

Northern Ireland



Raising Concerns

**A Guide for Social Work and
Social Care Staff on How to Raise
Concerns in Their Workplace**



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Northern Ireland



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About Us

We were established in 2001 as the regulatory body for social work and social care staff in Northern Ireland. We regulate the workforce by keeping a register and setting standards for their conduct, practice and training to make sure that the quality of care provided to service users and carers is of a high standard.

About this Guidance

As part of our roles and responsibilities, we are required to produce and publish Standards of Conduct and Practice expected of social workers and social care workers. Everyone who is registered with us must keep to these standards which form the regulatory framework that helps us to decide whether a registrant is fit to practise.

The standards are written in a way that means you can apply them to your own particular work situation and area of practice. We also produce guidance from time to time to support the standards. This document is an example of this and has been produced in response to feedback from registrants who are often unsure how to appropriately raise a concern in their workplace.

The issue of raising concerns has been the subject of several high-profile cases in the past 20 years. The most recent resulted in the Francis Report of the Mid Staffordshire NHS Foundation Trust Public Inquiry (2013) into how concerns about standards, systems and practice are raised and dealt with in the NHS. The report called for a new approach to support staff who want to raise concerns. The evidence is clear that organisations in which staff feel confident about raising concerns are much safer.

This guidance expects that all registrants will, whatever their role, take appropriate action to raise concerns about service users' care, dignity and safety.

We have written it with trade unions, the professional association for social work, registrants, employers and service users.

You should read it alongside our *Guidance for Whistleblowers: Guidance for social care staff who wish to make a protected disclosure*, November 2014.

How this Guidance Applies to You

Our Standards of Conduct and Practice set out the behaviour and competence you need to provide safe and effective care to service users and carers. The standards outline what good social work and social care practice should look like and are intended to reflect both professional and public expectations of the role.

The standards say how you should protect the rights of service users and carers, promote their interests and wellbeing and protect them as far as possible from danger or harm. This includes the following:

‘Bringing to the attention of your employer or the appropriate authority, without delay, resource or operational difficulties that might get in the way of the delivery of safe practice’

(Standard 3.4)

‘Informing your employer or an appropriate authority without delay, where the practice of colleagues or others may be unsafe or adversely affecting standards of care’

(Standard 3.5)

‘Informing your employer or the appropriate authority in a timely manner about any personal difficulties that might affect your ability to do their job competently and safely’

(Standard 6.5)

You are responsible for keeping to the standards and for making sure that your conduct and practice do not fall below what is required or harm the wellbeing of service users or carers.

We believe that you should feel able to speak out if you have any concerns about the quality and standards of care, or if you expect the care provided will or has caused harm.

We recognise that the circumstances in which social work and social care are provided are extremely challenging where increasingly complicated needs and high levels of demand have to be met against a backdrop of tight financial controls and pressures on budgets. This presents challenges for employers and staff. However, if you have good reason to believe that workloads, staffing levels, the working environment or working arrangements may not be safe, our standards say that you should raise your concerns and not stay silent.

The purpose of this document is firstly to guide you to uphold standards of ethical behaviour and professional accountability when you feel these may be in danger of being undermined by other pressures. The guidance also sets out how to raise concerns when you feel the safety or quality of care is or could be at risk. While this guidance gives suggestions about what to do and who to approach, it cannot cover everything. You will need to use your own professional judgement to apply the guidance to your particular situation. You can find more details of support and advice in Appendix 1.

What Do We Mean by 'Raising a Concern'?

In this guidance, 'raising concerns' means when you tell your employer or other appropriate person or authority, about something which you think is putting service users or the public at risk, or affecting the quality or safety of care provided, or your ability to meet our Standards of Conduct and Practice.

Any employee, past or present, can raise a concern. This guidance also applies to social work students.

Is raising a concern the same as making a complaint or grievance?

It is important to recognise the difference between raising a concern and making a complaint or grievance. Raising concerns can involve other people (for example, service users, members of the public, or your employer), and the person raising the concern may not be directly or personally affected.

Is raising a concern the same as whistleblowing?

There is often confusion about the difference between raising a concern and whistleblowing and the terms are often used interchangeably. They can be the same thing, depending on:

- what you are concerned about;
- how serious it is; and
- how you make your concerns known and how they are dealt with.

In legal terms under the Public Disclosure Act (1998), whistleblowing means making a 'protected disclosure' in the public interest. A protected disclosure is sharing information about:

- service users being mistreated;
- criminal offences
- someone breaking the law;
- people's health and safety being put at risk;
- financial irregularities;
- and environmental damage.

This also includes information showing that any of the above are or have been deliberately concealed.

Staff who work within the health service and raise a concern about malpractice in an organisation or workplace are legally protected by the Public Interest Disclosure (NI) Order 1998. The Act protects the individual raising the concern against victimisation or dismissal, provided they have behaved responsibly. Many of the principles that apply to the legal protection for whistleblowing will apply in equal measure to those who wish to raise a less serious concern within an organisation.

In most cases your concerns will hopefully be dealt with internally and it will only be appropriate to disclose your concerns externally when you have exhausted your organisation's relevant internal policies and procedures.

Service users or members of the public who use social work/social care services, their relatives or representatives or others can make a complaint about a registrant or a service, using the employing organisation's complaints procedure or by making a complaint to a prescribed body such as NISCC or the RQIA. This is not whistleblowing.

Why it is important to raise a concern

We recognise that you may be reluctant to raise a concern for a number of reasons. For instance, you may be worried that:

- it might affect your relationship with colleagues;
- it might affect your career;
- you may be ignored or treated differently by your colleagues or employer;
- you will cause trouble for your colleagues; or
- nothing will be done as a result of you raising the concern.

However, you must remember that your role as a social worker or social care worker carries with it a significant level of public trust. If you are hesitating about reporting

a concern, remember that your first duty is to put the safety and wellbeing of service users first and to act to protect them. It is also your duty to raise valid concerns in an appropriate way, putting aside any personal or professional loyalty.

All registrants have a duty to raise concerns if the safety or care of service users is being put at risk by colleagues or the systems, policies and procedures in the organisations they work in. Examples may include:

- too much work to do;
- not enough staff to provide a safe service;
- tasks or roles inappropriately or unsafely delegated;
- unsafe equipment or working environment; or
- being expected or told to overlook concerns where you have a duty to raise these concerns.

The Standards of Conduct and Practice state that:

‘where there is a conflict between the NISCC Standards of Conduct and your work environment, your first obligation is to the standards’.

(Standard 6.8)

In these circumstances, you must question, challenge and, if necessary, refuse to do anything you are told or expected to do if it puts your duty of care at risk, or does not keep to our standards or any other legal duty. If you do not report a concern, you may be breaking our standards, which may lead to an allegation of professional misconduct, which in turn may bring your fitness to practise into question. Workers and employers should aim to deal with problems before any damage is done.

Raising a concern with a regulatory body

If your concern is about an individual or a work colleague, this should be directed to the relevant professional regulatory body. In the case of social workers or social care workers, this will be NISCC. If your concern relates to systems or organisations rather than individuals, this should be directed to the RQIA which is the service regulator.

Can I raise a concern confidentially?

Your employer’s policy should allow you to raise your concern confidentially, which means your name will not be revealed without your permission, unless required by law. When you raise your concern, either verbally or in writing, make it clear if you are doing so confidentially.

While it can be difficult to speak out, there are risks when concerns are raised anonymously. For example, it is more difficult to investigate the concern if people cannot ask follow-up questions. It is also easier to get protection under the Public Interest Disclosure Act if the concerns are raised openly. It is important to note that being anonymous does not prevent others from successfully guessing who raised the concern. The diagram on page 13 offers a step by step guide to raising and escalating concerns.

How to Raise a Concern

You should always seek as far as possible to raise concerns directly with your employer in the first instance. This can often be done informally, perhaps in supervision or at a team meeting or a staff forum.

The following checklist¹ might help you in the event you wish to raise a concern:

- i. Are you clear about what you are concerned about and why?
What evidence do you have and why?
- ii. Does this issue affect just you or can you raise your concerns collectively? If no-one else wants to raise the concerns, you should still raise them.
- iii. Have you placed your concerns 'on the record'? Even if you raised them verbally it is essential that there is an 'audit' trail.
- iv. What do you want to achieve by raising the concern? (You should acknowledge any personal grievance that may arise from the situation, but focus on the issue of service user safety).
- v. Check out your employer's procedures for raising and escalating concerns.

If you have tried to raise your concern informally and either do not consider that your concerns have been taken seriously or that you have not received an adequate response, you should raise your concern more formally with your line manager or,

if the concerns relate to your line manager, with someone more senior within the organisation. It may be helpful to set out in a single statement what your concerns are, the evidence in support, what you want done, when and why.

If you are offered a meeting, don't just turn up for the meeting, prepare for it. If you are a member of a Trade Union or Professional Association you may wish to contact your branch/local representative for advice or support. It is important that there is a professional, accountable relationship between you and anyone accompanying you or representing you. If you have exhausted all local workplace policies and procedures, you should consider raising your concerns to an external organisation with the authority to investigate the matter. A list of external bodies can be found in Appendix 1.

¹ Adapted from Public World The Duty of Care – a handbook for healthcare professionals and staff; Roger Kline with Shazia Khan.

Raising Concerns: A Step-by-Step Guide

				STEP 5	
		STEP 4			
		STEP 3			
STEP 2					
STEP 1					
Read your employer’s policies and procedures on raising concerns. These should set out who you can raise a concern with and how.		Raise your concerns in line with your employer’s policy.		If you are unable to talk to your line manager or if concerns are not dealt with, take your concern to the next level of management.	
				If your concerns are still not dealt with satisfactorily, contact the most senior person in your organisation, for example, the Chief Executive or equivalent.	
				If you have followed all of your workplace policies and procedures, you should consider raising your concerns with an external organisation who are authorised to investigate the matter.	
KEEP A RECORD OF YOUR CONCERNS AND ANY STEPS TAKEN					
Be clear about what your professional standards require you to do. If you have any questions about the standards, you can contact us.		You can often raise a concern informally first. Does the concern affect only you or should you raise it with other people? Make sure you have evidence to support your claims.		You may want to get confidential advice from your trade union or professional association If you are offered a meeting, make sure you prepare well for it.	
				Be able to say what action you have taken to raise your concern.	
				This may include NISCC or RQIA. It is important that you can show that you have tried to raise your concerns with your employer without success.	

What Response Should I Expect When I Raise a Concern?

When raising a concern you should be listened to carefully and you should not worry about how people will react. Your employer should investigate your concern thoroughly, promptly and confidentially. They should tell you how they intend to deal with your concern and set a timescale for responding to you.

Most employers take concerns very seriously and respect their moral and legal responsibilities. However, if you raise a concern, you are protected by law.

You are protected by law from victimisation by your employer, and your employer should treat any acts of victimisation against you as a disciplinary offence. Your employment and opportunities for future promotion or training should not be affected.

It is a disciplinary offence to tell anyone to cover up wrongdoing. If you are told not to raise or follow up a concern, even by someone in authority such as a manager, you should not agree to stay silent. All of our registrants have a duty to be open and honest.

Even if an employer says that they will take responsibility for any harm that may result from the concerns you have raised, this does not form any reasonable defence, as you cannot pass on your duty of care in this way.

Extra guidance for employers and managers

Our Standards for Employers of Social Workers and Social Care Workers says employers must:

‘have appropriate systems in place to enable registrants to raise concerns about inadequate resources or operational difficulties which might impact the delivery of care and take appropriate action to address those issues’

(Standard 3.6)

‘have procedures in place that facilitate and promote registrants to report unsafe, discriminatory or abusive behaviour or practice’

(Standard 5.4)

Employers must also:

‘not require registrants to do anything that would put their adherence to the Standards of Conduct and Practice at risk’

(Standard 3.7)

Extra guidance for employers and managers..... *(continued)*

If you are an employer, you should treat all concerns you receive with equal importance however they are raised. You should encourage and support a workplace in which staff:

- can speak openly and freely about their concerns;
- can be reassured that whatever they say will be treated with appropriate confidence and sensitivity; and
- will be treated courteously and sympathetically and where possible involved in decisions about how their concerns are handled.

You should also make sure that you:

- have policies and procedures in place to manage concerns and that all staff have access to these;
- encourage all staff, including temporary staff, to raise concerns about the safety of service users, including risks posed by colleagues;
- take all concerns seriously and ensure the person who has raised the concern is not victimised;
- investigate all concerns properly and keep all staff up to date with your progress;
- protect any staff who raise a concern from unfair criticism or retaliation, including any negative consequence for them or dismissal;
- have systems in place to support staff who are the subject of a concern, whether it is due to their poor performance, health or behaviour; and
- do not stop anyone from raising a concern.

It is important that the instructions you give as a manager or employer or the expectations you have of staff, do not affect the quality or safety of care or staff's ability to meet our standards. Pressures in the work environment are inevitable and regularly taking time to discuss these with staff can be a good survival technique. Many social work and social care employers are also registrants in their own right, and so must also keep to their own professional standards.

Help and advice

If you are not sure whether, or how, to raise your concern, you can get advice from:

- a senior member of staff or an impartial colleague;
- your trade union representative;
- your professional association;
- the appropriate regulatory body listed at the end of this guidance; or
- Public Concern at Work – a charity which provides free, confidential legal advice to people who are concerned about wrongdoing at work and are not sure whether, or how, to raise their concern.

Raising concerns at work, while the right thing to do, can feel stressful, particularly if you feel that you get a negative response. It is important to stay focused on the issue you raised concerns about, but you will need to be resilient to see things through. It is important that you get advice and support for yourself from the people or organisations outlined above and from family and friends.

Appendix 1: Useful contacts

Advice and help

Public Concern at Work

Website: www.pcaw.co.uk

Phone: 020 7404 6609

Regulatory bodies

Regulation Quality Improvement Authority (RQIA) – (the service regulator) Website: www.rqia.org.uk

Phone: 028 9051 7500

Northern Ireland Social Care Council (NISCC) – (the workforce regulator) Website: www.niscc.info.net

Phone: 028 9536 2600

Professional associations

Northern Ireland Association of Social Workers (NIASW)

Website: n.ireland@basw.co.uk

Phone: 028 9064 8873

Trade unions

NIPSA

Website: info@nipsa.org.uk

Phone: 028 9066 1831

UNISON

unisonnorthernireland@unison.co.uk

0800 0857 857

Public audit bodies

Northern Ireland Audit Office

Website: www.niauditoffice.gov.uk

Email: whistleblowing@niauditoffice.gov.uk

Phone: 028 9025 1062 or 028 9025 1000

Northern Ireland



www.niscc.info