

# (NAME OF HOME)

## Procedures Manual

**Title: REPORTING BAD PRACTICE (WHISTLEBLOWING) (KLOE)**

### **1.0 Scope**

1.1 The procedure for dealing with and reporting bad practice.

### **2.0 Aims and Values**

2.1 To safeguard Service Users from the consequences of bad practice.

2.2 To ensure that staff who might have observed bad practice in the service is enabled to report it without fear of retribution, ridicule or victimisation.

2.3 To ensure there is an effective system in place for reporting bad practice.

### **3.0 Contents**

6.0 General procedure.

7.0 Reporting bad practice.

8.0 Protection of staff.

9.0 Investigation of staff misconduct and bad practice.

10.0 Actions following investigation of bad practice.

11.0 Reporting bad practice (flow chart).

### **4.0 Referenced Documents**

C4-SEIB Significant Events of Importance Book.

MA-15 Confidentiality and Access to Records Procedure.

MA-22 Care Quality Commission Statutory Notifications.

PP-08 Disciplinary Procedure.

Public Interest Disclosure Act 1998.

### **5.0 Responsibilities**

5.1 Management and all staff.

Procedure No: MA-11	<b>To be reviewed Jan 2020</b>	Manual Section No: 11
Issue No: 1	Revision No: 1	Page 1 of 6
Issue Date:	Authorised By:	

## **This is the procedure to be followed**

### **6.0 GENERAL PROCEDURE**

- 6.1 In situations where the manager has evidence that a member of staff has behaved in a manner outside the policies and procedures of the service or professional codes of conduct or practice that apply to them, the matter should be referred to their professional regulator or professional body, as appropriate.

### **7.0 REPORTING BAD PRACTICE**

- 7.1 The manager should ensure that staff are aware of their rights under the Public Interest Disclosure Act 1998 and are therefore able to report any concerns without worrying about consequences. The manager assures staff that they report any suspicions without fear that they will suffer as a result.
- 7.2 The service should operate a “blame-free” culture in order to learn from complaints and adverse incidents.
- 7.3 In any case where bad practice has been alleged, the manager should ensure that the Local Safeguarding Boards Adults policies and procedures and protocols relating to investigating bad practice are followed before carrying out a thorough investigation. In order to protect all parties, the manager should ensure strict adherence to the Confidentiality and Access to Records Procedure, MA-15.
- 7.4 If bad practice involves a criminal or illegal act such as assault or sexual abuse, the manager must report the matter to the police immediately. A strategy plan must be put in place to protect any individual Service Users or Staff involved. This would be documented to inform staff exactly the actions required to manage safeguarding the person.
- 7.5 The alleged perpetrator should be suspended immediately from their duties pending full investigation.
- 7.6 Staff should be aware that where they observe bad practice, whether on a single occasion or more often, they should report these matters to the manager of the service.
- 7.7 The manager should ensure that all staff have access to the name, address and telephone number of the Care Quality Commission and the Social Service Safeguarding Team in case a member of staff does not feel able to report bad practice to the manager. This may be because the concern involves the manager or staff do not feel appropriate action will be taken. Contact addresses can be found at the back of this document.

Procedure No: MA-11	<b>To be reviewed Jan 2020</b>	Manual Section No: 11
Issue No: 1	Revision No: 1	Page 2 of 6
Issue Date:	Authorised By:	

- 7.8 Contact details of the Social Service Safeguarding Team and details of the Care Quality Commission should be displayed in the service.
- 7.9 The manager should ensure that all reports of bad practice are treated as serious matters and should be dealt with promptly and effectively.
- 7.10 The manager should ensure that a system exists which would provide anonymity for any person who reports bad practice.
- 7.11 Should the manager be aware of any form of victimisation or reprisal against a complainant, they should immediately begin to take disciplinary action against the perpetrators on the grounds of gross misconduct.
- 7.12 In cases where the gross misconduct is proven, the manager should move for dismissal of the guilty staff member(s).
- 7.13 The Manager must notify the Care Quality Commission, following the CQC Statutory Notifications procedure, MA-22, about incidents that affect the health, safety and welfare of people who use services without delay.
- 7.14 Any visits by staff of enforcing agencies relating to such reports should be entered into the Significant Events of Importance Book, C4-SEIB.

## **8.0 PROTECTION OF STAFF**

- 8.1 Any member of staff who reports bad practice is entitled to protection under the law. These are called '**qualifying disclosures**'. They include when someone reports:
- that someone's health and safety is in danger
  - damage to the environment
  - a criminal offence
  - that the service isn't obeying the law
  - that someone's covering up wrongdoing.

## **9.0 INVESTIGATION OF STAFF MISCONDUCT AND BAD PRACTICE**

- 9.1 The manager will carry out a thorough investigation of any alleged misconduct by a member of staff, and keep a record of the outcome.
- 9.2 Where the outcome of the investigation proves that bad practice has taken place the manager will take appropriate action.
- 9.3 Where the manager deems the bad practice warrants disciplinary action to protect Service Users following allegations of poor practice, adverse events and allegations of abuse, the manager should follow the arrangements set out in the Disciplinary Procedure, PP-08, with particular consideration given to:
- Suspension arrangements
  - Rights of appeal

Procedure No: MA-11	<b>To be reviewed Jan 2020</b>	Manual Section No: 11
Issue No: 1	Revision No: 1	Page 3 of 6
Issue Date:	Authorised By:	

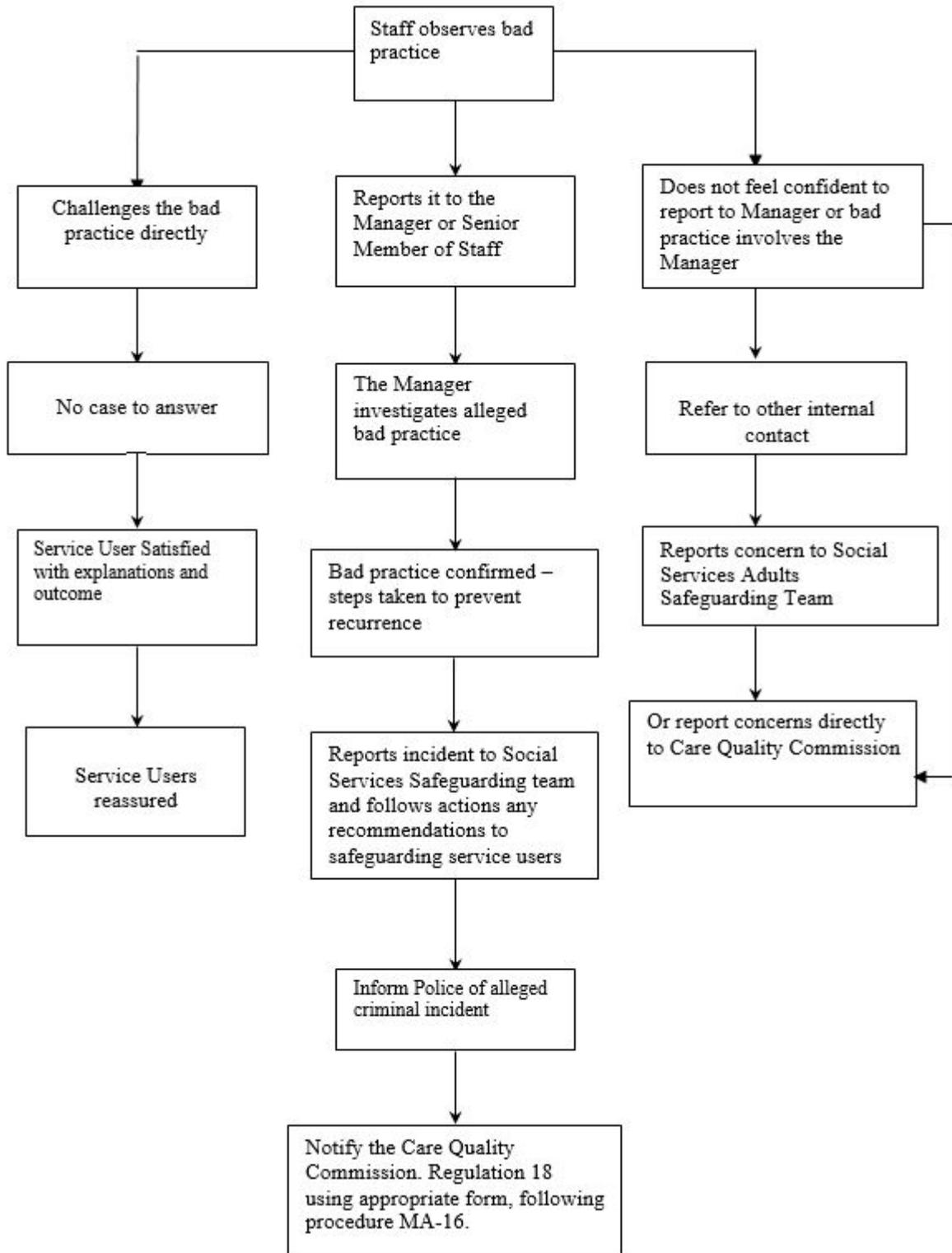
- Reporting arrangements to regulatory authorities.

## 10.0 ACTIONS FOLLOWING INVESTIGATION OF BAD PRACTICE

- 10.1 The manager following an accident incident of bad practice, staff concerns or whistleblowing should develop an action plan that includes the following:
- Support to be provided to the Service User and those who represent them as a result of the accident or incident.
  - Carry out any changes to policies or procedures that may be required and inform staff.
  - Provide any staff training or supervision as required.
  - Ensure preventative measures have been put in place to prevent recurrence.
  - Set out a monitoring plan to ensure the action plan has been followed

Procedure No: MA-11	<b>To be reviewed Jan 2020</b>	Manual Section No: 11
Issue No: 1	Revision No: 1	Page 4 of 6
Issue Date:	Authorised By:	

**11.0 PROCEDURE FOR REPORTING BAD PRACTICE WHISTLE-BLOWING (FLOW CHART)**



Procedure No: MA-11	<b>To be reviewed Jan 2020</b>	Manual Section No: 11
Issue No: 1	Revision No: 1	Page 5 of 6
Issue Date:	Authorised By:	

## Guidance for managers

### What the Care Quality Commission requires

Key Lines of Enquiry 2018 - **Safe S2: How are risks to people assessed and their safety monitored and managed so they are supported to stay safe and their freedom is respected?**

Prompt	Compliance Evidence
S2.5 Are there thorough, questioning and objective investigations into whistleblowing or staff concerns, safeguarding, and accidents or incidents? Are action plans developed, and are they monitored to make sure they are delivered?	This procedure addresses the prompt.  Refer to QP-71 Whistleblowing.

### WHO TO CONTACT

The Care Quality Commission – who are responsible for the regulation of adult social and health care in England:

<http://www.cqc.org.uk/contact-us> • Phone: 03000 616161 • Email: [enquiries@ccq.org.uk](mailto:enquiries@ccq.org.uk)  
Care Quality Commission Citygate Gallowgate Newcastle upon Tyne NE1 4PA

Independent charity Public Concern at Work

0808 168 0225 or by email at [advice33@pcaw.co.uk](mailto:advice33@pcaw.co.uk). They can talk staff through the options address is [www.pcaw.co.uk](http://www.pcaw.co.uk)

Local Authority Safeguarding Board:

Telephone: .....

E mail: .....

Address:

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Procedure No: MA-11	<b>To be reviewed Jan 2020</b>	Manual Section No: 11
Issue No: 1	Revision No: 1	Page 6 of 6
Issue Date:	Authorised By:	