

## **Whistleblowing – Speaking Up About Wrong Doing** *If you See Something, Say Something*

**It is important that all staff members and volunteers are vigilant to keep children as well as adults who access support safe. Due to external factors and changes to the way that regulators engage with services sometimes there may be less opportunities for outside agencies to see what is happening. We must be alert to the potential for abuse and neglect and speak up.**

In addition to this document you may need to refer to:

- Your Organisations Whistleblowing or Speaking Up Policy
- Professional Curiosity Management & Practice Guidance access [here](#)
- Your organisations Safeguarding Children and Safeguarding Adults Policies
- Professional Codes of Conduct

### **What Is A Whistleblower?**

You're a whistleblower if:

- You are a worker and you report certain types of wrongdoing. This will usually be something you've seen at work - though not always.
- The wrongdoing you disclose must be in the public interest. This means it must affect others, for example the general public (GOV.UK, 2020).

### **Who Is Protected By Law?**

You're protected if you're a worker, for example you are:

- an employee, such as a police officer, NHS employee, office worker, factory worker
- a trainee, such as a student nurse
- an agency worker
- a member of a Limited Liability Partnership (LLP) (GOV.UK, 2020)

### **Why Might I Need To Speak Up?**

- Concerns about serious injury or death
- Because it is in the public interest (*a concern has an impact on more than one individual's employment contract*)
- To address bullying, abuse or neglect
- Deal with abuse of power, position or authority
- Highlight a failure to treat people with dignity

### **Can I Speak Up If It Is Something That Happened In The Past Or 'Might' Happen Now?**

You can raise your concern at any time about an incident that happened in the past, is happening now or you believe will happen in the near future.

### Complaints That Count As Whistleblowing:

You're protected by law if you report the following (*you must reasonably believe that your concern fits here*):

- a criminal offence, such as fraud
- someone's health and safety is in danger
- risk or actual damage to the environment
- a miscarriage of justice
- a company is breaking the law, for example does not have the right insurance
- you believe someone is covering up wrongdoing (GOV.UK, 2020)

### Complaints That Do Not Count As Whistleblowing:

Personal grievances (for example bullying, harassment, discrimination) are not covered by whistleblowing law, unless your particular case is in the *public interest*. Instead these matters should be reported under your [employer's grievance policy](#).

Contact the [Advisory, Conciliation and Arbitration Service \(Acas\)](#) for help and advice on resolving a workplace dispute

(GOV.UK, 2020)

### Who To Tell and What To Expect?

You can tell your employer – refer to your whistleblowing policy, this will tell you how to report and what will happen next, including how you will be supported.

If you feel unable to report your concern to your employer, or you have and they have not acted on it, refer to your policy to see who else you could speak to within your organisation, alternatively, you can phone **Protect**, **Speak Up** or the **NSPCC** (see section below), [get legal advice](#) from a lawyer, or tell a [prescribed person or body](#) about your concerns (see Appendix A for a list of Prescribed Persons or Bodies relevant to adult and children's social care, health and Charities, such as Ofsted or the Care Quality Commission (GOV.UK, 2020).

In the **NHS** you can speak to your Freedom to Speak up Guardian or Champion.

### Where Can I Get Support To Decide How To Raise My Concern?

Refer to organisational policy, contact the organisations below if are unsure how to raise your concern:

**Speak Up** - Independent, confidential advice on the speaking up process NHS and social care sector. **Website** [here](#) **Employees on-line Decision Making Tool** [here](#) or **call** 08000 724 725.

**Protect** – Making whistleblowing work for individuals, organisations and society. **Website** [here](#) or **call** for confidential whistleblowing advice. [020 3117 2520](#)

**NSPCC** - Advice and support to professionals with concerns about how child protection issues are being handled in their own or another organisation. **Website** [here](#) **Call** [0800 028 0285](#) or email [help@nspcc.org.uk](mailto:help@nspcc.org.uk)

### Resources:

- **Raising Concerns film** [here](#)
- **Case Studies from Protect** [here](#)
- Training materials from **Speak Up** [here](#)

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### References:

- GOV.UK (2020) *Whistleblowing for employees*. London: GOV.UK. <https://www.gov.uk/whistleblowing>
- The Children's Commissioner's Office (2020) *Whistleblowing to the Children's Commissioner about the rights, welfare and interests of children in England Policy and guidance for whistleblowers*. January 2020. London: The Children's Commissioner's Office. <https://www.childrenscommissioner.gov.uk/report/whistleblowing-report/>