



# Gloucestershire Safeguarding Adults Board

## Whistleblowing Guidance

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## **1. About Whistleblowing**

### **Introduction**

- Gloucestershire Safeguarding Adults Board is committed to ensuring best practice and the protection of all adults at risk across the county.
- Supporting and empowering staff to report concerns is an essential part of keeping adults with care and support needs safe.

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

- This guidance is specifically aimed at organisations working with adults at risk of abuse or neglect (as defined by the Care Act 2014) but the general principles can also be applied to other 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 a sub-contracted agency.

### **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**

- If there is an immediate safeguarding concern the Adult Helpdesk (01452 426868) and/or the police should be contacted. If you are a professional please complete the online form, available at: [Adult Social Care Safeguarding Adults Referral Form | ASC New Form – Gloucestershire Forms](#) The whistleblowing process can continue separately or in conjunction with a safeguarding concern.

## **2. Value of Whistleblowers**

- Every organisation faces the risk that something will go wrong and the first people to know, will usually be those who work in or with the organisation. Whistleblowers can provide an additional safeguard for individuals, where organisations are failing to recognise abuse or neglect or are not acting on concerns.
- When concerns are raised at an early stage, corrective action can be put in place to ensure high quality and compassionate care.

## **3. Effective Complaints Processes**

- It is important for staff 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 be seen as the result of employees lacking confidence to raise issues internally or not trusting the organisation to respond effectively.

#### **4. Failure to Listen**

- Evidence suggests that workers often fail to speak up because of fear of reprisal, being viewed as a troublemaker, or because they believe 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 death or serious injury.
- 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.
- Organisations may have a limited opportunity to address a concern before it escalates; swift and appropriate action needs to be taken.

#### **5. Culture of Confidence**

- In a healthy open culture workers are encouraged to speak out and have the confidence and freedom to raise any concerns and 'do the right thing' without adverse repercussions. 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 practice going unnoticed; it is key to good governance.

#### **6. Response from Colleagues**

- Co-workers who victimise whistleblowers may be held personally liable for their actions. Where bullying and harassment have taken place by co-workers, employers may be held vicariously liable, and responsible for the actions of their employees, unless they can show that they took reasonable steps to prevent victimisation.
- Managers should be aware of their responsibilities and liabilities and given practical tools to facilitate the managing of concerns.

#### **7. Response to Whistleblowers**

- It is important that the member of staff who raises the whistleblowing concern is given a formal acknowledgement and where possible provided with feedback on the outcome of the investigation.

#### **8. Confidentiality**

- Whistleblowers 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 member of staff.

## **9. Public Interest Disclosure Act 1998 (PIDA) and Protection of Whistleblowers**

- Employees who genuinely raise a concern will not be at risk of losing their job or suffering any form of retribution as a result, regardless of the outcome of the concern raised.
- The Public Interest Disclosure Act (PIDA) protects workers from detrimental treatment or victimisation from their employer if, in the public interest, they blow the whistle on wrongdoing.
- The PIDA protects most workers in the public, private and voluntary sectors. It does not apply to genuinely self-employed professionals (other than in the NHS) or voluntary workers (including charity trustees and charity volunteers).
- To be protected under the PIDA, the individual must have a reasonable belief that one of the following has occurred or is likely to occur:
  - Criminal offence
  - Failure to comply with a legal obligation
  - Miscarriage of justice
  - Danger to the health and safety of an individual
  - Damage to the environment
  - Deliberate attempt to cover up any of the above

## **10. Malicious Reporting**

- Workers may sometimes make malicious reports against individuals or organisations for personal gain, often after leaving employment. Disclosures that are malicious or knowingly untrue are not protected under the PIDA.

## **11. Limitations of Anonymous Reporting**

- Concerns raised anonymously can be more difficult to deal with effectively as the investigating officer 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 investigations may be hindered as a result. It may be

possible to raise a concern as a team or group of colleagues, if one member of staff does not want their individual identity to be known.

- All allegations should be taken seriously whether anonymous or not and assessed to determine whether a full investigation is required.

## 12. Independent 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.
- Confidential advice can be obtained from Protect, an independent whistleblowing charity. They provide advice to individuals and can help to raise a concern about malpractice at work.
  - Web: <https://protect-advice.org.uk/>
  - Whistleblowing Advice Line: 020 3117 2520
  - Email Advice Line: [info@protect-advice.org.uk](mailto:info@protect-advice.org.uk)
- Trade unions or relevant professional bodies can also be contacted for advice. In certain circumstances a solicitor may be appropriate.
- Emotional or therapeutic support, such as counselling services, are available via an individual's employer or GP.

## 13. If you have a Whistleblowing Concern

- Anyone who has a concern or worry that something is wrong or needs investigating should raise it at the earliest opportunity.

**If in doubt – raise It!**

### Useful Contact Numbers

<b>Gloucestershire Adult Helpdesk</b>	<b>01452 426868</b> – for any concern relating to adult safeguarding. If you are a professional please complete the online form, available at: <a href="#">Adult Social Care Safeguarding Adults Referral Form   ASC New Form – Gloucestershire Forms</a>
<b>Gloucestershire Children's Helpdesk (Front Door Service)</b>	<b>01452 426565</b> – for any concern relating to children's safeguarding <a href="mailto:childrenshelpdesk@gloucestershire.gov.uk">childrenshelpdesk@gloucestershire.gov.uk</a>
<b>Gloucestershire Local Authority Designated Officer (LADO)</b>	<b>01452 426994</b> – for any concerns regarding an adult working or volunteering with children <a href="mailto:amadmin@gloucestershire.gov.uk">amadmin@gloucestershire.gov.uk</a>
<b>Gloucestershire County Council Staff Whistleblowing Hotline</b>	<b>01452 427052</b> (24hr answerphone) – for any concern relating to Gloucestershire County Council <a href="#">GCC Whistleblowing Management</a>

<b>Police</b>	<b>0800 111 4444</b> – Crime Stoppers Integrity Hotline <b>0800 085 0000</b> – Police Anti-Corruption Hotline <a href="mailto:acu@gloucestershire.pnn.police.uk">acu@gloucestershire.pnn.police.uk</a>
<b>NHS Whistleblowing Team</b>	<b>08000 724 725</b> <a href="mailto:england.speakup1@nhs.net">england.speakup1@nhs.net</a> <a href="https://speakup.direct/">https://speakup.direct/</a>

## Freedom to Speak Up Guardians

Health agencies have a Freedom to Speak Up Guardian. They are appointed to independently support health colleagues, following a recommendation from an enquiry into systematic failures of care at Mid Staffordshire NHS Trust.

The Freedom to Speak Up Guardian will provide support to speak up about:

- Unsafe patient care
- Unsafe working conditions
- Cultural concerns
- Bullying and harassment of patients or colleagues
- Dignity at work issues
- Lack of, or poor, response to a reported patient safety incident
- Criminal activity or suspicions of fraud

Healthcare Staff can find details of their own agency's Freedom to Speak Up Guardian on their organisation's intranet.

## General Data Protection Regulation (GDPR)

GDPR came into force on 25<sup>th</sup> May 2018. GDPR is not a barrier to the legitimate sharing of information; it is a framework to ensure that personal information about living individuals is shared appropriately. Once information is shared with another organisation they become the controller of the shared information and are responsible and accountable for the use and protection of it.

GSAB Information Sharing Guidance has been updated to reflect GDPR and covers all of the agencies represented on the GSAB. It provides a framework for making decisions about sharing information in order to help protect adults with care and support needs who may be experiencing or at risk of abuse or neglect. The guidance can be found at: [gsab-information-sharing-guidance-may-2023.pdf](#)