

**Rationale**

GenerixCare takes allegations of wrongdoing, or malpractice (in any form) very seriously and therefore seeks to ensure that employees, acting in good faith, who genuinely believe that wrongdoing is evident, are able to disclose the information without fear of detriment or victimisation, and in confidence. All employees are encouraged to be open about their concerns, and to express them at the earliest opportunity.

**Procedure**

No employee acting in good faith will suffer any detriment as a result of making a general disclosure about something of real concern to them. This concern may well be about something which they believe is very serious, and which needs to be dealt with as a matter of considerable priority. The Public Interest Disclosure Act 1998 protects workers who make disclosures in good faith, provided that they are qualifying and protected disclosures.

**The Public Interest Disclosure Act 1998: Definition of qualifying and protected disclosures.**

The Public Interest Disclosure Act 1998 (The “Act”) deals with the protection of employees who make a disclosure about a wrongdoing which they believe needs to be rectified. Such actions are usually referred to as “Whistleblowing”. The Act first of all deals with defining a disclosure which qualifies for protection, and then goes on to deal with the conditions which must be in place for the employee to have protection from either unfair dismissal or being made to suffer a detriment as a result of the disclosure, or “Whistleblowing”.

Qualifying disclosures are disclosures of information which the employee reasonably believes (see note below) tend to show one or more of the following matters is either happening now, took place in the past, or is likely to happen in the future:

- a criminal offence;
- failure to comply with legal obligations;
- a miscarriage of justice;
- a danger to the health & safety of individuals;
- damage to the environment;
- deliberate concealment of any of these matters.

**Note**

It is important that the employee must have reasonable grounds for believing that some form of wrongdoing is evident, and therefore disclosing such allegations. The belief need not be correct - it might be discovered subsequently that the employee was in fact wrong - but the employee must show that he held the belief, and that it was a reasonable belief in the circumstances at the time of disclosure.

GenerixCare reserves the right to impose penalties (up to and including dismissal) through the Disciplinary Policy for any malicious or false allegations made with the intent of causing harm or disrepute to GenerixCare, its employees or associates.

**Making a Protected Disclosure: The Procedure**

There are six situations contemplated by the legislation on Whistleblowing.

**(i) Internal Disclosure: The recommended route**

GenerixCare requests that unless circumstances dictate that it would be unreasonable to do so, all disclosures are made internally, in the first instance. The disclosure may be made orally, or in writing, and should be made either to the employee's Manager, or Supervisor (see note below). When making a disclosure it is important that as much information as possible is given so that the reasons for concern are apparent, and that further investigation may be made.

- All disclosures will be treated in the strictest confidence;
- Anonymous disclosures will be disregarded; this is because although a staff member will be unlikely to use the whistleblowing policy anonymously, we will respect confidentiality as far as possible and their identity will not be disclosed to anyone who does not need to know it. Also, if the staff member chooses to remain anonymous they can not be given feedback directly.
- No employee acting in good faith will suffer any detriment as a result of making a general disclosure about something of real concern to them.
- Whenever possible, feedback will be given to the staff member on the outcome of the investigation. However, precise actions taken may not be stated if it would infringe a duty of care owed to another person.

The person to whom the disclosure is made must take reasonable steps to: -

- establish that the disclosure is made in good faith;
- investigate the details of the allegations to establish whether or not they are substantially true;
- if necessary and appropriate, refer the matter to the relevant authority, e.g. the Police, external auditors, Health & Safety Executive;

- report back to the person who made the initial allegation so that they are aware of the action being taken;
- inform the reporter of the outcome of the investigation.

**Note**

In certain circumstances the employee may feel that disclosure to his/her Supervisor and/or Manager may not be appropriate, as it is possible that either or both may be directly involved in or related to the disclosure. In such circumstances the employee is authorised to disregard the normal reporting structure and go to the level of management they believe is appropriate, having regard to all of the circumstances.

**(ii) Making a qualifying disclosure to a prescribed person**

Although GenerixCare requests that disclosures are made internally, employees who are concerned about wrongdoing or failures can make disclosures to a person or body which has been prescribed by the Secretary of State for the purpose of receiving disclosures about the matters concerned. If an employee makes a qualifying disclosure to such persons, it will be a protected disclosure provided the employee:-

- makes the disclosure in good faith;
- reasonably believes that the information, and any allegation it contains, are substantially true;
- and reasonably believes that the matter falls within the description of matters for which the person or body has been prescribed.

(For example, breaches of health and safety regulations can be brought to the attention of the Local Authority's Contract Manager, Health and Safety Executive or appropriate local authority, or environmental dangers can be notified to the Environment Agency.)

**(iii) Making a qualifying disclosure to a legal adviser**

A qualifying disclosure will be a protected disclosure if it is made to a legal adviser in the course of obtaining legal advice. There are no further conditions attached.

**(iv) Making a qualifying disclosure to a Minister**

A qualifying disclosure made in good faith by an employee, employed in a Government-appointed organisation, such as a non-departmental public body, will be a protected disclosure if made to a Government Minister (either directly or via departmental officials).

**(v) Making a qualifying disclosure more generally (i.e. to a person not mentioned above).**

A qualifying disclosure will be a protected disclosure if the following conditions are met: Firstly, the employee must:-

- make the disclosure in good faith;
- reasonably believe that the information, and any allegation contained in it, are substantially true; and
- not act for personal gain.

In addition, one or more of the following conditions must be met:

- the employee reasonably believed that he would be subjected to a detriment by his employer if disclosure were to be made to the employer or to a prescribed person;
- in the absence of an appropriate prescribed person, the employee reasonably believed that disclosure to the employer would result in the destruction or concealment of information about the wrongdoing;
- the employee had previously disclosed substantially the same information to his employer or to a prescribed person.
- Finally, it must be reasonable for the employee to make the disclosure and to the person chosen.

**(vi) Making a qualifying disclosure about an exceptionally serious failure**

A qualifying disclosure made about a relevant failure which is exceptionally serious will be a protected disclosure if the employee:-

- makes the disclosure in good faith;
- reasonably believes that the information disclosed, and any allegation contained in it, are substantially true; and
- does not act for personal gain.

Also, it must be reasonable for the employee to make the disclosure in view of all the circumstances, having regard in particular to the identity of the person to whom the disclosure is made.

**Contacting CQC:**

CQC can be contacted by telephone, email or letter.

Please tell them that you are raising a concern and that you are a worker who is either employed by, or providing services to, a registered provider.

Call on: 03000 616161

Email at: [enquiries@cqc.org.uk](mailto:enquiries@cqc.org.uk)

Their opening hours are Monday to Friday: 8.30am - 5:30pm

Write to them at:

CQC National Correspondence

Citygate

Gallowgate

Newcastle upon Tyne

NE1 4PA

**Contacting Hertfordshire**

Email: [Adult.Safeguarding@hertscgcsx.gov.uk](mailto:Adult.Safeguarding@hertscgcsx.gov.uk)

Telephone: 0300 123 4042

07797 870591 (text message)

**Contacting Central Bedfordshire Council**

Email: [adult.protection@centralbedfordshire.gov.uk](mailto:adult.protection@centralbedfordshire.gov.uk)

Telephone: 0300 300 8122

0300 300 8123

**DOCUMENT CONTROL**

<b>VERSION</b>	<b>IMPLEMENTATION DATE</b>	<b>NEXT REVIEW DATE</b>	<b>NOTES</b>
1.0	20/10/2015	19/10/2016	
2.0	20/10/2016	19/10/2017	
3.0	20/10/2017	19/10/2018	
4.0	20/10/2018	20/10/2019	
5.0	26/09/2019	26/09/2020	
6.0	26/09/2020	26/09/2021	
7.0	27/09/2021	27/09/2022	
8.0	27/09/2022	27/09/2023	
9.0	30/10/2023	30/10/2024	