**WHISTLEBLOWING POLICY & PROCEDURE**

1. **WHISTLEBLOWING POLICY**
   1. Omega Care Group is committed to ensuring that all its activities, and all staff employed by the organisation, operate with transparency, integrity and accountability.
   2. As a company that aims to act responsibly and ethically, Omega Care Group would expect any staff member who has serious concerns about any wrongdoing within the organisation, to identify and voice those concerns, through the whistleblowing process.
2. **Definition:**
   1. **Whistleblowing** is the raising of concerns either within the workplace or externally, about dangers, risk, malpractice or wrongdoing which affect others. Disclosure should be made to a ‘prescribed person’: The home Manager or the Director.
3. **Legislative context**
   1. The Public Interest Disclosure Act 1998 amended the Employment Rights Act 1996 and set out a framework for staff to make ‘protected disclosures’ regarding malpractice/wrongdoing at work. The Enterprise and Regulatory Reform Act 2013 introduced further changes including narrowing the definition of protected disclosure to disclosures made in the public interest, removing the requirement that the worker must make a ‘protected disclosure’ in good faith. (However, if disclosure is not made in good faith, this can impact on any subsequent tribunal ruling on compensation for detriment or dismissal.)
   2. The Omega Care Whistleblowing Policy clearly states that a serious concern may be raised without fear of victimisation, discrimination or detriment.
4. **Protected Disclosure**
   1. A ‘protected disclosure’ is the disclosure of information that the staff member has a reasonable belief is made in the public interest. This covers concerns including:

* Conduct which has been, is, or is likely to be an offence or a breach of the law.
* Conduct which has failed, is failing, or is likely to fail to comply with the legal obligations the individual is subject to.
* Acts, or potential acts of fraud/corruption or the misuse of funds or resources.
* Past, current, or potential Health and Safety risk.
* Concerns regarding the provision of the service.
* Concerns regarding the Safeguarding of young people.
* Conduct which is, or has been, unethical or unprofessional.
* Deliberate concealment, or likely concealment of any of the above.

1. **Staff Voicing Concerns**
   1. Staff are actively encouraged to raise their concerns at the earliest opportunity. Omega Care Group recognises that it may be a difficult decision to ‘blow the whistle’ for a range of reasons, however, as a company, Omega Care Group strongly promotes and supports the disclosing of any concern relating to the above. Concerns may be raised individually or collectively, however, if an investigation proves to be required, individuals will need to provide their own account.
   2. The Whistleblowing Policy is in addition to Omega Care Group’s internal procedures e.g. grievance, disciplinary and capability procedures. It is important to be clear as to what constitutes a grievance issue as opposed to a whistleblowing scenario.
   3. The Whistleblowing Policy and Procedures are in addition to Omega Care Group’s Safeguarding Policy and Procedure.
2. **Through the use of this Policy Omega Care Group aims to:**

* Foster a culture where staff can feel confident in raising concerns.
* Provide a clear, accessible pathway for the raising of concerns.
* Ensure concerns are dealt with fully, investigated as necessary and are actioned in line with best practice.
* Ensure staff receive a response and are aware of the next steps to take if they are not satisfied with the outcome.
* Ensure reporting staff members receive feedback (where appropriate).
* Reassure and make clear to staff that they will be protected against detriment or victimisation for any disclosure of concern supported by reasonable belief.
* Make clear to staff reporting a concern, that they are entitled to independent advice.
* Make clear to staff reporting that, if they believe they are suffering detriment or victimisation for raising a concern, they should inform management as soon as possible.

1. **WHISTLEBLOWING PROCEDURE**

**Confidentiality**

* Omega Care Group will treat all disclosures with sensitivity and in a confidential manner. The identity of the staff member raising the concern will be kept confidential **as far as is possible.** Confidentiality **cannot** be guaranteed, as any investigation undertaken as a result of a whistleblowing concern may reveal the source of the information. Additionally, formal statements may need to be provided as part of an evidence base (e.g. police or HSE investigations).
* The Data Protection Act 2018, an ongoing investigation, or the rights of a third party may impact on the ability to provide feedback to the person disclosing.

1. **PROCEDURE FOR REPORTING A PROTECTED DISCLOSURE CONCERN:**

* Raise the concern with line manager –the Home’s Manager (prescribed person) – verbally or in writing. Be clear that you are addressing the concern through the Whistleblowing Policy.
* Provide the background context for the concern-names, dates, events and reasoning. This will be recorded in writing.
* If you feel that it is inappropriate to raise the issue with your line manager, or that they may be complicit, raise the concern with the Director of Omega Care Group or Human resources.
* If you feel unable to report your concern internally or are unclear how to raise the concern seek independent advice, through your trade union, through ACAS **(0845 474747)** or through the independent charity Public Concern at Work (this organisation deals with all aspects of whistleblowing). **Contact: 0207 404 6609 or e-mail** [**whistle@pcaw.org.uk**](mailto:whistle@pcaw.org.uk)
* You may also raise concern anonymous to Health Assured, details of the whistle blowing can found on https://www.healthassured.org/employee-wellbeing/
* If, after raising your concern internally, you believe that the process has failed to address it appropriately, **or, if** **you feel that** **you cannot raise the concern internally,** then you should contact an external body. This is likely to be social services, the NSPCC or the police. Current safeguarding guidelines should always be followed relating to concerns for the immediate wellbeing and safety of young people.

1. **HOW OMEGA CARE GROUP WILL RESPOND TO A PROTECTED DISCLOSURE (WHISTLEBLOWING EVENT)**
2. Within 10 working days of receipt of a whistleblowing concern, the individual progressing the process will contact the staff member in writing:
3. With an acknowledgement of receipt of the concern.
4. Indicating how, and by whom the matter will be addressed, including whether initial enquiries have been made, and of any proposed further investigation or engagement with another organisation.
5. Estimating how long any proposed investigation will take.
6. Providing an indication of whether more information will be required from the staff member, and how this will take place.
7. Omega will treat all whistleblowing events responsibly and effectively; preliminary enquiries may lead to progression and the involvement of external organisations.
8. It may be possible to resolve the concern informally and to undertake agreed actions without the need for formal investigation, however the matter must be treated with due weight and all appropriate processes undertaken.
9. **ANONYMOUS DISCLOSURES**
10. Anonymous disclosures will be addressed at the discretion of the Director and reflect the seriousness and credibility of the allegation, along with the likelihood of being able to confirm the allegation. Omega Care Group would always encourage open disclosures as it is more difficult to address concerns or provide support and advice in a situation of anonymity.
11. **RECORD RETENTION:**

Omega Care will retain records of whistleblowing events, and aim to learn from these, it will record:

* Date initial concern raised.
* Nature of concern and or risk identified.
* Whether confidentiality was requested.
* Details of the approach taken
* Outcome
* Whether feedback was given and how.
* Whether individual disclosing was satisfied with the outcome.
* Date closed.