



WHISTLEBLOWING

Corporate Policy

| | |
|--|--|
| Title of Policy Document | Whistleblowing |
| Issue Date and Version | Version 10.1 (October 2019) |
| Policy Reference Number | 18 |
| Has Equality Impact Assessment been completed? | N/A |
| Categories | <input checked="" type="checkbox"/> Core <input type="checkbox"/> Corporate <input type="checkbox"/> Equal Opportunities <input type="checkbox"/> Health and Safety <input type="checkbox"/> Housing <input type="checkbox"/> Human Resources <input type="checkbox"/> Information Governance <input type="checkbox"/> IT and Communications <input type="checkbox"/> Learning and Development <input checked="" type="checkbox"/> Professional Practice and Standards <input type="checkbox"/> Recruitment <input type="checkbox"/> Service Management <input type="checkbox"/> Stakeholder Involvement <input type="checkbox"/> Support Planning and Risk Assessment <input type="checkbox"/> Service Provision – CQC services <input type="checkbox"/> Service Provision |
| Signed off by |  Chief Executive |
| Renewal date | July 2021 |
| First issue date | October 2003 |



WHISTLEBLOWING

Corporate Policy

1. PURPOSE AND INTRODUCTION

- 1.1 Creative Support fosters a culture of openness, and is committed to good practice in all aspects of service delivery and employment practice. It is acknowledged that all organisations face the risk of their activities going wrong from time to time, or of unknowingly harbouring malpractice. Creative Support has a duty to take appropriate measures to identify such situations and attempt to remedy them.
- 1.2 It is essential to Creative Support that any concerns about suspected misconduct or poor practice in the context of the *Public Interest Disclosure Act* (1998) are reported and properly dealt with.
- 1.3 The key underlying principle of this policy is that:
- The interests of service users are regarded as paramount and all Creative Support employees, have a 'duty of care' to act in the best interests of service users.
 - Staff are provided with information on how to raise any concerns (or "whistle blow" under the provisions of the Act)
 - Creative Support ensures that staff are confident that they can raise concerns without fear of reprisal.

2. DEFINITION OF WHISTLEBLOWING

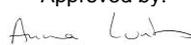
- 2.1 Whistleblowing, or public interest disclosure, occurs when an employee reports the actual or prospected improper actions of their organisation or colleagues and the allegations are in the public interest.
- 2.2 Anyone who "blows the whistle" is protected by the law (*Public Interest Disclosures Act* 1998) where they have made a disclosure that they reasonably believe to be in the public interest and have followed the correct procedure. This is called "making a protected disclosure". The law says that a whistle blower cannot be treated less favourably or dismissed as a result of making a protected disclosure that is in the public interest, which they believe to be true, and when they raise it in the right way.
- 2.3 The following categories of concern are covered by this policy:
- A criminal offence or breach of civil law has been committed, is being committed or is likely to be committed
 - Malpractice or ill treatment of a service user by staff or an act which constitutes abuse, in accordance with Creative Support's *Safeguarding Adults at Risk* policy
 - Conduct likely to prejudice the reputation of Creative Support
 - Serious lapses in professional practice, breach of professional bodies and/or Creative Support's *Code of Conduct* and all other policies and procedures
 - Disregard for legislation or serious lapses concerning health and safety
 - Environmental damage
 - Breaches of legal obligation(s)

| | | | |
|----------------|--------------|---------------------|------------------|
| Whistleblowing | Version 10.1 | Issued October 2019 | Approved by: |
|----------------|--------------|---------------------|------------------|

- Fraud, bribery and corruption, e.g., dishonest acts and mismanagement of agency or service user finances, theft or fraudulent activity that result in losses to a service user or Creative Support
 - Suspected “cover ups” of any of these failings
- 2.4 Creative Support staff have an obligation to report poor practice or abuse. Failure to do so or concealing this could be a serious disciplinary matter. Any issues or concerns must be reported promptly in order to aid investigation and safeguard those who may be at risk.
- 2.5 Creative Support’s senior managers understand that staff may have concerns over what is happening at work: everyone has them at one time or another. Usually they can be resolved quite simply, easily and quickly. However, when it could result in a dangerous situation or involves professional misconduct or financial malpractice that might affect our service users, colleagues or Creative Support itself, it becomes more complex and it can be hard to know what to do for the best.
- 2.6 Staff may be worried about bringing up such issues and think it best to not say anything, perhaps feeling it is none of their business or that it is only a suspicion. Staff might feel that mentioning the situation would be disloyal to colleagues, to managers or to the organisation. Staff might even have said something but realise it was to the wrong person or raised the issue in the wrong way and are not sure what to do next.
- 2.7 Creative Support’s Board of Trustees is committed to running the organisation in the best possible way and they need staff help to achieve this. This policy was developed to reassure all staff that it is safe and acceptable to speak up and to enable staff to raise any concern they might have at an early stage and in the right way. Rather than wait for proof, Creative Support would prefer staff to raise the matter when it is still a concern.

3. SCOPE

- 3.1 This policy must be adhered to by all employees of Creative Support, including bank workers, volunteers, students on placement and board members. The policy also applies to consultants, agency workers contracted to work for Creative Support and other qualifying self-employed individuals working under Creative Support supervision. Allegations of malpractice may be reported by service users, carers and other professionals as well as employees.
- 3.2 Whistleblowing or Grievance? Generally speaking, a whistleblowing concern is about a risk, malpractice or wrongdoing that affects others. It could be something which has a negative effect on service users, the public, other staff or the organisation itself. A grievance, on the other hand, is a personal complaint about an individual’s own employment situation: for example, a staff member may feel aggrieved if they think a management decision has affected them unfairly or that they are not being treated properly. A whistleblowing concern is where an individual raises information as a witness whereas a grievance is where the individual is the complainant.
- 3.3 If something is troubling you that you think we should know about or should be looked into, please use this procedure. If, however, you wish to make a complaint about your employment or how you have been treated, please use the *Grievance Procedure* or the *Bullying at Work* or *Harassment at Work* policies, which are available for download from the “Staff Area” of www.creativesupport.co.uk

| | | | |
|----------------|--------------|---------------------|---|
| Whistleblowing | Version 10.1 | Issued October 2019 | Approved by:  |
|----------------|--------------|---------------------|---|

4. STATEMENT OF COMMITMENT

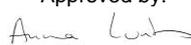
- 4.1 Anyone making a complaint, allegation or expressing concern should be reassured that:
- i. They will be taken seriously
 - ii. They will be given support
 - iii. They will be dealt with in a fair and equitable manner
 - iv. They will be kept informed of action that has been taken
 - v. Their comments will be treated confidentially, where possible
 - vi. They will not suffer victimisation, or be treated any less favourably as a result.
- 4.2 The Board of Trustees and the Chief Executive are committed to this policy. If any staff raise a genuine concern under this policy, they will not be at risk of losing their job or suffering any detriment.
- 4.3 Although rare, we acknowledge that there may be occasions when someone raises a concern with an ulterior motive or, even more rarely, maliciously. Creative Support cannot give the same assurances and safeguards outlined in this policy to someone who is found to have maliciously raised a concern that they also know to be untrue. Every concern raised will be treated as made in good faith, unless it is subsequently found not to be. Provided the employee is acting in good faith, it does not matter if they are mistaken. However, if it is found that the employee has maliciously raised a concern that they know is untrue, Creative Support may take disciplinary proceedings against them.

5. CONFIDENTIALITY AND ANONYMITY

- 5.1 The best way to raise a concern is to do so openly. Openness makes it easier for senior management to assess the issue, work out how to investigate it, understand any motive and get more information. If an employee raises a concern confidentially, they give their name on the condition that it is not revealed without their consent. If an employee raises a concern anonymously they do not give their name at all.
- 5.2 If staff wish to raise an issue confidentially, they need to say this at the outset. If asked not to disclose identity, we will not do so without consent unless required to by law. However, there may be times when a concern would be difficult to resolve without revealing their identity: for example, where personal evidence is essential. In such cases, Creative Support will discuss with the whistle blower whether and how the matter can best proceed.
- 5.3 If an employee chooses anonymity, hiding their identity, it will be much more difficult for Creative Support to look into the matter, protect their position or give feedback. Accordingly, while anonymous reports will be considered and appropriate action identified where possible, employees are encouraged not to report concerns anonymously, as this may make it more difficult to pursue the matter.

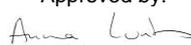
6. PROCEDURE FOR REPORTING A CONCERN

If staff are unsure about raising a concern at any stage they can get independent advice from a trade union representative or Public Concern at Work (PCAW), who provide free and confidential legal advice on whistleblowing matters (see section 12 below). It is important to remember that there is no “gateway” to allow anyone to disclose any confidential information to them.

| | | | |
|----------------|--------------|---------------------|---|
| Whistleblowing | Version 10.1 | Issued October 2019 | Approved by:  |
|----------------|--------------|---------------------|---|

Staff do not need to have firm evidence before raising a concern; however, we do ask for as full an explanation as possible providing information about the circumstances that gave rise to the concern.

- 6.1 In the first instance concerns should be raised with the appropriate line manager, either verbally or in writing. If it is not possible to do this, for whatever reason, then the concern should be raised with the relevant Service Director or the Whistleblowing Director via Creative Support's whistleblowing line on 0161 238 7657 (see section 12 below). These people have been given special responsibility and training in dealing with whistleblowing concerns.
- 6.2 If staff have followed these channels and concerns remain, or if the matter is of such serious concern that staff feel they cannot discuss it with any of these people, they should contact the Chief Executive, Anna Lunts, at Creative Support Head Office or another member of the Executive Team. Should the concerns relate to a member of the Executive Team or the Board of Trustees, they should be reported directly to the Chief Executive. If the concerns relate to our Chief Executive, Anna Lunts, they should be reported to the Chair of the Board of Trustees (see section 12 below).
- 6.3 If the concerns arise out of hours staff should contact the Duty Manager or Out of Hours Service within Creative Support. If there is reason to believe that a colleague or manager is a perpetrator, or is the individual against whom allegations are being made, it is imperative that the concern is **not** discussed directly with them and that the allegation should in this case be reported in the first instance to a member of the Executive Team. Outside of the office hours, please contact at Head Office on 0161 2360829. You should state that you have concerns which you wish to express under the *Whistleblowing* policy.
- 6.4 If, after formally reporting a concern, staff feel they need additional support, this is available. Creative Support is committed to supporting all employees in such circumstances and as well as having the support of our management team, we would like to remind individuals that they can access a 24-hour confidential counselling service provided by Health Assured which is available to staff members who have experienced distressing incidents on 0800 0305182.
- 6.5 When staff have told us of a concern, we will assess it and decide what action to take. This may involve an informal review, an internal inquiry or a more formal investigation. If necessary a senior member of the staff team within Creative Support will be identified to coordinate an inquiry/investigation. The investigating manager should arrange an initial investigatory meeting to explore the nature of any concerns or allegations. The person raising the concerns may need to be interviewed. If this is the case, they can be accompanied by a fellow employee, friend or trade union representative of their choice if they so wish. The companion may support in outlining the concern but may not answer questions on behalf of the whistle blower.
- 6.6 It may be necessary to conduct interviews with service users, their carers and other significant individuals e.g., witnesses to events, or staff members. The investigating manager will contact the police where suspected criminal activity has taken place in order to establish how to proceed. If agreement has been reached that the police do not need to be involved at the initial stage the investigating manager will conduct the interview. This meeting will be minuted to ensure there is an accurate record of the interview.
- 6.7 The investigating manager will conduct a full investigation with the objective of establishing whether any malpractice has occurred. The format of the investigation may

| | | | |
|----------------|--------------|---------------------|---|
| Whistleblowing | Version 10.1 | Issued October 2019 | Approved by:  |
|----------------|--------------|---------------------|---|

vary dependent on the circumstances of the allegations raised. At this stage the procedures may need to be followed in line with Creative Support corporate policies i.e., *Safeguarding of Adults at Risk, Code of Conduct and Professional Boundaries, Bullying at Work, Harassment at Work*; or the *Disciplinary* policy where the matter concerns an employee's capability or involves a disciplinary offence.

- 6.8 When staff first raise a concern through the whistleblowing procedure it would be helpful to have thought about how the matter might best be resolved and to share this with us. From the outset staff should be clear and advise Creative Support if they have any personal interest in the matter. If it is apparent the concern falls more properly within the scope of the other aforementioned Creative Support policies, staff will be advised of this.
- 6.9 Whenever possible, feedback will be provided on the outcome of any investigation. The investigating manager will communicate the findings of the investigation in writing to a) the person raising the malpractice concern (unless anonymous) b) the individual or individuals under investigation and, if appropriate, c) members of the Board of Trustees and external authorities who may need to consider whether further action should be taken on the basis of the findings. However, we may not be able to tell the whistleblower about the precise actions taken in cases where this would infringe a duty of confidence Creative Support owe to another person. Whilst there is no guarantee Creative Support will respond to all matters in the way that the whistle blower may wish, we will strive to handle the matter fairly and properly, using this policy will help to achieve this.

7. 'CODE RED'

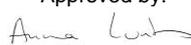
- 7.1 Creative Support has developed a procedure internally to add further strength to the ability to raise concerns and escalate duty of care matters within the company. 'Code Red' is a process managed by the Safeguarding and Whistleblowing Lead, and is widely promoted across our services for all levels of staff to raise with an independent person any matters where they feel uncomfortable or where they unsure of their duty of care. This process is confidential and works to complement our equally well-promoted whistleblowing policy. Code Red does not *replace* whistleblowing.

8. SUPPORT FOR SERVICE USERS AND CARERS WHEN RAISING CONCERNS

- 8.1 It is recognised that service users and carers may require support and assistance from an independent advocate when raising concerns. Creative Support will seek to facilitate this wherever possible.
- 8.2 Creative Support will also ensure that any meetings are conducted in a manner that enables service users and carers to raise their concerns as fully and openly as possible. Creative Support will also endeavour to provide information in an accessible format (eg. minutes of meetings in large print etc.) taking into account the preferred communication method of the individual. Where English is not the first language of the person raising the concern, where possible, appropriate involvement of interpretation services in any meeting will be arranged.

9. EXTERNAL REPORTING

- 9.1 In exceptional circumstances staff can raise their concerns with a "prescribed body" but this should always be a last resort. It is hoped this policy gives staff the reassurance

| | | | |
|----------------|--------------|---------------------|---|
| Whistleblowing | Version 10.1 | Issued October 2019 | Approved by:  |
|----------------|--------------|---------------------|---|

needed to raise their concern internally in the first instance: however, there may be circumstances where a concern needs raising with an external agency/body. Staff have the right, if they wish, to report concerns directly to the Local Authority responsible for Safeguarding, the Care Quality Commission or the Police. This should only be in situations where staff reasonably believe that they would suffer detriment (or that the evidence would be destroyed or concealed) if they reported internally. This is a 'protected disclosure'.

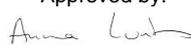
- 9.2 Creative Support has issued a separate statement on Modern Slavery, which can be read online at <https://www.creativesupport.co.uk/modern-slavery-statement/> It is expected that staff will act, both in their capacity as citizens and as employees, on any suspicions they may have that individuals are victims of exploitation, human trafficking or slavery, by reporting their concerns immediately to the police and/or social services, in accordance with the organisation's *Safeguarding of Adults at Risk* and *Safeguarding Children and Young People* policies. Advice on reporting modern slavery concerns is available from the Modern Slavery Helpline on 08000 121 700 and at <https://www.gov.uk/government/publications/support-for-victims-of-human-trafficking>
- 9.3 Staff should be aware that making a disclosure to the media will only be considered a 'protected' disclosure in very limited circumstances where:
- Staff believe the information is substantially true
 - Staff are not making the disclosure for personal gain
 - It is reasonable for staff to make the disclosure
 - Staff reasonably believe they would be subject to a detriment if they made the disclosure to Creative Support or to a "prescribed body"
 - Staff reasonably believe that Creative Support would conceal or destroy evidence if they made the disclosure to them, or;
 - Staff have previously made the disclosure to Creative Support or a "prescribed person" and nothing was done
- 9.4 Staff should be aware that there may be circumstances where there is a requirement to whistle blow about third party providers (e.g. Where care and support is shared between two providers) or about family members of the service user. If the situation arises then staff should report any concern to your line manager.

10. MONITORING

- 10.1 All whistleblowing incidents will be logged and used for monitoring purposes in respect of data and themes and to ensure ongoing compliance with this policy.
- 10.2 All information will be kept confidentially and will be used for no other purpose than to monitor trends and for statistical analysis.

11. RESPONSIBILITIES

- 11.1 This policy must be adhered to by all employees of Creative Support. The policy also applies to consultants and agency workers contracted to work for Creative Support.
- 11.2 Senior managers are responsible for ensuring that this policy is applied within their service area.

| | | | |
|----------------|--------------|---------------------|---|
| Whistleblowing | Version 10.1 | Issued October 2019 | Approved by:  |
|----------------|--------------|---------------------|---|

| | | | |
|----------------|--------------|---------------------|----------------------------------|
| Whistleblowing | Version 10.1 | Issued October 2019 | Approved by: <i>Anna Cook</i> |
|----------------|--------------|---------------------|----------------------------------|

12. KEY CONTACTS

Creative Support's Whistleblowing Line

Tel: 0161 238 7657

Whistleblowing Director

Jackie Nixon

Service Director
Creative Support
Wellington House 131 Wellington Road South
Stockport
SK1 3TS

Tel: 0161 236 0829

Email jackie.nixon@creativesupport.co.uk

Complaints Case Manager

Sharon Evans

Creative Support
Wellington House 131 Wellington Road South
Stockport
SK1 3TS

Tel 0161 236 0829

Email sharon.evans@creativesupport.co.uk

CEO

Anna Lunts

Wellington House
131 Wellington Road South
Stockport
SK1 3TS

Tel 0161 236 0829

Email anna.lunts@creativesupport.co.uk

Chair of the Board of Trustees

Darrell Johnson

c/o Lorraine Gainsborough
PA to the Board of Trustees
Wellington House 131 Wellington Road South
Stockport
SK1 3TS

| | | | |
|----------------|--------------|---------------------|-----------------------------------|
| Whistleblowing | Version 10.1 | Issued October 2019 | Approved by: <i>Anna Lunts</i> |
|----------------|--------------|---------------------|-----------------------------------|

Tel 0161 236 0829
Email lorraine.gainsborough@creativesupport.co.uk

Health Assured

www.zurich.healthassuredeap.co.uk

Tel 0800 084 5167

Public Concern at Work (PCAW)

PCAW is the main whistleblowing charity whose mission is to ensure that concerns about malpractice are properly raised and addressed in the workplace. They:

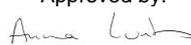
- offer free, confidential advice to people concerned about crime, danger or wrongdoing at work;
- help organisations to deliver and demonstrate good governance;
- inform public policy; and
- promote individual responsibility, organisational accountability and the public interest.

Public Concern at Work
 3rd Floor, Bank Chambers
 6- 10 Borough High Street
 London
 SE1 9QQ

Tel 020 7404 6609 (general enquiries and helpline)
Fax 020 74038823
Email UK enquiries: whistle@pcaw.co.uk or UK helpline: helpline@pcaw.co.uk
Website www.pcaw.co.uk

13. REFERENCES

Public Interest Disclosures Act (1998)
 Creative Support *Grievance Procedure*
 Creative Support *Bullying at Work* policy
 Creative Support *Harassment at Work* Policy
 Creative Support *Safeguarding of Adults at Risk* Policy
 Creative Support *Complaints and Compliments* Policy

| | | | |
|----------------|--------------|---------------------|---|
| Whistleblowing | Version 10.1 | Issued October 2019 | Approved by:  |
|----------------|--------------|---------------------|---|