



Family Support Wales

WHISTLEBLOWING

Domiciliary Care Agencies (Wales) Regulations 2004
Reg: 16 & 23 Standard: 27 – Quality Assurance

Policy Statement

Whistleblowing is the term used when someone who works for an employer raises a concern about malpractice, or risk, for example to a person's safety, wrongdoing which harms, or creates risk to harm, to people who use the service, colleagues or the wider public.

Family Support Wales's policy on whistleblowing sets out to comply, in every aspect, with the *Public Interest Disclosure Act 1998* in protecting and not victimising staff who seek to report, and who have investigated genuine and reasonable concerns about any form of malpractice that they encounter in their work.

At the same time, the company aims to create an atmosphere of open communication and commitment to high standards of work, within which criticisms can be frankly made and thoroughly investigated.

Family Support Wales also recommends that its staff make arrangements to have access to independent legal advice in the event of any involvement in allegations as whistleblowers or as people against whom allegations are made. They are encouraged to do this through membership of a trade union or professional organisation that includes legal advice as part of its services.

The Policy

This document outlines Family Support Wales's policy for responding to allegations or reports of abuse of patients, and other forms of misconduct, made by one or more members of staff against other staff. These actions are known as whistleblowing.

The requirement for such a policy arises because it was previously the case that management considered individuals involved in whistleblowing as trouble-makers. It is now legally recognised that staff who are in a position to observe and report bad practice should be enabled to do so without fear of repercussions on their conduct and career prospects. Indeed, failure to report malpractice could lead to accusations of colluding in it, and therefore of being guilty of misconduct.

Obligations on Staff to Report Abuse

Family Support Wales requires its entire staff to observe Family Support Wales's work carefully and report diligently on anything that causes them concern. We believe that teamwork and loyalty to colleagues should not be allowed to deter staff from reporting suspected abuse, criminal acts, and neglect of patients or bad practice, and follows guidance issued by the CSSIW.

Any member of staff who witnesses or suspects abuse by another member of staff should report it as soon as possible to their line manager. The manager will accept responsibility for the actions that follow and will assure the whistleblower that they have acted correctly by reporting the matter and that they will not be victimised.

Despite the assurances given by our organisation, we accept that there may be incidents that a staff member does not feel confident enough or able to report in the first instance to the manager. Where this is not appropriate or considered too sensitive the worker should report to a director or other service manager/advisor. Where this is not considered appropriate Family Support Wales accepts the right and obligation of the staff member to report their concerns to an outside authority such as the police, the local authority safeguarding unit or to the CQC to initiate an investigation.

The company provides every staff member with the contact details—which are also included in this policy—of these agencies in the staff handbook. The company will not penalise or victimise any staff member who responsibly reports their concerns in these ways.

Referral Timescales

In accordance with the All Wales Child Protection procedure we have a duty as a company and individually to refer any concerns accurately and within a time period.

Referrals should be made to social services as soon as a problem, suspicion or concern about a child becomes apparent, and certainly within **24 hours**. Outside office hours, referrals should be made to the social services emergency duty service or the police. Social services and the police must ensure that an appropriate level and deployment of trained staff are available to undertake child protection section 47 enquiries, including out of hours.

All telephone referrals or referrals made in person should be confirmed in writing within two working days, preferably using a local standard form where provided.

Our duty in making a referral should be given as much of the following information as possible:

- The nature of the concerns;
- How and why those concerns have arisen;
- The full name, address and date of birth (or age) of the child;
- The names, addresses and dates of birth/ages of family members, along with any other names which they use or are known by;
- The names and relationship of all those with parental responsibility, where known, should be recorded;

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- The name, address & date of birth of parent's partner;
- The name, address and date of birth of any other adults living in the household;
- The names of other professionals involved with the family, including the name of the child's school and GP;
- Any information you have on the child's developmental needs and his/her parents or caregivers ability to respond to these needs within the context of the wider family and environment;
- Any information affecting the safety of staff. Individual employees, professionals and independent contractors, should be aware that they cannot remain anonymous when making a referral. However, members of the public may remain anonymous, if they wish to.

As an individual employee or professional making the referral we may be asked to do some or all of the following tasks to support the referral:

- Contribute to a strategy discussion or strategy meeting;
- Assist in the child protection section 47 enquiries;
- Attend the child protection conference;
- Provide a written report for the child protection conference;
- Contribute to the initial and core assessments.

It is the responsibility of individual employees and professionals to ensure that their child protection concerns are taken seriously and followed through. Each individual employee and professional is accountable for his or her own role in the child protection process, and if an individual employee or professional remains concerned about a child they should re-refer the child and/or bring the matter to the immediate attention of the social services senior manager with responsibility for child protection for the area. In their absence the social services team manager responsible for the child's case must be notified. In all such situations, the individual employee or professional's own line manager and named professional for child protection should be informed.

Investigating and Dealing with Allegations

The manager to whom abuse by a staff member is reported should take the necessary steps under the Adult Safeguarding Policy. In addition, they should also protect the source of the information, if possible. If a manager fails to act promptly, suppresses evidence, or is involved in any action to discourage whistleblowing, they may render themselves liable to disciplinary action.

Dealing with Interference with or Victimisation of Staff who have Reported Abuse

Any member of staff who attempts to prevent a staff member from reporting their concerns to a manager, or who bullies, attempts to intimidate or discriminates against a colleague in these circumstances will be dealt with under disciplinary proceedings. A whistleblower who feels themselves to be subject to hostile action from colleagues should inform their manager, who should, if necessary, take steps to alter the staff member's duties so as to protect them from the hostile action.

The company includes in its staff handbook information on how to make contact with the Public Concern at Work organisation that has been established to protect whistleblowers from victimisation and bullying as a result of their actions.

Unjustified Reporting

Family Support Wales's managers take reports from whistleblowers seriously and investigate all allegations thoroughly. Any allegations against colleagues that are found to be merely flippant or malicious may render the accuser liable to disciplinary action and criminal proceedings.

Related Policies

Recruitment and Selection

Safeguarding of Service Users from Abuse

Training Statement

All new staff receive training in this policy on whistle blowing as part of the induction training. Staff receive updated training as needed due to policy changes.

Local Authority Safeguarding Unit

Child Protection Concerns

Tel: 01792 635700

Email: access.information@swansea.gov.uk

Intake Team for Health and Social Care

Tel: 01792 636519

SMS: 07796 275412

Email: intake@swansea.gov.uk

Adult Safeguarding

Tel: 01792 636854

Email: adult.safeguarding@swansea.gov.uk

LOCAL POLICE

Address: Swansea SA1 5EA

Phone: 01792 456999