



Crosspath Care Ltd

Whistleblowing Policy

Last Reviewed: Nov 2024

Next Review Date: Nov 2027

Reviewed by: Zoe Brown

Whistleblowing is the act of raising concerns about malpractice, wrongdoing or fraud at work. Employees are often the first to realize that there is something seriously wrong with working practices, treatment of clients or if systems are not being followed. Staff may feel that they are not able to express their concerns as they feel that speaking up would be disloyal to their colleagues or to Crosspath care. This Whistleblowing Policy encourages and enables employees to raise serious concerns within Crosspath Care rather than overlooking a problem so that it can be investigated and appropriate actions taken so that both clients and staff are safeguarded.

The Public Interest Disclosure Act 1998 (PIDA) provides legal protection against detriment for workers who raise concerns in the public interest (also known as making a disclosure) about dangers, risks, malpractice or wrongdoing in the workplace which affects others. To be protected the disclosure must fit the criteria as outlined in section 6 of this policy.

Within the social care sector there are also moral, ethical and professional issues to consider in relation to raising concerns.

Staff registered with a professional regulatory body such as the Nursing and Midwifery Council (NMC) have to adhere to their respective codes of conduct which place a duty on the practitioner to raise concerns where they see instances of poor practice or wrong doing.

Policy Statement

Crosspath Care LTD is committed to the highest possible standards of openness, integrity and accountability to comply with its Duty of Candour (the volunteering of any relevant information regarding the significant harm of any person within its care). In line with that commitment we expect employees, and others that we deal with, who have serious concerns about any aspect of Crosspath Cares work to come forward and voice those concerns.

Crosspath Care believes that safeguarding the health and wellbeing of the clients in its care is paramount and as such takes a zero tolerance to abuse and neglect in all forms and expect their employees to do the same.

Staff are expected to make sure that they understand and follow the Safeguarding Policy and local arrangements for reporting.

The policy applies to all employees, and those contractors working for Crosspath Care. It also covers suppliers and those providing services under a contract with Crosspath Care whilst on their premises.

The Managing Director has ultimate responsibility for this policy however its implementation and compliance is delegated through senior Management, Registered Managers and all other staff.

Aims of the Policy

- Encourage all staff to feel confident in raising concerns.
- Question and act upon concerns about practice.
- Provide a way for staff to raise concerns in confidence.
- Ensure that staff receive a response to any concerns raised and how to pursue them if they are not satisfied.
- Provide reassurance that you will be protected from possible reprisals or victimization if you have a reasonable belief that you have made any disclosures in the public interest.

Types of Concerns Covered

This policy document covers the following concerns but not exclusive to:

- Conduct which is an offence or a breach of law.
- Failure to comply with a legal obligation.
- Health and safety risks, including risks to clients, other employees and members of the public.
- Damage to the working environment and work equipment.
- Possible fraud and corruption including mis-use of client and company funds.
- Sexual, physical or other abuse of clients.
- Neglect of clients.
- Actions which are unprofessional, inappropriate or conflict with a general understanding of what is right and wrong.
- Any other unethical conduct.

Difference between Grievance & Whistleblowing

A grievance tends to be an issue, problem or complaint about their work, working conditions or employment rights. If you wish to complain to management about your treatment and have a personal interest in ensuring that the issue is addressed, you should use the Crosspath Care grievance procedure NOT the whistleblowing route –details of this process can be found within the Grievance Policy.

Whistleblowing is a process to alert others to a concern so that it can be addressed however they do not have a vested interest in the outcome of the investigation and do not need to prove the malpractice.

When an individual raises a concern with a manager, they should consider whether it is a qualifying whistleblowing concern or whether the matter is a personal employment issue which would be more appropriately dealt with through the grievance procedure.

Confidentiality

Crosspath Care will treat all concerns in confidence and every effort will be made not to reveal your identity if you so wish. There may be a need, however, for your identity to become known for example during legal, disciplinary or police investigations or proceedings. If this is the case, Crosspath Care will discuss this with the worker.

This policy encourages you however to put your name to your concern whenever possible as this will help with investigating the concern raised, confirm evidence to substantiate allegations and give feedback to you regarding the concern.

Protection for workers

Crosspath Care recognizes that the decision to report a concern can be a difficult one to make. If what you are saying is true, you should have nothing to fear because you will be doing your duty to Crosspath Care as your employer and to those that you provide care for. Crosspath Care will not tolerate any harassment or victimization and will take all reasonable steps to protect you when you raise a concern. Co-workers who victimize whistleblowers could be held personally liable for their actions.

Crosspath Care LTD will ensure that any individual who raises a genuine concern under this policy will not be at risk of losing their job or suffer any form of retribution as a result.

Protection under the Public Interest Disclosure Act 1998 (PIDA)

The Public Interest Disclosure Act 1998 protects whistle-blowers from detrimental or unfavourable treatment and victimization from their employers and co-workers after they have made a qualifying disclosure of a concern in the public interest. The Act covers all workers including those on temporary contracts or supplied by an agency and trainees.

Internal disclosures

Crosspath Care encourages its staff to make internal disclosures (raise concerns directly with us) so that we can have the opportunity to address the issue. If a worker makes a qualifying disclosure internally to Crosspath Care LTD, they will be protected by PIDA.

External disclosures

If a disclosure is made externally there are conditions which need to be satisfied before a disclosure will be protected by PIDA. One of these conditions must be met:

A worker can also be protected if they reasonably believe that the disclosure is substantially true, the disclosure is not made for personal gain, it is reasonable to make the disclosure and one of the following conditions apply;

At the time the disclosure is made the worker reasonably believes that he/she will be subjected to a detriment by his/her employer if they make a disclosure to their employer or;

The worker reasonably believes that it is likely that evidence relating to the failure/wrongdoing will be concealed or destroyed if the disclosure is made to the employer or;

The worker has previously made a disclosure to his/her employer

How to Raise a Concern

Internal Disclosures

As a first step staff, should raise any concerns with their immediate supervisor or Manager either face to face, by telephone, in writing either by letter or email.

If you feel you cannot approach your immediate supervisor/Manager for any reason e.g. they are implicated in the concern you should approach a more senior Manager within Crosspath Care LTD. Concerns can also be made in writing to:

Zoe Brown
Crosspath Care Ltd
Suite 9, Blackwell House
Coggeshall Road
Earls Colne
CO6 2JX

External Disclosures

If you feel that you have exhausted all internal routes to raise concerns and feel that nothing has been done and that you believe that the information is substantially true you may raise concerns with an external organization such as the Care Quality Commission or the local government Ombudsman.

The local government ombudsman can be contacted

Telephone: **0300 061 0614**

Text 'call back' to **0762 481 1595**

Website <http://www.lgo.org.uk>.

The CQC can be contacted on:

Telephone: **03000 616161**

Email: enquiries@cqc.org.uk.

Website at: www.cqc.org.uk

Write to them : Care Quality Commission Citygate, Gallowgate Newcastle upon Tyne NE1 4PA

Process for dealing with concerns raised

Where a concern has been raised, you will receive an acknowledgement of your concern within 24hrs upon receipt of the disclosure.

The concern will be taken seriously and be investigated by the registered manager. Wherever possible you will be given feedback on the process and outcome of the investigation as soon as it is reasonable to do so.

Crosspath Care take a serious view on false or malicious allegations and will take disciplinary action on staff that knowingly make a disclosure that is untrue.

Support when you have raised a concern

Crosspath Care acknowledges that staff may feel isolated and unsure about what to do when they are thinking about raising a concern or following raising a concern. Advice on the Whistleblowing process is available from the National Whistleblowing Helpline on 03000 724725 or from your professional body or Trade Union if you are a member of one. Counselling services may be accessed via your GP or call the national helpline who may be able to help you.

Training

Training on how to raise a concern will be covered during the Induction process and at regular intervals thereafter.