keep the concerns to yourself, perhaps feeling it’s none of your business or that it’s only a suspicion. You may feel that raising the matter would be disloyal to colleagues, managers or to the organisation. You may decide to say something but find that you have spoken to the wrong person or raised the issue in the wrong way and are not sure what to do next.

Alternative Futures Group has introduced this policy to enable you to raise your concerns at an early stage and in the right way. We would rather that you raised the matter when it is just a concern rather than wait for proof.

If something is troubling you and you think we should know about or look into, please use this procedure. If, however, you are aggrieved about your personal position, please use the Grievance Procedure. A grievance tends to be an issue, problem or complaint about your own work, working conditions or employment rights. You wish to complain to management about your treatment and you have a personal interest in ensuring the issue is addressed. This Whistleblowing Policy and Procedure is primarily for concerns relating to malpractice or serious wrongdoing such as dangerous or criminal activity concerns which affects others.

To be protected under the Public Disclosure Act 1998 (PIDA) the disclosure must be made in the public interest, the worker must have a reasonable belief that the information shows that one of the categories of wrongdoing has occurred or is likely to occur, and the concern must be raised in the right way.

**If in doubt - raise it!**

**Purpose**

The purpose of this policy is to encourage staff to raise concerns and to provide clear guidance.

To set out support and protection to staff making disclosures.

To investigate concerns and put in place safeguards and all learning. Provide legal protection to employees under the Public Interest Disclosure Act (PIDA) to raise any concern they may have with management, through the whistleblowing hotline or externally including prescribed persons or bodies such as our health and social care regulator – the Care Quality Commission.

Provide legal protection to employees who have made a protected disclosure under The Enterprise and Regulatory Reform Act (ERRA) 2013 against victimisation from co-workers.

Ensure that those raising and receiving concerns understand their roles and responsibilities within this process.

# 2. Key Principles

## Key Principle 1

Staff are encouraged to raise any concerns they may have about wrongdoing immediately

## 2.2 Key Principle 2

Employees raising a concern will be afforded protection as detailed in the procedure. All genuine concerns will be handled responsibly, professionally and in a positive manner

## 2.3 Key Principle 3

Help and support will be available to employees where concerns are raised under the relevant whistleblowing and raising a concern procedure.

# 3. Main Points of Policy

3.1This process operates within the parameters of The Health and Social Care Act 2008 (Regulated Activities) Regulations 2014.

* 1. This policy upholds the provisions of the PIDA to provide protection for employees, and others, who disclose information (qualifying disclosure) which in their reasonable belief, indicates that one or more of the following has either occurred, is occurring or is likely to occur:

1. A criminal offence
2. The health and safety of any individual being endangered
3. Damage to the environment
4. A person failing to comply with any legal obligation to which he is subject
5. A miscarriage of justice occurring
6. Professional misconduct including any breach of the Code of Practice or any Professional Code of Conduct or abuse or power, position or authority
7. Financial malpractice
8. Service user abuse
9. The concealing of any of the above. This includes any concealing of any mistakes which have caused or had the potential to cause harm to a service user (Duty of Candour)
   1. The whistleblower must reasonably believe the disclosure is in the public interest.
   2. The employee must make the disclosure to the persons\bodies specified within this procedure.
   3. Employees can access confidential advice from an independent body specified in the procedural guidance
   4. Upon request, confidentiality of an employee raising a concern will be respected.
   5. Concerns may be raised outside of Alternative Futures Group, as specified within the procedure
   6. Disciplinary proceedings may be commenced against an individual who has victimised a bona fide whistle-blower or has made an allegation they knew to be untrue)
   7. The attached guidance procedures set out our framework for responding to whistleblowing concerns.

# 4 Roles and Responsibilities

## 4.1 Board of Trustee’s

The Board of Trustees are ultimately responsible for ensuring an appropriate governance framework is in place across the organisation.

Trustee’s delegate responsibility for developing and monitoring management systems and controls to the Chief Executive, who then delegates to the Executive Team. This is detailed in the Scheme of Reservation and Delegation (SORD) which can be found on the Intranet.

## 4.2 Executive Team

The Executive team has delegated authority from The Board to establish, review and maintain an effective governance framework.

## 4.3 Director of Quality

It is the responsibility of the Director of Quality to:

4.3.1 Oversee that the procedure is applied for all disclosures

4.3.2 Ensure that all high level disclosure information is logged including area of concern and outcome

* + 1. Ensure that feedback from employees and others using the whistleblowing process to raise concerns is used to improve future practice
    2. Delegate to relevant departments/ person to review and analyse whistleblowing performance and produce internal reports. Concerns to be discussed and raised at QCC.
    3. Work in partnership with other departments to determine trends in information and escalate concerns to relevant heads of function.

## 4.4 Managers

**It is the responsibility of every manager** to act on any information reported to them under this policy.

## 4.5 All Staff

**It is the responsibility of all employees** to familiarise themselves with this policy.

**Every employee has a duty to** raise any unlawful activity or contravention of internal, statutory or regulatory requirements, which they become aware of or are witness to.

All occasions of Whistleblowing will be logged with the Corporate Business Lead to ensure recording and subsequent communication of information takes place

**Alternative Futures Group has a duty to** ensure there is no detriment or retribution suffered to any member of staff by any other worker(s) as a result of raising concerns under this policy.

# 5. Compliance

AFG must have a process in place to measure the effectiveness of policies to assess compliance to the controls identified and to assist the organisation in continuous improvement.

# 6. Support for Implementation

Staff will be supported to understand and implement of this policy as appropriate through induction, supervision, appraisal and training. The needs of staff whose first language is not English, or who have disabilities which impede communication, shall be taken into account at all times. Requests for adapted copies of this policy/procedure should be directed to the Human Resource Manager.

**Appendix 1**

Text

Description automatically generated with medium confidence**Whistleblowing Feedback Form**

**Name (Optional) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Where did you get information on AFG Whistleblowing Procedures?  (please tick √) | Intranet | Leaflet | Policy | Training | AFG Manager | Other (Please state) |

|  |  |  |  |
| --- | --- | --- | --- |
|  | Yes | No | Comments |
| Did you whistleblow/raise concerns anonymously? |  |  |  |
| Did you ask for your name to be kept confidential? |  |  |  |
| If you asked for your name to be kept confidential did we do this? |  |  |  |
| Were you told how and by whom your concerns will be handled? |  |  |  |
| Were you given an estimate of how long the investigation will take? |  |  |  |
| Were you kept informed of what was happening with the concerns you raised throughout our response? |  |  |  |
| Did you feel listened to? |  |  |  |
| Were you asked at the beginning what outcome you want? |  |  |  |
| Were you told the outcomes/response? |  |  |  |
| Were you satisfied with the response taken? |  |  |  |
|  | Yes | No | Comments |
| Did you know you could get independent advice? |  |  |  |
| Did we respond to your concerns in a reasonable time? |  |  |  |
| Did you feel victimised at all for raising concerns? |  |  | If you did can you say how? |
| If you felt victimised did you tell your support person or a manager? |  |  |  |
| If you told us of your victimisation did we try to stop it or put it right? |  |  |  |
| Would you whistleblow again if you had more concerns? |  |  |  |

|  |  |
| --- | --- |
| What would you say worked well in our response to you raising concerns? |  |
| What would you say did not work well in our response to you raising concerns? |  |
| Do you have any suggestions of how we can improve the process of how we respond to whistleblowers? |  |

If you are dissatisfied with the way in which your concerns were handled and would like to discuss this further please leave contact details below.

Please return this form to: Sharon Shannon, Corporate Affairs Lead

Email: [Sharon.Shannon@alternativefuturesgroup.org.uk](mailto:Sharon.Shannon@alternativefuturesgroup.org.uk)

Address: Alternative Futures Group, Lion Court, Kings Drive, Kings Business Park, Prescot, L34 1BN

Text

Description automatically generated with medium confidence **Appendix 2**

**PROCEDURAL GUIDANCE TO SUPPORT THE WHISTLEBLOWING POLICY**

1. **Introduction**

Alternative Futures Group is committed to ensuring high standards of conduct and care delivery. It is important that all employees are aware of what to do should they come across something that they feel is fundamentally wrong. Alternative Futures Group wants to ensure that the people we support receive care, treatment and support from staff who are confident about raising concerns and are confident to do so without fear of reprisal.

1. **Who can raise a concern using this procedure?**
   1. Employees who are directly employed by AFG
   2. Employees who have left their jobs after making a protected disclosure
   3. Other employees who provide services e.g. agency staff, visiting community health staff, GPs, independent activity advisors, contractors, visiting hairdressers, volunteers and student nurses. This is not a complete list there will be other employees who provide services to service users.
2. **Our assurance to you:**

**Your Safety**

* 1. Your safety and security are crucially important to us. All employees should be able to draw management’s attention to practises, behaviours or attitudes which are inappropriate and out of keeping with the aims and values of the organisation.
  2. Similarly, any employee who witnesses any unlawful activity or contravention of an internal, statutory or regulatory requirement is under a duty to come forward and raise it as an issue.
  3. The Chief Executive, Directors and every Senior Manager are committed to this policy. If you raise a genuine concern under this policy, you will not be at risk of losing your job or suffer any form of retribution as a result. It does not matter if you are mistaken. This assurance would not extend to someone who maliciously raises a matter they know is untrue or which no reasonable person could have believed to be true on the available evidence.

**Your confidentiality**

* 1. We will not tolerate the harassment or victimisation of anyone raising a genuine concern. However, we recognise that you may nonetheless want to raise a concern in confidence under this policy. If you ask us to protect your identity by keeping your confidence, we will not disclose it at any stage without first consulting with you, unless it is legally required.
  2. Remember that if you do not tell us who you are, it will be much more difficult for us to look into the matter or to protect your position or to give you feedback.

**Anonymous allegations**

* 1. This policy encourages you to put your name to your allegation whenever possible.
  2. Concerns expressed anonymously are much less powerful but will be considered at the discretion of Alternative Futures Group.
  3. In exercising this discretion the factors to be taken into account would include:
     1. the seriousness of the issues raised;
     2. the credibility of the concern; and
     3. the likelihood of confirming the allegation from attributable sources.

**Untrue allegations**

* 1. If you make an allegation, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

1. **How to raise a concern:**
   1. If you have a concern, we hope you will feel able to **raise it first with your line manager or their manager**. This may be done verbally or in writing. They will then inform the relevant Head of Department/ regional Quality and Operations who will arrange for you to be interviewed, after which a decision will be taken as to how best to proceed.
   2. **If you feel unable to raise your concern with the managers listed above, for whatever reason, or in their absence, please raise the matter directly to a Head of Department/ regional Quality and Operations** on the day of the incident or the day the matter is first raised. If this is out of hours, the on-call system must be used.

Head of Department/ regional Quality and Operations can be contacted via Lion Court Reception on **0151 489 5501**, or in writing to:

Address: **Alternative Futures Group Limited**

**Lion Court**

**Kings Drive**

**Kings Business Park**

**Prescot**

**Knowsley**

**L34 1BN**

* 1. If these channels have been followed and **you still have concerns, or if you feel that the matter is so serious that you cannot discuss it with any of the above**, you can contact the Chief Executive directly or you can contact our external partners Beever and Struthers who provide internal audit services.

|  |  |
| --- | --- |
| Ian Pritchard  Chief Executive  Alternative Futures Group  Lion Court  Kings Drive  Kings Business Park  Prescot  Knowsley  L34 1BN  Telephone : 0151 489 5501 |  |

Email: [Ian.Pritchard@alternativefuturesgroup.org.uk](mailto:Ian.Pritchard@alternativefuturesgroup.org.uk)

Internal Audit Partners

Beever & Struthers

St George’s House

215-219 Chester Road

Manchester

M15 4JE

Helen Armstrong (Partner): 0161 838 1830

Chris Manson (Manager): 0161 838 1904

* 1. If you still have concerns or there are reasons why you are unable to raise the issues internally you can make your protected disclosure to:
     1. A Minister of the Crown (MP)
     2. The relevant prescribed body or person in relation to your disclosure – please see [List of prescribed persons](https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies)

**The Independent Regulator of healthcare and adult social care services in England is the Care Quality Commission (CQC).** CQC contact details are:

Tel: 03000 616161

Email: [enquiries@cqc.org.uk](mailto:enquiries@cqc.org.uk)

**Address:** CQC National Correspondence

Citygate

Gallowgate

Newcastle upon Tyne

NE1 4PA

4.5 If your concern relates to the conduct of a person where support is provided by another organisation, you are protected under AFG whistleblowing procedures if you whistleblow to that person’s employer.

**5.0 How we will handle the matter:**

5.1 Once you have told us of your concern, we will look into it to assess initially what action should be taken. This may involve an internal inquiry or a more formal investigation. We will tell you who is handling the matter, how you can contact him/her and whether your further assistance may be needed. If you request, we will write to you summarising your concern to ensure that we have properly understood the issues being raised.

5.2 When you raise the concern you may be asked how you think the matter might best be resolved. If you have any personal interest in the matter, you must tell us at the outset. If your concern falls more in line with matters that should be dealt with through the Grievance Procedure we will tell you.

5.3 We will discuss support arrangements with you – both internally (e.g. HR, Safeguarding Lead, counselling, Occupational Health) and externally (see below).

5.4 We will let you know who to inform if you experience any reprisals or unacceptable behaviour e.g. bullying, harassment or victimisation, from managers or colleagues. We will also make regular checks on your wellbeing.

5.5 We will keep you informed of progress and informed of appropriate feedback.

5.6 If requested, we will confirm our response to you in writing. Please note, however, that we may not be able to tell you the precise action we take where this would infringe a duty of confidence owed by us to someone else.

5.7 We will ask for feedback in relation to your experience to measure how we handled your concerns. Alternatively you can download and complete a feedback form from the Whistleblowing Page on BUD-E. This will help us to improve how we respond to future disclosures. See Appendix 1 Whistleblowing Feedback Form.

5.8 Recommendations, actions and learning and long term solutions should be established to prevent recurrence of the issues elsewhere in the organisation.

1. **Independent Advice:**

6.1If you are unsure whether to use this procedure or you want independent advice at any stage, you may contact:

* + 1. Your Trade Union Representative
    2. Professional regulators for example the [Nursing and Midwifery Council (NMC)](https://www.nmc.org.uk/standards/guidance/raising-concerns-guidance-for-nurses-and-midwives/whistleblowing/) and [Health and Care Professionals Council (HCPC.](http://www.hpc-uk.org/registrants/raisingconcerns/howto/)
    3. The independent charity, ‘Protect’ (formally Public Concern at Work) on **020 7404 6609**. Their lawyers can give you free confidential advice at any stage about how to raise a concern about serious malpractice at work.
    4. The Whistleblowing Helpline – free advice for the NHS and Social Care on **08000 724 725**. This government funded whistleblowing helpline provides free independent and confidential advice for NHS and social care staff.
    5. Your legal advisor

**7.0 If You Are Dissatisfied:**

7.1 If you believe your concern was not taken seriously or the wrongdoing is still going on, you can contact the CQC contact details in point 4.5.2 above (the prescribed body), or for more advice, any the independent advisors listed in point 5 above.

**8.0 Whistleblowing Quality Standards**

8.1 The quality of this whistleblowing procedure will be monitored and evaluated from a used experience perspective. Feedback from each person using this procedure will be collected using the Whistleblowing Feedback Form (Appendix 1)

8.2 Staff knowledge and the organisation’s approach to supporting and learning from whistleblowing information will be monitored and evaluated using the Safeguarding & Whistleblowing (Adult Social Care) Audit (T772)