



Disclosure and Whistleblowing Policy

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Date	March 2023
Version Number	3
Approved by	SMT
Review Date	March 2026

DOCUMENT HISTORY

Date	Author/Editor	Summary of Changes	Version No.
21.06.2018	Adele Houston	Review of 1 st version of policy	1
30.01.2019	Laura Watson	First draft of 2 nd version of policy	2
06.03.2023	Denise McGregor	Review of version 2 policy	3

CONSULTATION AND RATIFICATION SCHEDULE

Name of Consultative Body	Date of Approval
Senior Management Team	06.03.2023

CROSS REFERENCE TO OTHER POLICIES / STRATEGIES

This policy should be read in conjunction with:
Adult Support and Protection Policy
Disciplinary Policy
SSSC Registration Policy

KEYWORDS: whistleblowing, integrity, accountability, concerns, conduct, reporting, allegation, malpractice

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1. INTRODUCTION / POLICY STATEMENT

Primecare Health LTD has introduced this policy and procedure to enable you to raise your concerns of malpractice at an early stage and in the right way. We would rather you raised the matter when it first comes to your attention than wait for evidence.

The purpose of this policy is to make it clear that you can raise your concerns in confidence without fear or victimisation, subsequent discrimination, or disadvantage. If you raise your concerns, providing you are acting in good faith, it does not matter if you are mistaken.

The company is committed to the highest possible standards of openness, integrity, and accountability. We expect employees, and others covered by this policy who have serious concerns about any aspect of the company's work to come forward and voice those concerns. The company strives to achieve and maintain high standards of support to service users and their families. We are also committed to maintaining high standards with regards to behaviour at work, service to the public and in all working practices. Employees are expected to conduct themselves with integrity, impartiality, and honesty.

Employees who may have a personal grievance should use the Grievance policy which can be accessed on request. The Whistleblowing policy is primarily for concerns leading to an individual making a disclosure about a colleague's conduct such as fraud or wrongdoing in the course of employment or about the employer's practices.

2. SCOPE

This policy applies to all the company's employees and any other persons associated with Primecare Health LTD.

3. WHAT IS WHISTLEBLOWING

Whistleblowing refers to a staff member making a disclosure about an employee's conduct in the course of employment or about the employer's practices.

The Public Interest Disclosure Act 1998 amended the Employment Rights Act 1996 to provide protection for employees who raise legitimate concerns about specified matters, known as qualifying disclosures. A qualifying disclosure is one made in good faith by an employee who has reasonable belief that:

- A criminal offence
- A miscarriage of justice
- An act creating risk to health and safety.
- An act causing damage to the environment.
- A breach of any other legal obligation
- Concealment of any of the above

is being, has been or is likely to be committed. The employee should have reasonable belief that such an act is being, has been or is likely to be committed and report it accordingly to management. It is the company's responsibility to ensure that an investigation takes place.

An employee who makes such a protected disclosure has the right not to be dismissed, subjected to any other detriment, or victimised because he / she has made a disclosure.

4. WHEN YOU SHOULD RAISE A CONCERN

Any serious concern you have that may pose a risk to Individuals, their families or other employees can be reported under the whistleblowing policy. This may include:

- Illegal activities
- Miscarriages of justice
- Any form of abuse against individuals
- Endangering the health and safety of employees, individuals or members of the public
- Misuse of Primecare's funds
- Fraud or corruption
- Bullying in the workplace
- Damage to the environment.
- Deliberate concealment of any of the above

5. HOW TO RAISE A CONCERN

If you are aware of or suspect that there may be any type of malpractice within the company, we strongly recommend that you report this to managers. Initially you should raise any concerns with your line manager. However, if for any reason this is difficult, contact any Senior Manager with your concern.

In circumstances when your immediate manager is involved in the concern or if you would prefer them not being involved you should raise the matter directly with the Operations Manager or Director if the Operations Manager is involved.

Please note any suspicion or complaint that an employee has been involved in causing harm or putting an individual at risk of harm must be reported immediately to the Senior Manager who will adhere to the protection of vulnerable adults' policy. All employees should ensure they are familiar with these policies. In situations such as this, the company will be required to adhere to the relevant Protection of Vulnerable Adults Protection policy.

If you feel you cannot disclose your concern to anyone within the company or have disclosed issues internally and are concerned with the response or lack of response and would prefer not to speak with someone internally you can contact the Care Inspectorate and talk to either a Care Inspectorate Officer or the Complaints Manager. The Care Inspectorate contact details can be found at www.careinspectorate.com .

Senior Manager members raising a concern.

Senior Management Team members should raise any concerns initially in writing to the Operations Manager who will be responsible for forwarding the concern to the Company Director or for arranging an investigation depending on the circumstance.

All concerns, detailed above, that are brought to light should be raised in writing, setting out the background and history of the concern, giving names, dates, and places where possible, and the reason why you are particularly concerned about the situation. If you do not feel that you can put your concern in writing you can telephone or meet the appropriate manager. You must always state that you are using the Whistleblowing policy and specify whether you wish for your identity to be kept confidential. Employees are entitled to be accompanied by a fellow employee or full-time officer of a Trade Union at all meetings.

6. SAFEGUARDS

Harassment or Victimisation

The company is committed to good practice and high standards and wants to be supportive of all employees. The company will not tolerate any harassment or victimisation and will ensure that action is taken to protect you when you raise a concern in good faith. Active and positive support will be given throughout any disclosure process. The company encourages you to report any concerns and recognises that this can be difficult to do, however you have nothing to fear. The Public Interest Disclosure Act 1998 protects employees making disclosures about certain matters of concern, where those disclosures are made in accordance with the provisions of the Act. The company will treat harassment and victimisation as gross misconduct, which would instigate the disciplinary process and if proven may result in dismissal.

Confidentiality

The company realises that you may want to keep your identity confidential, and we will do our best to protect your identity if you do not want your name disclosed. It is important to the company that employees have confidence that any matter which is raised will be handled with discretion and you will be protected from harassment and victimisation.

There may, however, be circumstances which due to the nature of the investigation or disclosure, it will be necessary to disclose your identity when:

- Primecare Health LTD is under a legal obligation to do so.
- The Police or external agencies are involved.
- The information is already in the public domain.

When making an allegation, you should also consider the confidentiality and the rights of the person against whom the allegation is being made.

Anonymous Allegations

We encourage employees to disclose their name when possible as it is more difficult to investigate the matter when you keep your concern anonymous. Anonymous allegations are

usually less powerful than those from named individuals and we are unable to provide protection from reprisals if we do not know who you are.

Untrue Allegations

If you make an allegation in good faith, which is subsequently confirmed to be false or inaccurate through the investigation, no action will be taken against you. However, if you deliberately make malicious and untrue allegations you will be subject to the company's disciplinary procedure.

7. THE INVESTIGATION

An Investigating Officer will be appointed to look into your disclosure to ascertain the facts of the situation. An investigation will be conducted as quickly and sensitively as possible. Your assistance may be required during the investigation, and you may need to attend fact-finding meetings, where you have the right to be accompanied by a fellow employee or full-time officer of a Trade Union.

Your concerns will be investigated as follows;

- An initial interview should be arranged with you within seven working days of receipt of your concerns.
- A written record will be kept of all interviews and contacts throughout the investigation.
- The information will remain confidential – although you must be aware that information may have to be shared with other authorities such as the Police.
- You will be asked if you wish your identity to be disclosed and will be re-assured about protection from possible victimisation or reprisals.
- During the investigation, the person against whom the disclosure is made will normally be told at an early stage in the investigation. They will be given information on the disclosure and will have the opportunity to respond and provide a written statement regarding any allegations.
- The investigating officer will aim to complete the investigation within 15 working days although in serious or complicated issues this might not be possible, however the company will communicate this to you and provide a revised timeline.

8. OUTCOME OF THE INVESTIGATION

The Investigating Officer will report to the relevant Operations Manager and Director, who will take any necessary action including reporting the matter to any appropriate Government department or regulatory body e.g. The Scottish Social Services Council (SSSC) require to be notified at the beginning of any complaint / investigation. If disciplinary action is required, the Service Manager will report the matter to the external HR provider and the disciplinary procedure will commence. However, the company will not be obliged to tell the individual the precise action taken where this would infringe a duty of confidence owed by us to someone else.

On conclusion of any investigation, the employee will be told the outcome of the investigation and what the company has done or proposes to do about it. If no action is to be taken, the reason for this will be explained. The outcome of the investigation will be detailed in a written

report by the Investigating Officer. The report will outline the findings of the investigations and reasons for the judgement made.

If you are not satisfied that your concern has been properly dealt with by the Investigating Officer, you have the right to raise it in confidence with the Director.

The organisation hopes that you will be satisfied with any action taken as a result of raising a concern. If the employee reasonably believes that the appropriate action has not been taken, he / she should report the matter to the appropriate authority. The legislation sets out a number of bodies to which qualifying disclosures may be made.

These may include:

- HM Revenue and Customs
- The Financial Services Authority
- The Health and Safety Executive
- The Environment Agency
- The Care Inspectorate
- The Scottish Social Services Council

However, it is important to note that if the employee does decide to take the matter out with the company, they should be mindful not to disclose confidential information in order that protection of the Public Interest Disclosure Act is not lost.

Management will continue to ensure that the individual is protected against any reprisal or victimisation as a result of the disclosure.

9. INDEPENDENT ADVICE

If you are unsure whether to use this procedure or you want independent advice at any stage you may contact Public Concern at Work, the independent charity, on 020 7404 6609, who can give you free confidential advice at any stage about how to raise a concern about serious malpractice at work.

10. CONTACTS WITH THE MEDIA

This procedure has been developed to enable employees to express certain concerns on the basis that it is in the public interest to make such matters known to the company. However, reporting your concerns does not mean that such matters should be made available for public consumption through the media.

11. MONITORING AND REPORTING

Managers are responsible for updating and informing the external HR provider on any matters relating to this policy in order for accurate monitoring and reporting.

12. IMPLEMENTATION

The company will ensure that all individuals to whom this policy applies are informed of and have access to it on request.

13. POLICY REVIEW

This policy will be reviewed every three years or earlier if appropriate.