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RAISING CONCERNS, FREEDOM TO SPEAK UP AND WHISTLEBLOWING

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RAISING CONCERNS, FREEDOM TO SPEAK UP AND WHISTLEBLOWING POLICY AND PROCEDURE

The aim of this policy is to ensure that Nursing Direct Healthcare Limited (hereinafter referred to as "Nursing Direct") fulfils its legal, regulatory, and ethical responsibilities by promoting and maintaining a culture of openness, transparency, accountability, and compliance throughout the organisation.

This policy sets out the framework for all staff, including Agency Workers, to raise concerns about wrongdoing, malpractice, risk, misconduct, unlawful activity, or failures in care or governance, without fear of retaliation, victimisation, or other adverse consequences. It makes clear that concerns may be raised internally within Nursing Direct and, where appropriate, externally with relevant bodies, including the Care Quality Commission (CQC).

Nursing Direct is committed to ensuring that speaking up is encouraged as a normal and essential part of day-to-day practice. Staff, including Agency Workers, are expected to report concerns at the earliest opportunity where they believe that the safety, wellbeing, or rights of Service Users, colleagues, or the public may be at risk, or where there is any actual or suspected breach of legislation, regulation, professional standards, or best practice guidance. This includes, but is not limited to, concerns relating to abuse, neglect, fraud, financial irregularity, criminal activity, unethical conduct, unsafe practice, or any attempt to conceal such matters.

This policy also ensures that all qualifying disclosures made in good faith are managed appropriately and in accordance with the protections afforded under the Public Interest Disclosure Act 1998. Nursing Direct will not tolerate bullying, intimidation, harassment, discrimination, or any other detriment arising from an individual raising a genuine concern.

In addition, this policy supports compliance with Regulation 20: Duty of Candour, by reinforcing the requirement for openness and honesty when things go wrong in relation to care and support. Where an incident affects a Service User, Nursing Direct will ensure that the individual, and where appropriate their family, advocate, or representative, is informed in a timely, transparent, and compassionate manner, and that appropriate action is taken to remedy the situation, learn from the event, and improve future practice.

Nursing Direct will support the effective implementation of this policy through clear procedures, management oversight, and regular staff training, in line with the principles of the Freedom to Speak Up framework established by Sir Robert Francis (2015).

1. PURPOSE

- 1.1 To ensure that all staff including Agency Workers working at Nursing Direct understand the importance of raising a concern, sometimes also referred to as 'speaking up' or 'whistleblowing'.
- 1.2 To Encourage all staff including Agency Workers to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected
- 1.3 To provide all staff including Agency Workers with guidance as to how to raise those concerns
- 1.4 To reassure staff including Agency Workers that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken

To support Nursing Direct in meeting the Care Quality Commission (CQC) Key Lines of Enquiry (KLOEs) and associated Quality Statements.

1.5 **Relevant Legislations:**

To meet the legal requirements of the regulated activities that Nursing Direct is registered to provide:

- The Criminal Justice and Courts Act 2015
- The Enterprise and Regulatory Reform Act 2013
- The Care Act 2014
- Employment Rights Act 1996
- Public Interest Disclosure Act 1998
- The Health and Social Care Act 2008 (Regulated Activities) (Amendment) Regulations 2012

2. SCOPE

2.1 The following roles may be affected by this policy:

- All staff including Agency Workers

2.2 The following Service Users may be affected by this policy:

- Service Users

2.3 The following stakeholders may be affected by this policy:

- Commissioners
- Local Authority
- Care Quality Commission

3. OBJECTIVES

- 3.1 All staff including Agency Workers have a duty to ensure standards of quality care by raising concerns regarding wrongdoing or malpractice. This policy will provide the means of ensuring that staff including Agency Workers can confidentially raise genuine concerns of malpractice and/or misconduct through appropriate means at the earliest point without fear of reprisal.

4. POLICY

- 4.1 This policy covers all staff including Agency Workers and does not form part of any staff including Agency Worker contract of employment and Nursing Direct may amend it at any time.
- 4.2 This policy and procedure do not apply if staff including Agency Workers are aggrieved about their personal position to personal grievances. If staff including Agency Workers have concerns regarding their own employment situation, they should refer to the Grievance Policy and Procedure.

4.3 CQC Regulated Activities, Service Types and Service User Bands

Where required, Nursing Direct will be registered with the CQC for regulated activities, service types and service user bands as defined in the CQC Statement of Purpose.

This will ensure that Nursing Direct provides services that are safe, effective, caring, responsive and well-led in line with the CQC's published quality statements, regulatory framework and associated best practice guidance.

4.3.1 Nursing Direct is registered to provide the following regulated activities:

- Personal Care
- Treatment of disease, disorder or injury

4.3.2 Nursing Direct is registered to provide the following service types:

- Community healthcare service (CHC)
- Domiciliary care service (DCC)
- Long-term conditions services (LTC)

4.3.3 Nursing Direct is registered to support the following service user bands:

- Caring for adults over 65 years old
- Caring for adults under 65 years old
- Caring for children (0-18 years)
- Dementia
- Learning difficulties or autistic disorder
- Mental health
- Older people (Aged 65+)
- People detained under the Mental Health Act
- People who misuse drugs or alcohol
- People with an eating disorder
- Physical disability
- Sensory impairment
- The whole population

4.4 Nursing Direct Responsibilities and Representatives

The Registered Manager, and nominated individual of Nursing Direct, have overall management responsibility for this policy and procedure and for ensuring the proper governance of Nursing Direct.

The Registered Manager role is held by: Ms Leanne Marguerite Harris

The Registered Manager is professionally and operationally accountable for the day-to-day management and regulatory compliance of the service.

The nominated individual role is held by: Marc Stiff

The Nominated Individual is responsible for supervising the regulated activity, ensuring a high-quality, compliant service.

Both roles are required to undertake regular continuing professional development to enhance knowledge, promote best practice and expand their skill set.

Nursing Direct will ensure that at all times:

- The organisation is managed and governed appropriately
- Suitable systems are in place to effectively assess, monitor and improve the service
- Records are completed accurately and stored safely and securely
- That the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018 are met
- Care and support delivered is consistent, safe and of high-quality

- 4.5 Nursing Direct is committed to a high standard of care, to honesty, openness and decency in all its activities and in line with the requirements of the duty of candour. It is recognised that Service User safety must come first at all times and, whilst it can be difficult for staff including Agency Workers to raise concerns about the practice of others, including managers, the implications of not raising those concerns are potentially very serious for Nursing Direct, its staff, including Agency Workers, and most importantly for those receiving its services.

- 4.6 Nursing Direct encourages a free and open culture in its dealings with its staff including Agency Workers and all people with whom it engages in business and legal relations. In particular, Nursing Direct recognises that effective and honest communication is essential if any wrongdoing or malpractice is to be effectively dealt with and the organisation's success ensured.
- 4.7 Nursing Direct recognises that staff including Agency Workers are likely to be the first to realise that there may be something seriously wrong within the organisation but may feel that speaking up would be disloyal to colleagues or their employer who may, under certain circumstances, face criminal charges. They may also fear harassment or victimisation and fear a loss of their job or a reduction in work hours.
- 4.8 Nursing Direct will not tolerate the ill treatment, including any bullying or harassment, of anyone who raises a concern. It will ensure that any individual who raises a concern can do so confidentially in line with the Public Interest Disclosure Act 1998 (PIDA).
- 4.9 Nursing Direct will ensure that any individual who raises a genuine concern under this policy will not be at risk of termination of their employment or suffer any form of reprisal which includes, but is not limited to, loss or reduction of hours or changes to regular working patterns because of it.
- 4.10 Nursing Direct will ensure that it follows not only the law on whistleblowing, but also best practice and guidance from the NHS and regulatory bodies including the Care Quality Commission.
- 4.11 **Policy Accessibility**
Nursing Direct understands that some Service Users may take in and retain information in different ways. To support full understanding and engagement, this policy can be available in accessible formats upon request.

5. PROCEDURE

5.1 Raising Concerns

All staff have a duty to raise concerns regarding inappropriate behaviour, unlawful conduct, poor practice or behaviour to ensure standards of quality care.

5.2 Freedom to Speak Up (FTSU)

All staff including Agency Workers at Nursing Direct are encouraged to speak up about anything that gets in the way of doing a great job.

Nursing Direct will have a Freedom to Speak Up Guardian who supports staff including Agency Workers to speak up when they feel that they are unable to in other ways.

5.3 Whistleblowing

Staff including Agency Workers can report certain types of wrongdoing, usually something seen at work - though not always. The wrongdoing disclosed must be in the public interest. This means it must affect others, for example the general public.

- 5.4 This procedure is intended to provide a safeguard to enable staff including Agency Workers to raise concerns about one or more of the following that has occurred, is occurring, or is likely to occur. These qualifying disclosures (see definition) mean that staff including Agency Workers can raise a concern about risk, malpractice or wrongdoing that they think is harming the services, might harm or has harmed in the past any aspect of the services that Nursing Direct delivers. A few examples of this might include (but are by no means restricted to):

- Unsafe care
- Unsafe working conditions
- Inadequate induction or training for staff including Agency Workers
- Lack of, or poor, response to a reported Service User safety incident
- Suspicions of fraud (which can also be reported to the local counter-fraud team)
- Damaging the environment - e.g. disposing of materials or waste incorrectly, for example, flushing medicines or syringes down the toilet or sink
- A bullying culture (across a team or organisation rather than individual instances of bullying)
- Incidents of unsafe staffing, falsification of timesheets, Service User records or other clinical or care records
- Failure to investigate claims of physical or sexual assault
- Physical, verbal or sexual abuse of any Service User, colleague or other person whilst working for Nursing Direct
- Sexual Harassment
- Breaching the Data Protection Act

This policy should not be used for complaints relating to staff including Agency Workers' own personal circumstances, such as the way they have been treated at work. In those cases, the individual should use the Grievance Policy and Procedure, Anti-Bullying Policy and Procedure, Harassment Policy and Procedure or Sexual Harassment Policy and Procedure.

5.5 How to Raise a Concern - Step 1

- If staff including Agency Workers have a genuine concern about a risk, malpractice or wrongdoing at work, it is hoped that they feel they will be able to raise it first with management
- This may be done verbally or in writing
- It is better to raise a concern as soon as it arises
- Where possible, unless, for example, where the concern relates to a safeguarding matter, the concerns raised will be treated confidentially
- Management will inform them if they cannot keep the concern confidential

- The Registered Manager has overall responsibility for concerns raised and the management team may need to share the concern with the Registered Manager.
- Staff including Agency Workers can raise a concern anonymously if they wish to do so. Any anonymous concerns will be taken seriously and investigated as far as possible based on the information provided. However, Nursing Direct may not be able to respond directly to the individual or investigate further with the individual given that their identity will not be known.

5.6 How to Raise a Concern – Step 2

- If staff including Agency Workers do not feel they can raise the concern with management or the concern relates to or involves management (or they have raised it with management and no action has been taken), staff including Agency Workers should then escalate their concerns to the Registered Manager and Nursing Direct to deal with appropriately.

5.7 How to Raise a Concern – Step 3

- If staff including Agency Workers do not feel that the Registered Manager or Nursing Direct will appropriately handle their concerns, the staff including Agency Worker may report their concerns directly to the Freedom to Speak Up Guardian Lead at Nursing Direct whose contact details are 0330 056 6000.

5.8 How to Raise a Concern – Step 4

- If staff including Agency Workers do not feel that the Registered Manager, Nursing Direct or Freedom to Speak Up Guardian will appropriately handle their concerns, staff including Agency Workers may report their concerns directly to the Care Quality Commission on 03000 616161 or through its website.
- The CQC will not disclose the staff including Agency Workers identity without their consent unless there are legal reasons requiring the CQC to do so e.g. where the information is about a child or vulnerable adult who is

5.9 Protection and Support

It is understandable that whistleblowers are sometimes worried about possible repercussions. Nursing Direct aims to encourage openness and will support staff including Agency Workers who raise genuine concerns under this policy, even if they turn out to be mistaken.

Whistleblowers must not suffer any detrimental treatment as a result of raising a concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If an individual believes that they have suffered any such treatment, they should inform the Registered Manager immediately. If the matter is not remedied, the individual should raise it formally using the Grievance Procedure at Nursing Direct.

Anyone who threatens or retaliates against whistleblowers in any way may be subject to disciplinary action.

- Prior to raising a concern, the staff including Agency Workers may want to get free, independent and confidential advice from: The Whistleblowing Helpline for NHS and Social Care (Speak Up)

0330 311 22 33
England.speakupl@nhs.net

Or

- Protect (Formerly Public Concern at Work) A whistleblowing charity

020 3117 2520
info@protect-advice.org.uk
www.protect-advice.org.uk

5.10 Investigation

The Registered Manager may arrange a meeting to discuss the concern. If so, the individual may bring a colleague or union representative to any meetings under this policy. The individual's companion must respect the confidentiality of the disclosure and any subsequent investigation.

The Registered Manager, in consultation with Nursing Direct, shall have discretion over the nature of the investigation into concerns raised, including, where it is considered appropriate, the involvement of others such as Adult Social Services or auditors. If there is evidence of criminal activity, the Police will be informed.

Nursing Direct cannot always guarantee the outcome the individual is seeking, however Nursing Direct will try to deal with the individual's concern in a fair and appropriate way. If the individual is not happy with the way in which the concern has been handled, they can raise it with one of the alternative contacts listed.

5.11 Registered Manager and Nursing Direct Responsibility

- Responsibility for dealing with any concerns reported will lie with the Registered Manager.
- If the concerns relate to the Registered Manager, concerns should be escalated to Nursing Direct's senior management team.
- If the concerns involve both the Registered Manager and Nursing Direct or if an individual is fulfilling both roles, staff including Agency Workers can contact the CQC.

5.12 Protected Disclosures and Safeguarding

- When a safeguarding concern is received by staff including Agency Workers, Local Authorities, Integrated Care Boards (ICBs) and other service users Safeguarding policies and procedures will be followed.
- Where a safeguarding concern is received by staff including Agency Workers and refers to the actions of the management team at Nursing Direct, then a referral must be made to the local Social Services Adult Protection Team (for concerns regarding adults) or the local Children's Social Care Services (for concerns involving children).
- The local Children and Adult Protection Teams will take responsibility for informing other agencies.

5.13 **Raising a Concern – Timescales**

The individual with whom the concern is raised will acknowledge the concern within locally agreed timescales and in line with best practice. The investigating officer will be confirmed to the staff including Agency Worker along with any further information required including contact information and an estimate of the likely timescales involved.

5.14 Where possible, the management team will feed back to the staff including Agency Worker who raised the concern on the outcome of any investigation, although this may not always be possible in full due to the nature of the disclosure.

5.15 A record of the information provided, and details of the proceedings will be kept in line with best practice.

5.16 **False, Malicious, Vexatious Allegations**

All whistleblowing concerns will be investigated. However, if staff including Agency Workers are found to have made allegations maliciously and/or not in good faith, disciplinary action may be taken. Staff including Agency Workers will never be disciplined for raising a concern, so long as they follow the whistleblowing procedure or make disclosures in accordance with the Public Interest Disclosure Act 1998 (PIDA).

5.17 **Bullying and Harassment of Whistleblowers**

Unless an employer has taken reasonable steps to prevent this type of victimisation by co-workers, it will be deemed liable for the acts of its staff. It is therefore no longer enough to deal with incidents of bullying or harassment as and when they arise, on a case-by-case basis. The only basis upon which an employer will now be able to defend itself against liability for the actions of its staff including Agency Workers will be by proactive steps. In order to demonstrate a “reasonable steps” defence, an employer will need to anticipate conduct such as bullying and harassment. To avoid incidents of bullying or harassment occurring, Nursing Direct will take the following steps:

- Adhere to this Whistleblowing Policy
- Embed a culture of openness and transparency
- Communicate the policy
- Offer any necessary training to ensure that it is put into effect
- Take action if any worker bullies or harasses a whistleblower

5.18 **Employment Contracts, Whistleblowing and Confidentiality**

The PIDA protects Whistleblowers from being restricted to bring claims of whistleblowing. Nursing Direct will seek legal or Human Resource advice to ensure that (where relevant) any agreements between Nursing Direct and the staff including Agency Worker does not prevent them from issuing a whistleblowing claim.

5.19 **Monitoring, Review, Continuous Improvement**

Nursing Direct strives through its Good Governance and Quality Assurance policies and procedures to ensure that as an organisation it has a clear review process in place that seeks to foster a culture of continuous improvement and learning. Nursing Direct invites and actively seeks feedback, especially from those who may be faced with particular barriers to speaking up and raising concerns.

5.20 **External Disclosures**

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases it should not be necessary to alert anyone externally.

The law recognises that in some circumstances it may be appropriate for individuals to report their concerns to an external body such as a regulator. It will very rarely, if ever, be appropriate to alert the media. Nursing Direct strongly encourages staff including Agency Workers to seek advice before reporting a concern to anyone external.

Whistleblowing concerns usually relate to the conduct of staff or service provisions, but they may sometimes relate to the actions of a third party, such as a supplier or service provider. In some circumstances, the law will protect an individual if they raise the matter with the third party directly. However, Nursing Direct encourages staff including Agency Workers to report such concerns internally first, in line with this policy.

5.21 **Care and Support at Nursing Direct**

Nursing Direct provides care and support to Service Users with a range of needs in a person-centred, safe, and lawful way.

All staff including Agency Workers must follow the guidance within this policy and the Service User’s Care Plan, ensuring that assessed needs, reasonable adjustments and individual preferences are met.

- Every Service User is treated equally and with dignity and respect
- Care and support are tailored to individual needs, preferences and desired outcomes
- Staff including Agency Workers follow legal, regulatory, and professional guidance at all times
- Person-centred approaches are used to promote independence, choice, and wellbeing

To support this approach, staff including Agency Workers will also follow the relevant policies and procedures as set out by Nursing Direct.

Staff including agency Workers supporting any specialist area of need will receive appropriate induction and training. They will complete competency assessments, where required, to meet the needs of Service Users as outlined in the Training Policy and Procedure at Nursing Direct.

6. DEFINITIONS

6.1 All/relevant staff including Agency Workers

6.1.1 Staff

Denotes the employees of Nursing Direct Healthcare Limited.

6.1.2 Agency Workers

Refers to individuals who are contracted with Nursdoc Limited or another employment business as an Agency Worker (temporary worker) provided to Nursing Direct Healthcare Limited to perform care services under the direction of Nursing Direct.

6.2 Nursing Direct

Nursing Direct, also known as Nursing Direct Healthcare Limited, is the entity regulated by the CQC (Care Quality Commission) and responsible for the care service provision, contracted to provide homecare services to service users in their homes, in placements, essential healthcare facilities and in the community.

6.3 Nursdoc Limited

As the sister company to Nursing Direct Healthcare Limited, Nursdoc Limited acts as an employment business, specialising in providing staffing solutions to the healthcare sector.

6.4 CQC (Care Quality Commission)

CQC throughout this policy, the term "CQC" refers to the Care Quality Commission (CQC) which is the independent regulator of health and social care in England.

6.5 Whistleblower

The term 'whistleblower' is used to describe people who make a 'qualifying disclosure' about a genuine concern at work. Where a worker suffers a detriment or is dismissed as a result, then they may have certain employment protections under the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998, often referred to as 'PIDA')

6.6 Qualifying Disclosure

- Qualifying disclosures are disclosures of information where the worker reasonably believes (and it is in the public interest) that one or more of the following matters is either happening, has taken place, or is likely to happen in the future:
 - A criminal offence
 - The breach of a legal obligation
 - A miscarriage of justice
 - A danger to the health and safety of any individual
 - Damage to the environment
 - Deliberate attempt to conceal any of the above

6.7 Public Interest

A disclosure made in the interest of the public, i.e. not relating to an individual such as in a grievance case

6.8 Grievance or Private Complaint

A dispute about the employee's own employment position without a public interest aspect

6.9 PIDA

Public Interest Disclosure Act 1998 - Legislation which provides protection to workers who make disclosures in the public interest

6.10 Criminal Justice and Courts Act 2015

Legislation which lays out the offences involving ill-treatment or wilful neglect by a person providing health or social care

6.11 Anonymously

Made or done by someone whose name is not known or made public

6.12 Vicarious Liability

Vicarious liability refers to a situation where someone is held responsible for the actions or omissions of another person. In a workplace context, an employer can be liable for the acts or omissions of its employees, provided it can be shown that they took place in the course of their employment

6.13 Whistleblowing


The disclosure of information which relates to suspected wrongdoing or dangers at work. This may include (but is not limited to):

- 6.13.1 Criminal activity
- 6.13.2 Failure to comply with any legal (or professional) obligation or regulatory requirements
- 6.13.3 Miscarriages of justice
- 6.13.4 Danger to health and safety
- 6.13.5 Damage to the environment
- 6.13.6 Bribery
- 6.13.7 Facilitating tax evasion
- 6.13.8 Financial fraud or mismanagement
- 6.13.9 Breach of internal policies and procedures
- 6.13.10 Conduct likely to damage the reputation or financial wellbeing of the organisation
- 6.13.11 Unauthorised disclosure of confidential information

OUTSTANDING PRACTICE

To be 'outstanding' in this policy area you could provide evidence that:

- Staff including Agency Workers report that Nursing Direct is extremely open, transparent and actively supports and encourages whistleblowing
- Nursing Direct enables staff including Agency Workers to raise concerns by providing support (such as a helpline) from an independent agency in regard to whistleblowing concerns
- Nursing Direct has a designated Whistleblowing Champion and evidence of the proactive nature of this role and how it is a success
- Nursing Direct uses lessons learnt from concerns, without breaching confidentiality, to ensure continuous improvement of the service.

COMPLETED DATE:	14.04.2025
SIGN OFF DATE:	14.04.2026
REVIEW DATE:	14.04.2027
SIGNED:	 Marc Stiff – Group Managing Director