



# **NISCC Guidance for Whistleblowers**

**Guidance for social care staff who wish to make a protected disclosure.**

**November 2014**

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## **NISCC Guidance for Whistleblowers**

### **1. What is Whistleblowing?**

The term whistleblowing is used to describe a situation where a worker makes a protected disclosure about a wrongdoing in their workplace. This can be reported as a protected disclosure to a prescribed body, and their employment rights will be protected.

This guidance has been developed for the benefit of staff who work in all social care bodies and those who work in registered establishments.

### **2. Is Whistleblowing the same as making a complaint?**

No, whistleblowing refers ONLY to situations where a worker raises concerns about their place of work and which they have already reported to management and believe are not being followed up appropriately.

People who use services, their relatives, representatives or others can make complaints about a service, using the services complaints policy and procedure. This is not whistleblowing.

Individuals who are unsure if their concern is deemed a matter of whistleblowing may wish to contact the NISCC for further advice. Contact details are outlined under point 8.

### **3. Whistleblowing to NISCC**

NISCC is named as a prescribed body under the legislation with regards to matters relating to:

- a) the registration and regulation of social care workers under the Health and Personal Social Services Act (NI) 2001; and
- b) the regulation of education and training in social work and social care work

### **4. Making a complaint to NISCC – Registered Workers**

For information on how to make a complaint about a registered social worker or social care worker please see our website <http://www.niscc.info/> Please note that the Council can only take action if:

- we have received a written, signed complaint about a worker on our register
- the complaint is about specific behaviour by that worker which does not meet standards
- the behaviour is serious enough to affect registration
- we get evidence to support the complaint.

## **5. What is a Protected Disclosure?**

Workers who are concerned about wrongdoings or failures can make disclosures to a prescribed body<sup>1</sup> for example NISCC and RQIA. For a disclosure to be protected by the Public Interest Disclosure (Northern Ireland) Order the worker must:

- Make the decision in good faith, which means with honest intent and without malice.
- Have reasonable belief that the information, and any allegation it contains is substantially true, and
- Have reasonable belief that they are making the disclosure to the correct/appropriate 'specified person'

## **6. Qualifying Disclosures**

Certain kinds of disclosures qualify for protection. If a worker believes that one or more of the following is happening now; took place in the past; or, is likely to happen in the future; they can report these to a prescribed body:

- A criminal offence.
- A breach of legal obligation
- A miscarriage of justice
- A danger to the health or safety of any individual
- Damage to the environment
- Deliberate covering up of information relating to any of the above five matters

## **7. What to do if you have concerns**

In the first place, the worker should talk informally to their manager, or someone else in authority within their workplace. They should also follow their organisations internal policies about reporting concerns. Your workplace policy will tell you how to raise a concern and give you details of the contact person for raising concerns within your organisation. You should keep an accurate record of your concerns and action taken. This may vary depending on the seriousness or complexity of the concern.

Managers should deal quickly and effectively with concerns from workers about their organisation. However, if the worker has raised a concern and does not believe that management has dealt with the matter properly, they can take it further by making a protected disclosure to NISCC. As outlined above, many employers have their own whistleblowing policies and procedures, which must be followed in the first instance.

If there is no whistleblowing policy, or the worker remains dissatisfied after using it, they can report their concerns to NISCC or to another prescribed body, and continue to have the protection of the law under the Public Interest Disclosure (Northern

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<sup>1</sup> A prescribed body is one identified under the Public Interest Disclosure (Prescribed Persons) (Amendment) Order (Northern Ireland) 2012 as able to receive concerns about organisations.

Ireland) Order 1998. RQIA and the Northern Ireland Social Care Council are the prescribed bodies for social care in Northern Ireland.

If a worker is employed by an agency providing services or is a volunteer or student, they may wish to discuss their concerns with their own line manager, so that they can consider what action to take.

If a worker is not confident that the management of the service (or their own management) will deal with their concerns properly, they can whistleblow directly to NISCC.

## **8. How to Raise a Concern with NISCC**

You can contact NISCC by telephone, email or letter. NISCC staff will ensure that the information given to us is passed onto the appropriate person within the organisation, who can decide what action to take.

Contact details for NISCC:

Telephone: 028 9536 2940

Email: [ftp@niscc.hscni.net](mailto:ftp@niscc.hscni.net)

Address: Northern Ireland Social Care Council  
Fitness to Practise Team  
7<sup>th</sup> Floor, Millennium House  
19-25 Great Victoria St  
Belfast  
BT2 7AQ

Website: [www.niscc.info](http://www.niscc.info)

## **9. What action NISCC may take**

Depending on the details of the disclosure, NISCC may do one or more of the following:

- Raise the matter directly with the service provider.
- Contact the DHSSPS, HSC Board or the relevant HSC Trust to decide on appropriate action.
- Notify another public body to lead an investigation of the concern, as appropriate, with involvement from NISCC, when required.
- Notify the Police Service of Northern Ireland (PSNI) if the information is about an alleged criminal offence.

## **10. Anonymous Information and Confidentiality**

Where a worker provides NISCC with information anonymously, and provides no contact details, we cannot invite them to discuss their concerns. Nevertheless, all anonymous disclosures will be treated in the same manner as those which come from the public.

If the worker's identity and contact details are disclosed but the information is provided in confidence, NISCC will respect the worker's request for anonymity. However, this may not be possible in every circumstance, as we may have to share information with a third party that could require identification of the source. For example, depending on the information given to us, we may need to contact the PSNI about alleged criminal activity. When these circumstances apply, the whistleblower will be advised at the time the onward disclosure is made.

NISCC may make direct contact with the whistleblower where contact details have been provided and it is considered necessary. NISCC is not obliged to provide whistleblowers with an account of any actions taken in response to their concerns.

## **11. What should employers do about arrangements for workers to report concerns?**

The Regulation and Quality Improvement Authority (RQIA) has outlined that:

- Employers should ensure they have developed their own whistleblowing policy and procedure.
- Employers should ensure that workers are aware of their rights under the Public Interest Disclosure Order (Northern Ireland) 1998.
- Employers should ensure their workers are confident about reporting any concerns to them and/or to a prescribed body, without worrying about the consequences.
- Services provided by HSC bodies and registered establishments should have an open culture that allows workers to feel supported to raise concerns, both inside and outside of the workplace, without fear of recrimination.

## **12. Further information**

If you require more information on The Public Interest Disclosure (Northern Ireland) Order 1998. This can be found at: [www.legislation.gov.uk/nisi/1763/contents/made](http://www.legislation.gov.uk/nisi/1763/contents/made)