

Whistleblowing Guidance for BASW/SWU members.

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1. Many BASW members raise the issue of whistleblowing, what is it, when is it appropriate, how do I do it? This guidance gives a brief explanation as to what whistleblowing is in the context of the law and gives information and advice as to when to consider whistle blowing and how to get advice and information. A key recommendation is BASW members don't initiate whistle blowing procedures until they have sought advice.
2. Whistle blowing has a formal definition, which relates to the Public Interest Disclosure Act – see 3 below. However there is also the lay use of the term – “blowing the whistle” on someone perceived to be acting in an inappropriate professional manner. Challenging poor practice is the duty of all BASW members and in many cases can be undertaken at an individual level by challenging the poor practice and raising awareness of good practice.
3. Whistleblowing – Formal Definition. The reporting of concerns about malpractice, serious wrongdoing or fraud at work – is often seen as a complicated area for social workers. The Public Interest Disclosure Act 1998 (PIDA) does offer protection from bad treatment to people who raise concerns, but only if certain conditions are met.
4. Your organisation will probably have a Whistleblowing Policy, sometimes called a Raising Concerns Policy. You should find a copy of this (try the staff intranet or the HR Department), and follow the procedure to maintain your protection under PIDA. Basically, the information you disclose has to be of a ‘qualifying’ nature (i.e. relate to malpractice at work) and it has to be raised in a set way to be protected. The policy should explain this. You also need to be mindful of any safeguarding issues which must be raised in line with your organisation’s safeguarding procedures.
5. You would normally be expected to raise your concern with your line manager in the first instance; however, if your concern involves or implicates them you may wish to talk to someone else instead. Does your organisation’s whistleblowing policy suggest someone to speak to beyond your line manager?

6. For independent advice, contact your trade union representative (BASW/SWU A and R service if you are a member) or an HR manager. They will be able to talk you through your options confidentially and offer you some support. In some circumstances, you may wish to obtain independent legal advice.
7. Before formally raising your concern, write down what happened, when and where, to get your thoughts in order. Keep this as factual as possible, recording any events in chronological order.
8. Try to remain as objective as possible. When writing down what happened, consider the impact of what happened and make a note of the nature of your concerns – is it service user safety, abuse in care, bullying, unethical practices, health and safety, a criminal offence (such as theft, bribery or fraud) or failure to meet a legal obligation, issues around professional or clinical practice or competence? Or something else?
9. Consider approaching colleagues or the entire team if you think they may share your concerns. There may be merit in raising the matter collectively, perhaps at a team meeting. There is strength in numbers.
10. You can ask for your identity to be kept confidential, but be aware that it may not be possible to protect your identity. Even if senior managers try to keep your name out of any investigation, colleagues may be able to work out who you are. If you feel you are being bullied because you have raised concerns, let managers know straight away and say you expect to be protected. Also contact BASW/SWU.
11. Be mindful of confidentiality issues, as these will vary from case to case, but it is important to be careful about what you do with certain information. You can seek advice from a union or professional body.
12. Keep notes on the whistleblowing process. Regardless of whether or not you initially raise your concerns verbally, make sure you keep notes of what was said in written form, perhaps by emailing the person afterwards with a summary of the main points. State explicitly that you are raising concerns in line with the Public Interest Disclosure Act. Keep a record of the dates of any meetings and what was discussed. Do not keep the notes at work
13. If you have exhausted all options internally and you feel like nothing is being done, you can go to the relevant regulator for your country and area of work. In England the Care Quality Commission (CQC) if you work with adults, or OFSTED if you work in children's services. You should consider doing this if you are not confident that your managers will deal with your concern properly, your concern is very serious, or you are worried that the management may be involved in or associated

with the issue of concern. You should have reason to believe that the information you give and any allegation you make is substantially true (i.e. suspicion is not enough). The CQC and OFSTED will not disclose your identity without your consent unless there are legal reasons requiring them to do so, e.g. where your information is about a child or vulnerable adult who is at risk.

14. The Public Interest Disclosure Act 1998 protects workers from victimisation if they raise concerns about malpractice. The test is that the disclosure must be in the public interest as defined by the law. Wider disclosures, e.g. to the police, the media and MPs, are protected but only under certain circumstances. For example, if you genuinely believe you would be victimised if you raised the matter internally or with a regulator, you might be protected. Going to the media should be a last resort and needs to be 'reasonable given all the circumstances'. Making these wider disclosures can have serious repercussions to your employment if you do not raise your concern in the right way. It is strongly recommended that you seek advice before making the external disclosure. Advice can be sought from your union, the Policy Manager of the Whistleblowing Helpline, or legal advice obtained either through your trade union or privately.

Advice and support

- The Whistleblowing Helpline provides free advice and support for workers, trade unions and employers in **adult social care** and healthcare. Visit www.wbhelpline.org.uk , call 08000 724725 or email
- Care Quality Commission Call 03000 616161
- OFSTED whistleblowing@ofsted.gov.uk Call 0300 123 3155
- [Public Concern at work](http://PublicConcernatwork.org) 020 7404 6609
- BASW/SWU Advice and Representation Service
www.aras@basw.co.uk , 0121 622 8413