

# SPEAKING UP (WHISTLEBLOWING) POLICY

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## **1. INTRODUCTION**

Speaking up about any concerns you have at work is really important. It's vital because it will help us to improve the services for the people we support.

Vivo is committed to high quality services; however, all organisations face the risk of things going wrong from time to time or of unknowingly harbouring illegal or unethical conduct.

It is important to the business that any risk, misconduct or wrongdoing is reported and properly dealt with. A few examples may include; unsafe care, unsafe working conditions and inadequate training of staff. A culture of openness and accountability is essential in order to prevent such situations occurring and to be able to address them effectively when they do occur.

You may feel worried about raising a concern and we understand this. However please don't be put off. The Leadership team and the Board are committed to an open and honest culture.

## **2. AIMS**

The aims of this policy are:

- To encourage staff to report concerns as soon as possible
- To confirm that their concerns will be taken seriously and investigated as appropriate and that their confidentiality will be respected as far as possible
- To provide staff with guidance as to how to raise those concerns
- To reassure staff that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken

This policy does not form part of any employee's contract of employment and it may be amended it at any time.

## **3. PROMOTING THE WHISTLEBLOWING PROCEDURE**

It is important that the process for raising concerns is well-publicised. Additionally, staff wishing to raise a concern should be given assistance to enable them to understand the procedure. Details are displayed on Vivo's web page [www.vivocarechoices.co.uk](http://www.vivocarechoices.co.uk).

#### **4. MONITORING AND LEARNING FROM WHISTLEBLOWING**

Vivo are committed to monitoring and learning from any whistleblowing incidents. Vivo will:

- record the number of incidents and their nature
- maintain records of the date and content of feedback provided to whistle-blowers
- conduct regular surveys to ascertain the satisfaction of whistle-blowers
- in order to ensure that wider learning can be shared, this information will be made available to the:
  - Quality Assurance Sub-Committee
  - Leadership Team
  - Operational Managers

#### **5. WHO IS RESPONSIBLE FOR THIS POLICY?**

Vivo's Board has lead responsibility for this Policy and for reviewing the effectiveness of actions taken in response to concerns raised under this policy.

The Directors have day-to-day operational responsibility for this policy and must ensure that all managers and other staff who may deal with concerns or investigations under this policy receive regular and appropriate training.

The Directors of Vivo will review this policy from a legal and operational perspective at least once a year.

All Employees are responsible for the success of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing.

#### **6. WHAT IS WHISTLEBLOWING?**

Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work that relates to the wider public interest. English law provides protection for Employees who raise legitimate concerns about specified matters.

The UK's whistleblowing law is derived from the Public Interest Disclosure Act. Only a disclosure that relates to one of the broad categories of malpractice can qualify for protection under the Act. These are laid out below.

- A criminal offence, (a breach of the Anti-Fraud & Corruption and Anti-Bribery Policies, unauthorised use of public funds, human trafficking)
- Someone's health and safety is in danger (including abuse of Service User (external) including sexual, physical or financial)
- Risk or actual damage to the environment (chemical spills, gas leaks etc.)
- A miscarriage of justice.
- A breach of any other legal obligation or statute (the company is breaking the law e.g. doesn't have the right insurance or licence)
- Attempts to conceal/cover up any of the above

## **7. WHO IS A WHISTLE-BLOWER?**

A whistle-blower is a person who raises a genuine concern relating to the above. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of Vivo's activities then it should report under this policy.

This policy applies to all employees of the Company. This policy applies directly to any contractor, sub-contractor, supplier, partner or agency worker who is subject to a written agreement with Vivo.

This policy should not be used for complaints relating to an employee's personal circumstances, such as the treatment of individuals at work. In those cases staff should use the Grievance Policy & Procedure/Dignity at Work Policy & Procedure.

## **8. FEEL SAFE TO RAISE YOUR CONCERN**

Vivo hopes that staff will feel able to raise all concerns; this may be via letter (hand delivered or posted) or email if you prefer, If you make a genuine concern under this policy, you will not be at risk of losing your job or suffering any form of reprisal as a result. We will not tolerate the harassment or victimisation of anyone who raises a concern. Nor will we tolerate any attempt to bully you into not raising any such concerns. Providing you are acting honestly, it does not matter if you make a mistake, if there is an innocent explanation for your concerns. If it is concluded that a whistle-blower has made false allegations maliciously or with a view to personal gain, the whistle-blower may be subject to disciplinary action.



Please raise concerns either in writing to:

**Donna Ryan** (Nominated Individual)

Quality Lead  
Vivo Care Choices Ltd  
Lightfoot Lodge  
Lightfoot Street  
Chester CH2 3AD

or email

[whistleblowing@vivocarechoices.co.uk](mailto:whistleblowing@vivocarechoices.co.uk)

## 9. EXTERNAL DISCLOSURES

The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the organisation. In most cases it should not be necessary to alert anyone externally.

The law recognises that in some circumstances it may be appropriate to report concerns to an external body such as a regulator. It will very rarely, if ever, be appropriate to alert the media. Do seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Public Concern at Work, operates a confidential helpline and you may wish to contact them for advice. They also have a list of prescribed regulators for reporting certain types of concern which include:

Website: <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>

By post: **CQC National Customer Service Centre**  
Citygate  
Gallowgate  
Newcastle upon Tyne NE1 4PA

**Public Health England**  
Public Information Access Office  
Wellington House  
133-135 Waterloo Road  
London SE1 8UG

**Ministerial Correspondence and Public Enquiries Unit**  
Department of Health  
Richmond House  
79 Whitehall  
London SW1A 2NS



**Healthwatch England**  
151 Buckingham Palace Road  
London SW1W 9SZ

## **10. PROTECTION AND SUPPORT FOR WHISTLE-BLOWERS**

It is understandable that whistle-blowers are sometimes worried about possible repercussions. Vivo aims to encourage openness and will support anyone who raises genuine concerns under this policy, even if they turn out to be mistaken.

Whistle-blowers must not suffer any detrimental treatment as a result of raising a concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern.

If any individual believes that they have suffered any such treatment, then this should be raised with the Board of Directors immediately. If the matter is not remedied then the matter can be raised formally using the Vivo Grievance Procedure.

Whistle-blowers must not be threatened or retaliated against in any way; involvement in such conduct may result in disciplinary action. In some cases the whistle-blower could have a right to sue the individual personally for compensation in an employment tribunal.

Vivo will make arrangements where appropriate to support any employee using this policy to raise genuine concerns.

## **11. CONFIDENTIALITY**

Vivo hopes that anyone who wishes to raise a whistleblowing concern feels able to do so openly under this policy. However, if there is a desire to raise concerns confidentially, every effort will be made to keep their identity secret. If it is necessary for the police (where their involvement is necessary) or, an appointed Investigating Officer, to know the identity of the individual making the original disclosure then this will be discussed with them.

You can choose to raise your concern anonymously, without giving anyone your name, but that may make it more difficult for us to investigate thoroughly and to give feedback.