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## Whistleblowing and Safeguarding Adults

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# Good Practice Guidance



## Whistleblowing requirements from organisations working with adults

- 1. A whistleblowing policy-** with a regular review & updating schedule.
- 2. Clear guidance to contact Adult Safeguarding Helpdesk** with immediate concerns
- 3. Clear encouragement and support for staff to make an effective internal complaint**
- 4. Clear details of a complaints & allegations processes, including**
  - A “ladder” of who to contact with concerns and how to escalate to the next level
  - Named individuals at senior levels
  - Hyperlinks to organisational documents about allegations/internal/external complaints processes
- 5. Clear evidence of encouragement and support for staff to whistleblow if necessary, including**
  - When to whistleblow
  - How to whistleblow
    - internal and external contacts
    - Designated officer(s)
    - Why anonymous reporting is weaker
- 6. What will happen to a whistleblowing concern**
  - Where it will go
  - What happens next
  - What response you can expect – and timings
  - What to do/who to inform if you feel action is inadequate

7. What will happen to whistleblowers – including confidentiality protection and exceptions, right to independent advice, protection against reprisals.
8. Considerations and actions before whistleblowing
9. Clear information about response times & feedback to be expected
10. Clear information about PIDA & protection of whistleblowers
11. Examples cases to help decision making
12. Evidence of promotion of whistleblowing - including training and web material
13. Monitoring of whistleblowing reporting- including type, responses and outcomes
14. Clear list of contacts to whistleblow to or obtain advice and information from – as a minimum this should include
  - A designated officer within the organisation, with responsibility for safeguarding
  - Gloucestershire County Council **Adult helpdesk** – 01452 42686
  - Professional registration bodies relevant to the sector
  - A list of prescribed persons
  - Public concern at work **Whistleblowing Advice Line**: 020 7404 6609 and web address <http://www.pcaw.org.uk/>
  - Whistleblowing helpline – for NHS and social care 08000 724 725 and web address <http://wbhelpline.org.uk/>

About Whistleblowing - suggested minimum requirements

### **Introduction**

Gloucestershire Safeguarding Adults Board is committed to ensuring best practice and protection for all the adults in this region.

Supporting and empowering staff to report concerns is an essential part of keeping our vulnerable adults safe

### **Who is this aimed at?**

This guidance is specifically aimed at those organisations working with adults [at risk](#) of [abuse](#) or neglect (as defined by Care Act 2014) but the general principles can also be applied to other service groups

This guidance may be used by any organisation, working with adults, in Gloucestershire.

It is of particular relevance to those commissioned by Gloucestershire County Council their Partners, or sub-contracted agencies as it advises on our requirements from our providers.

### **What is whistleblowing?**

Whistleblowing is the raising of a concern, either within the workplace or externally, about a danger, risk, malpractice or wrongdoing which affects others.

### **Safeguarding adults**

Workers must be clear that if they have an immediate safeguarding concern they can and should advise the **Adult helpdesk (01452 426868)** and /or police as appropriate. The whistleblowing process can continue separately or in conjunction with this alert.

### **Value of whistleblowers**

Every organization faces the risk that something will go badly wrong, the first people to know of the risk will usually be those who work in or with the organisation

Whistleblowers can provide an additional safeguard for patients or service users, where organizations are failing to act on concerns.

### **Effective complaints processes**

It is important for staff in the first instance, to be able to raise concerns at work, or across agencies. Effective complaints, allegations and whistleblowing processes demonstrate that an organisation is open, willing and able to respond to concerns. Creating regular opportunities to raise issues before they escalate can increase the opportunity for early intervention.

Whistleblowing can usually be seen as the result of employees lacking confidence to raise issues internally – or not trusting the organization to respond effectively

### **Failure to listen**

Evidence suggests that workers often fail to speak up because of fear of reprisal, being viewed as a troublemaker and/or a concern that they will not be listened to and that nothing will be done

Many examples exist where internal complaints were not acted upon by organisations – leading to deaths & serious injuries. E.g. both the Mid Staffordshire NHS Foundation Trust and Herald of free Enterprise (Zeebrugge disaster) had multiple concerns expressed, prior to the deaths that occurred.

Where there is a failure to listen it is vital that individuals can safely report to a competent external authority and that they are aware of the steps they can take to do so.

- 83% of workers only blow the whistle twice internally, meaning organisations have a limited opportunity to address the concern before it escalates. Swift and appropriate action needs to be taken. (Taken from the PC@W survey).

#### **Culture of confidence**

- From a workers' perspective, the freedom to raise concerns without fear means that they have the confidence to go ahead and "do the right thing". It is part of encouraging workers to reflect on practice as a way of learning. Providing regular opportunities to share concerns, in a supportive environment, can significantly reduce the risk of poor practices going unnoticed.

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#### **Response from colleagues**

- Co-workers who victimise whistleblowers could be held personally liable for their actions. Where bullying and harassment has taken place by co-workers, employers can be held vicariously liable (& responsible) for the actions of these employees, unless they can show that they took reasonable steps to prevent victimisation.

Managers should be aware of their responsibilities, liabilities and given practical tools to facilitate managing of concerns.

### **Promotion of complaints, escalation and whistleblowing information**

This information should be an essential item in training and induction courses, easily available and accessible, including visibility on web pages of the organisation. Employees should be regularly reminded of how to access this information.

Organisations should seek feedback on how effective staff find the process....many know where the information is, but the number who understand or would actually feel prepared to whistleblow may be much lower.

### **Response to whistleblowers**

It is important that a member of staff who raises a whistleblowing concern is given a formal acknowledgement and where possible, feedback about whether the fact finding has established no further action, or whether it will be pursued further and if so in what way.

- 60% of whistleblowers received no response or feedback (negative or positive) from management. (Taken from the PC@W survey).
- Where less than 10% of calls to adult helpdesk result in a risk removed, managing a caller's expectations is important

Often whistleblowers have already tried to raise a concern internally in the past, if they do resort to whistleblowing and have no obvious response, they may feel it has been disregarded.

Some may stop there and feel powerless to raise concerns in the future, others may escalate further or contact press or other organisations in an attempt to raise awareness. An appropriate and proportional response shows that concerns have been recorded and that some investigation will follow.

### **Confidentiality**

Workers are often concerned about possible reprisals and can ask for their identity to be kept confidential. The employer should make every effort to keep their identity secret, however they should make the employee aware that there may be circumstances where this cannot be ensured e.g. associated disciplinary, legal or police investigations. Where this is the case this should be fully discussed with the worker.

### **PIDA Protection of whistleblowers**

It should be made clear that employees, who genuinely raise a concern, will not be at risk of losing their job or suffering any form of retribution as a result, it does not matter if they are mistaken or if there is an innocent explanation for their concerns. Workers should be made aware of the Public Interest Disclosure Act (PIDA) 1998 which protects them and encouraged to seek advice if they have concerns about their legal situation. PIDA protection applies to individuals who are in that workplace when raising the concern, if the issue is raised after leaving employment (voluntarily or otherwise) then PIDA may not apply.

PIDA protects whistleblowers from detrimental or unfavourable treatment and victimisation from their employers and co-workers, after they have made a qualifying disclosure of a concern in the public interest.

“The public interest” means the public good, **not** what is of interest to the public, and **not** the private interests of the person raising the concern. The individual must have a reasonable belief that one of the categories of wrongdoing (listed below) has occurred or is likely to occur

“qualifying disclosures”:

- Criminal offences;
- failure to comply with legal obligations;
- miscarriages of justice;
- threats to health and safety of an individual;
- damage to the environment; or
- a deliberate attempt to cover up any of the above

**“prescribed persons”**

PIDA protection applies if the disclosure is made to a prescribed person – usually a regulatory body or official role i.e. not to the press (unless exceptional circumstances apply). Providing a list of contacts for prescribed persons – relevant to the organisation -will enable concerns to be raised and addressed more effectively.

**Malicious reporting**

Workers may sometimes make malicious reports against individuals or organisations or for personal gain – often after leaving employment.

Policies should make clear the organisation’s response in these circumstances - whilst reassuring genuine respondents that appropriate support and PIDA protection will apply

**Right to independent advice**

It should be made clear to workers raising concerns that they have a right to independent advice - providing contact information for organisations such as Public Concern at Work or relevant professional bodies would be appropriate.

**Guidance – considerations before whistleblowing**

Whistleblowing is often a difficult decision for an individual to make, and risks a range of negative effects. Providing information and considerations before taking these steps can help the individual and the organisation, by both encouraging effective internal disclosure and minimising the subsequent issues faced by both parties.

**Limitations of anonymous reporting**

Concerns raised anonymously can be more difficult to deal with effectively since the investigating manager may have little or no confirmed evidence to substantiate the allegations and cannot obtain further information from the worker or give them feedback.

Employees should understand the implications of anonymous disclosures and the fact that proper remedies may be hindered. Highlight the fact that it may be possible to raise the concern as a team/group of colleagues if the worker does not want their individual identity to be known.

**Promotion of complaints, escalation and whistleblowing information**

This information should be an essential item in training and induction courses, easily available and accessible, including visibility on web pages of the organisation. Employees should be regularly reminded of how to access this information. Organisations should seek feedback on how effective staff find the process.....many know where the information is, but how many would actually feel prepared to whistleblow may be much lower.

### **Who to contact:**

Sources of good advice are listed below. For any immediate concern about adult safeguarding call:

Customer Services Help Desk (01452) 426868

If you simply wish to discuss the issue and obtain **professional advice** you can call the safeguarding helpline on **01452 425109**

### **Advice and support**

People who have raised concerns often say they feel isolated and unsure of what to do. It is important to access appropriate support at an early stage. There are different types of advice and support available:

Advice on the whistleblowing process – how to raise a concern:

- Available from the HR department of your organisation, the National Whistleblowing Helpline, or your Trade Union.
- In certain cases, a public law solicitor may be appropriate.
- Local support for you in the workplace and representation at formal meetings.
- Your Trade Union, professional body or work colleagues.
- Emotional and/or therapeutic support.
- Counseling services via your employer or your GP. If you have no access to counseling services please call the helpline to discuss how we might be able to help.

**Gloucestershire Adult Helpdesk** 01452 426868 – for any concern relating to adult safeguarding

**Gloucestershire Adult Safeguarding Advice Line (for professionals)** 01452 425109 - for advice and guidance to professionals around safeguarding

**Gloucestershire Children’s helpdesk** 01452 42 6565- for any concern relating to children’s safeguarding

**Gloucestershire Local Authority Designated Officer (LADO)** 01452 426994 – for any concerns regarding an adult working or volunteering with children

**Gloucestershire County Council Staff whistleblowing hotline,** 01452 – 427052 (24 hr answer-phone) - for any concern relating to possible fraud, corruption, conduct or mal-practice/administration

Staffnet - GCC Code of Conduct for employees <http://staffnet.gloscc.gov.uk/article/17762/Code-of-Conduct-for-employees>

**Fire Brigades union, local representative,** 01452 753276 [Mike.tully@fbu.org.uk](mailto:Mike.tully@fbu.org.uk)

**2gether NHS Foundation Trust, Chief Executive, Shaun Clee** 01452 891003

**2gether Trade Union & Professional Association branch office (Stroud)** 01453 562274

**Gloucestershire Local Counter Fraud Service,** 01452 318826 - any concern relating to possible fraud, or corruption

**Gloucestershire Clinical Commissioning Group, Clinical Chair, Dr Helen Miller, Sanger House**

**Other:**

**Police Internal investigations unit,** Integrity Hotline on 0800 111 4444 - & professional standards on internal intranet site

**NHS Counter Fraud Line ,** 08702 400 100 for concern about financial malpractice