

Northern Ireland

Social

Care

Council

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Raising a concern policy 'Whistleblowing'

Final July 2023

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1. Raising a concern

- 1.1 The Northern Ireland Social Care Council (Social Care Council) is committed to the highest possible standards in the delivery of its functions and services. When concerns arise, it is important that the Social Care Council responds appropriately, correcting failures and learning lessons.
- 1.2 Raising a concern, often called “whistleblowing”, refers to someone notifying the Social Care Council (or the Department of Health) about risk, danger, malpractice, wrongdoing, or illegality.
- 1.3 The purpose of this policy is to outline how the Social Care Council will handle any concerns and to encourage and provide reassurance to members of the public and staff who want to raise concerns.
- 1.4 The Social Care Council encourages people to raise concerns because that way the Social Care Council can, if necessary, put things right; the person raising a concern has performed an act of public service.
- 1.5 This policy sets out what we mean by ‘concerns’, and how different kinds of concerns will be dealt with.
- 1.6 The policy is underpinned by the Social Care Council’s values of:
 - *Respect* – we respect the rights, dignity and inherent worth of individuals.
 - *Integrity* – we are honest and work in an open and transparent way.
 - *Partnership* – we are a listening and learning organisation – working in partnership to ensure that what we do makes a difference.
 - *Excellence* – we are committed to excellence in everything we do.

2. What are concerns?

- 2.1 Raising a concern is drawing attention to suspected risk, danger, malpractice, wrongdoing, or illegality in or by the Social Care Council. This might include issues such as:
 - a: health and safety risks, either to the public or other employees
 - b: any unlawful act e.g. theft
 - c: the unauthorised use of public funds e.g. expenditure for improper purpose
 - d: maladministration e.g. not adhering to procedures, negligence
 - e: failing to safeguard personal and/or sensitive information (data protection)
 - f: damage to the environment e.g. pollution
 - g: fraud and corruption e.g. to give or receive any gift/reward as a bribe

- h: the abuse of children and/or vulnerable adults (physical or psychological) and/or
- i: any deliberate concealment of information tending to show any of the above.

- 2.2 This is not an exhaustive list but is intended to illustrate the sort of issues that may be raised and dealt with under this policy, where applicable to the functions of the Social Care Council.
- 2.3 Many, if not most, of these could potentially constitute a breach of the Regional HSC Code of Conduct for HSC Employees which includes staff in the Social Care Council.

3. What is not a ‘concern’ under this policy?

- 3.1 Not all criticism of the work of the Social Care Council will be treated as a concern, and the Social Care Council will determine whether any issue raised will be addressed as such. Separate arrangements exist to deal with complaints about the Social Care Council’s performance or standards of service. These are set out in the *Social Care Council’s Complaints Policy*.
- 3.2 A concern is also distinct from a grievance, which is when an employee raises issues about an employment-related matter. If a member of staff wishes to raise an *issue* about their employment or how they have been treated, they should use the Social Care Council’s Grievance Procedure, *Social Care Council’s Conflict, Bullying and Harassment Policy* and the *Social Care Council’s Zero Tolerance Policy*.

4. Confidentiality and anonymity

- 4.1 The Social Care Council does not condone the harassment or victimisation of anyone who raises a genuine concern and will not tolerate such behaviour towards anyone who raises a concern. Staff who raise a concern about their employer are protected by law. With these assurances, it is hoped that individuals will raise their concerns openly.
- 4.2 If someone wishes to raise concerns confidentially, either from the outset or at any stage during the process, the Social Care Council will ensure that it will do all it can to ensure that is possible. There may be circumstances where an individual’s identity cannot be kept confidential (for instance, if the Social Care Council is required to disclose it by law e.g. to the police, or if the nature of the concern makes it apparent who has raised it).
- 4.3 Individuals can choose to raise their concern anonymously, without giving anyone their name. Concerns raised anonymously will be considered in the same way as any other concern. Detailed investigations may, however, be more difficult, or even impossible if the person who originally raised the concern cannot be contacted for further information. There is also a chance any documents or information provided

might, unknown to the Social Care Council, reveal the identity of the person raising a concern, making it more difficult to protect their anonymity.

- 4.4 Access to information and documentation relating to the concern will be restricted to protect the identity of all those involved, including those against whom allegations are made.

5. Independent advice

- 5.1 'Protect' is a charitable organisation who provide free, impartial, and confidential advice. Those thinking of raising a concern can contact them at www.protect-advice.org.uk.

6. How members of the public can raise a concern

- 6.1 The Social Care Council wants it to be easy for members of the public to raise a concern.
- 6.2 Members of the public can raise a concern orally or in writing:
- a: through the NI Direct website
 - b: through the Social Care Council website
 - c: through the Department of Health website, and/or
 - d: directly with the Designated Officer, Director of Registration and Corporate Services, who deals with external concerns in the Social Care Council.
- 6.3 A member of the public can also raise a concern through any other channel. This may be in writing or orally, and may come through any official, the Health Minister, or through an information line or general contact address. All staff must consider any communications received and notify the Director of Registration and Corporate Services immediately should this involve raising a concern.
- 6.4 All staff must ensure that handling of any personal data is compliant with the UK-GDPR.

7. How members of staff can raise a concern

- 7.1 There are different arrangements for the handling of concerns raised internally and for those raised externally, although the same high-level principles apply. This is because 'workers' in the health and social care (HSC) (Social Care Council staff, HSC staff, contractors, trainees, agency workers, volunteers, bank staff, and independent consultants working for or providing advice to the Social Care Council enjoy some protection under the

Employment Rights (NI) Order 1996 (as inserted by the Public Interest Disclosure (NI) Order 1998 and amended by the Employment Act (Northern Ireland) 2016).

- 7.2 Staff (including agency workers, bank staff) should raise concerns first with your line manager or another manager that you feel comfortable talking to. Contractors, volunteers, or independent consultants should raise concerns with their key Social Care Council contact. This may be done verbally or in writing. Non-executive Board members may raise a concern with the Chair, or if the concern is in relation to the Chair they may raise it with the Department of Health.
- 7.3 If you feel unable to raise the matter with your manager or Social Care Council contact, for whatever reason, you should raise the matter with the Designated Officer for the Social Care Council, the Director of Registration and Corporate Services, who deals with internal concerns.
- 7.4 If you feel that the matter is so serious that you cannot discuss it with any of those listed above, or if it concerns the Designated Officer, you should contact the Chief Executive. If your concern is about the Chief Executive you should raise your concern with the Chair of the Social Care Council.
- 7.5 If following initially raising the concern with others, you have reason to believe that the original risk, danger, malpractice, wrongdoing or illegality remains unchanged, you may escalate your concerns to the Permanent Secretary at the Department of Health.

8. Protection for whistleblowers

- 8.1 The law protects workers who raise concerns about their own organisation. A disclosure of information about a concern may be protected if it meets certain criteria. Not all concerns will be 'protected disclosures' under this legislation, but the Social Care Council is alert to the possibility.
- 8.2 The Department for the Economy had produced a short guide to the provisions of the Public Interest Disclosure (NI) Order 1998, which applies to Northern Ireland Civil Service (NICS) and HSC employers.
- 8.3 You should refer to the HSC Regional Raising Concerns in the Public Interest Framework and policy for SPPG (Strategic Planning and Performance Group) and HSC staff, including the Social Care Council, which sets out in more detail the human resources policy in relation to disclosures under the public interest disclosure legislation.
- 8.4 If you raise a genuine concern under these arrangements, you will not be at risk of losing your job or suffering any form of detriment by Social Care Council staff as a result of doing so. You are not required to have firm evidence before raising a concern and it does not matter if you are mistaken. However, should you raise a matter that you know to be untrue with malicious intent, then this will be regarded as a serious matter, potentially misconduct, which could result in disciplinary action.

8.5 If you express concern that you are being victimised by other members of staff as a result of the issues that you have raised, the Social Care Council will take this seriously and ensure that appropriate action is taken.

9. Raising a concern externally

9.1 If you feel unable to raise a concern internally or have done so but feel that the matter has not been adequately addressed, you have the option of approaching an external organisation.

9.2 There are a number of 'prescribed persons' – bodies to whom you may report a serious concern on relevant matters with protection afforded by public interest disclosure legislation. The list can be accessed at [Public Interest Disclosure \(Prescribed Persons\) \(Amendment\) Order NI 2022](#). Relevant health and general bodies are listed for ease of reference at **Annex A**.

9.3 'Protect' (the charitable organisation) will also be able to provide advice on making external disclosures and on the circumstances in which they may be able to contact an outside body. They can be contacted at protect-advice.org.uk.

10. How will concerns be handled?

10.1 All concerns will be taken seriously when they are received and dealt with appropriately. The same principles apply to both concerns raised by members of the public and those raised by staff (or other workers as described in this policy).

10.2 Once the individual has reported their concern, it will be passed to the Social Care Council's Designated Officer, the Director of Registration and Corporate Services.

10.3 If the concern falls more properly within the Complaints Policy, the *Grievance Policy*, the *Conflict, Bullying or Harassment Policy*, or the *Zero Tolerance Policy*, other HR policy and procedure, or is considered to be normal business/correspondence, the Designated Officer will advise the individual who raised the concern of this, and the issue will be passed to the appropriate team/individual.

10.4 The Designated Officer will assess the concern to determine what action is appropriate, for example:

- explaining the context of the issue may be enough to alleviate the concerns of the person raising them
- minor concerns might be dealt with straightaway by line management
- a review by Internal Audit as part of planned audit work might be sufficient to address the issue
- there may be a role for External Audit in addressing the concerns raised and either providing assurance or recommending changes to working practices, and

- there may be a need for a formal investigation.

10.5 A concern may include an allegation against an individual, or an allegation against an individual may come to light in any investigation. Such an allegation may need to be treated as a disciplinary matter, so the handling of any concerns will take into account the possibility that the allegations could lead to disciplinary action against an individual.

10.6 Should it be determined that a concern is to be investigated, overall responsibility for ensuring that a concern is reviewed/investigated will be allocated to a Nominated Review Officer. The person who originally raised the concern will be told who that is. The Nominated Review Officer may contact that person to discuss the concern, obtain further information if required and agree feedback arrangements insofar as that is possible. However, given the wide range of issues which can be raised under this policy it is not possible to specify here who will review/investigate the concern.

10.7 At the conclusion of any review/investigation, if the concern was not raised anonymously, the person may be given feedback as appropriate (in writing if requested). However, there will be a limit to what feedback can be provided, especially in light of the duty of confidence owed to others and UK-GDPR requirements.

11. Designated Officer

11.1 The Designated Officer will seek to ensure a consistent approach to the handling of concerns across the Social Care Council. They will maintain the Social Care Council's central database of all concerns, including a record of how they are handled, and whether the concern was upheld, and what the outcome was. They will monitor concerns, analysing patterns and trends, and report to the Social Care Council's Audit and Risk Assurance Committee on the number and types of concerns being raised.

11.2 The Social Care Council Designated Officer will also be a 'speak-champion'. As well as managing the processes for dealing with concerns, as set out above, they are responsible for raising general awareness about the value of receiving and responding to concerns. They will encourage a culture of curiosity and challenge with the Social Care Council. They will also work together with their colleagues in other Departments to support the whole HSC to respond effectively to concerns and to learn from instances when things go wrong.

12. Concerns raised with the Department of Health (DoH) about an Arms- Length Body (ALB)

12.1 If someone raises a concern about an ALB (including the Social Care Council) with the DoH, the DoH will decide if it is appropriate for this to be dealt with by the ALB, the DoH or another body. If the concern is referred to the ALB, the person who

raised the concern will be notified of this and given the contact details for the individual who is responsible for dealing with the concern in line with the organisation's procedures.

- 12.2 There will be circumstances where a member of staff of an ALB can make a protected disclosure to a Minister (either directly or through the DoH). A concern raised in this way will be handled by the DoH and not referred to the ALB.
- 12.3 In line with the *Raising a Concern in the Public Interest (Whistleblowing)* HSC Framework and Model Policy, staff in ALB's and members of the public can refer/escalate their concerns to the DoH. In these cases, the DoH will determine who will investigate these concerns and reserves the right to ask the ALB to undertake the required investigation. The DoH will require assurance that the issue has been fully considered and investigated.
- 12.4 ALB's are required to comply with the public interest disclosure legislation and have corresponding procedures in place. All concerns raised should be dealt with promptly and appropriately, whether they are raised directly with the DoH or with an ALB.

13. Outcomes

- 13.1 The Social Care Council cannot guarantee that the consideration and investigation of a concern will conclude in the way that the person who originally raised it may wish. Raising a concern is a public service and it is for the Social Care Council to determine the appropriate response. However, the Social Care Council is committed to ensuring that all cases are handled fairly, properly and consistently.

14. Equality screening

This policy has been screened for equality implications as required by Section 75 and Schedule 9 of the Northern Ireland Act 1998 and is assessed as having no serious impact on the Section 75 groups, therefore it is not considered to require a full impact assessment. Equality Commission guidance states that the purpose of screening is to identify those policies which are likely to have a significant impact on equality of opportunity so that greatest resources can be devoted to these.

[Final July 2023]

Health Prescribed Persons

General Chiropractic Council

Matters relating to (a) the registration and fitness to practice of a member of the profession regulated by the Council; and (b) any activities not covered by (a) in relation to which the Council has functions.

The Whistleblowing Officer, Park House
186 Kennington Park Road
London SE11 4BT

Telephone: 020 7713 5155

Email: whistleblowing@gcc-uk.org.

Website: gcc-uk.org.

General Dental Council

Matters relating to (a) the registration and fitness to practice of a member of the profession regulated by the Council; and (b) any activities not covered by (a) in relation to which the Council has functions.

37 Wimpole Street London
W1G 8DQ

Telephone: 020 7167 6000

Online enquiry/complaint form: contactus.gdc-uk.org.

Website: gdc-uk.org.

General Medical Council

Matters relating to (a) the registration and fitness to practice of a member of the profession regulated by the Council; and (b) any activities not covered by (a) in relation to which the Council has functions.

General Medical Council Fitness to Practice
3 Hardman Street Manchester
M3 3AW

Telephone: 0161 823 6602

Email: gmc@gmc-uk.org.

Website: gmc-uk.org.

Helpline number: 0161 923 6399 (9am – 5 pm Monday to Friday)

General Optical Council

Matters relating to (a) the registration and fitness to practice of a member of the profession regulated by the Council; and (b) any activities not covered by (a) in relation to which the Council has functions.

General Optical Council Concerns, Compliance Manager 10 Old Bailey
London EC4M 7NG

Telephone: 020 7580 3898 Email: concerns@optical.org.

Website: optical.org.

General Osteopathic Council

Matters relating to (a) the registration and fitness to practice of a member of the profession regulated by the Council; and (b) any activities not covered by (a) in relation to which the Council has functions.

The Whistleblowing Officer Osteopathy House
176 Tower Bridge Road London
SE1 3LU

Telephone: 020 7357 6655

Email: whistleblowing@osteopathy.org.uk.

Website: osteopathy.org.uk.

Health and Care Professions Council

Matters relating to (a) the registration and fitness to practice of a member of the profession regulated by the Council; and (b) any activities not covered by (a) in relation to which the Council has functions.

Park House
184 Kennington Park Road London
SE11 4BU

Telephone: 020 7840 9815

Email: policy@hcpc-uk.org.

Website: hcpc-uk.org.

Regulation and Improvement Authority

The quality, safety and reliability of health and social care services provided by statutory independent, community and voluntary providers in Northern Ireland,

Regulation and Improvement Authority

James House

2 Cromac Avenue

Belfast

BT7 2JA

Telephone: 028 9536 1990

Email: info@rqia.org.uk.

Website: rqia.org.uk.

Northern Ireland Commissioner for Children and Young People

The safeguarding and promotion of the rights and best interests of children and young people.

Legal and Investigations Team NICCY

Equality House

7-9 Shaftesbury Square Belfast

BT2 7DP

Telephone: 028 9031 1616

Email: legalteam@niccy.org.

Website: niccy.org.

Northern Ireland Social Care Council

Matters relating to (a) the registration and regulation of social workers and social care workers under the Health and Personal Social Services Act Northern Ireland 2001 and (b) the regulation of education and training in social work and social care work.

Fitness to Practise

4th Floor, James House

2 Cromac Avenue Belfast

BT7 2JA

Telephone: 028 9536 2600

Email: ftp@niscc.hscni.net.

Website: niscc.info/raising-a-concern.

Nursing and Midwifery Council

Matters relating to (a) the registration and fitness to practice of a member of the profession regulated by the Council; and (b) any activities not covered by (a) in relation to which the Council has functions.

23 Portland Place London
W1B 1PZ

Telephone: 020 7637 7181

Email: whistleblowing@nmc-uk.org.

Website: nmc.org/standards/guidance/raising-concerns-guidance-for-nurses-and-midwives/whistleblowing/.

Pharmaceutical Society of Northern Ireland

Matters relating to (a) the registration and fitness to practice of a member of the profession regulated by the Council; and (b) any activities not covered by (a) in relation to which the Council has functions.

Raising Concerns and Fitness to Practice Department 73 University Street
Belfast BT7 1HL

Telephone: 028 9032 6927

Email: concerns-ftp@psni.org.uk.

Website: psni.org.uk.

The National Society for the Prevention of Cruelty to Children and any of its officers

Child Welfare Protection NSPCC Belfast Office Jennymount Court Jennymount
Business Park Belfast
BT15 3HN

Telephone: 0800 028 0285

Email: help@nspcc.org.uk.

Website: nspcc.org.uk.

General Prescribed Persons

Comptroller and Auditor General for Northern Ireland

The proper conduct of public business, value for money, fraud and corruption in relation to the provision of centrally funded public services and health funded bodies.

Northern Ireland Office 106 University Street Belfast
BT7 1EU

Telephone: 028 9025 1000

Email: info@niauditoffice.gov.uk.

Website: niauditoffice.gov.uk.

Health and Safety Executive for Northern Ireland

Matters which may affect the health or safety of any individual at work; matters which may affect the health and safety of any member of the public, arising out of, or in connection with, the activities of persons at work.

83 Ladas Drive Belfast
BT6 9FR

Telephone: 0800 0320 121

Email: mail@hseni.gov.uk.

Website: hseni.gov.uk.

Information Commissioner NI

Compliance with the requirements of legislation relating to data protection and to freedom of information.

Information Commissioner's Office 3rd Floor
14 Cromac Place, Belfast
BT7 2JB

Telephone: 0303 123 1114

Email: icocasework@ico.org.uk.

Website: ico.org.uk/make-a-complaint/protection-for-whistleblowersguidance.

Members of the House of Commons

Any matter.

Contact details for members of the House of Commons can be found in the UK Parliament website at: parliament.uk.

National Crime Agency

Matters relating to (a) compliance with the Terrorism Act 2000; (b) compliance with the Proceeds of Crime Act 2002; (c) compliance with the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017; or (d) corrupt individuals or companies offering or receiving bribes to secure a benefit for themselves or others.

Disclosures can be made to:

Telephone: 0370 496 7622

Email: communication@nca.gov.uk.

Website: nationalcrimeagency.gov.uk.

Northern Ireland Human Rights Commission

Matters which engage human rights.

4th Floor

Alfred House

9-211 Alfred Street

Belfast

BT2 8ED

Telephone: 028 9024 3987

Email: info@nihrc.org.

Website: nihrc.org.

Office for Environmental Protection

Matters relating to the functions of the Office for Environmental Protection, as set out in the *Environmental Act 2021*.

Office for Environmental Protection

Worcestershire County Hall

Spetchley Road

Worcester

WR5 2NP

Telephone: 03300 416 581

Email: enquiries@theoep.org.uk.

Website: theoep.org.uk.

Pensions Regulator

Matters relating to occupational pension schemes, and personal pension arrangements, including matters relating to the Pensions Regulator's objectives as set out in the Pensions Act 2004 and the Pensions (Northern Ireland) Order 2005.

The Information Team

Napier House

Trafalgar Place

Brighton

BN1 4DW

Telephone: 0345 600 7060

Email: report@tpr.gov.uk.

Website: thepensionsregulator.gov.uk.