



POLICY

4.1 ABACUS CARE & SUPPORT LIMITED is committed to a high standard of care, to honesty, openness and decency in all its activities and in line with the requirements of duty of candour. It is recognised that Service User safety must come first at all times and, whilst it can be difficult for staff to raise concerns about the practice of others, including managers, the implications of not raising those concerns are potentially very serious for ABACUS CARE & SUPPORT LIMITED, its employees and most importantly for those receiving its services.

4.2 ABACUS CARE & SUPPORT LIMITED encourages a free and open culture in its dealings with its employees and all people with whom it engages in business and legal relations. In particular, ABACUS CARE & SUPPORT LIMITED recognises that effective and honest communication is essential if any wrongdoing or malpractice is to be effectively dealt with and the organisation's success ensured.

4.3 ABACUS CARE & SUPPORT LIMITED recognises that staff members are likely to be the first to realise that there may be something seriously wrong within the organisation but may feel that speaking up would be disloyal to colleagues or their employer who may, under certain circumstances, face criminal charges. They may also fear harassment or victimisation and fear for a loss of job or a reduction in work hours.

4.4 ABACUS CARE & SUPPORT LIMITED will not tolerate the ill treatment, including any bullying or harassment, of anyone raising a concern. It will ensure that any individual who raises a concern, can do so confidentially in line with the Public Interest Disclosure Act 1998 (PIDA).

4.5 ABACUS CARE & SUPPORT LIMITED will ensure that any individual who raises a genuine concern under this policy will not be at risk of termination of their employment or suffer any form of reprisal which includes, but is not limited to, loss or reduction of hours or changes to regular working patterns because of it.

4.6 ABACUS CARE & SUPPORT LIMITED will ensure that it follows not only the law on whistleblowing, but also best practice and guidance from the NHS and regulatory bodies including the Care Quality Commission.

DEFINITIONS

6.1 Criminal Justice and Courts Act 2015

- Legislation which lays out the offences involving ill-treatment or wilful neglect by a person providing health or social care

6.2 Whistleblowing

- The disclosure of information which relates to suspected wrongdoing or dangers at work. This may include (but is not limited to):
 - Criminal activity
 - Failure to comply with any legal (or professional) obligation or regulatory requirements
 - Miscarriages of justice
 - Danger to health and safety
 - Damage to the environment
 - Bribery
 - Facilitating tax evasion
 - Financial fraud or mismanagement
 - Breach of internal policies and procedures
 - Conduct likely to damage the reputation or financial wellbeing of the organisation
 - Unauthorised disclosure of confidential information
 - Negligence
 - The deliberate concealment of any of the above matters

6.3 Vicarious Liability

- Vicarious liability refers to a situation where someone is held responsible for the actions or omissions of another person. In a workplace context, an employer can be liable for the acts or omissions of its employees, provided it can be shown that they took place in the course of their employment



6.4 Employee/Staff

- PIDA refers to 'workers'. This policy has used the term employee/staff/colleagues to reflect the relevant persons that this policy relates to. The NHS integrated Policy (2016) 'Freedom to Speak Up: Whistleblowing Policy for the NHS' refers to volunteers being included. However, PIDA does not specifically include volunteers as they are not paid employees and therefore cannot be compensated financially for ill treatment or unfair dismissal

6.5 Anonymously

- Made or done by someone whose name is not known or made public

6.6 Grievance or Private Complaint

- A dispute about the employee's own employment position without a public interest aspect

6.7 Whistleblower

- The term 'whistleblower' is used to describe people who make a 'qualifying disclosure' about a genuine concern at work. Where a worker suffers a detriment or is dismissed as a result, then they may have certain employment protections under the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998, often referred to as 'PIDA')

6.8 PIDA

- Public Interest Disclosure Act 1998 - Legislation which provides protection to workers who make disclosures in the public interest

6.9 Public Interest

- A disclosure made in the interest of the public, i.e. not relating to an individual such as in a grievance case

6.10 Qualifying Disclosure

- Qualifying disclosures are disclosures of information where the worker reasonably believes (and it is in the public interest) that one or more of the following matters is either happening, has taken place, or is likely to happen in the future:
 - A criminal offence
 - The breach of a legal obligation
 - A miscarriage of justice
 - A danger to the health and safety of any individual
 - Damage to the environment
 - Deliberate attempt to conceal any of the above