



**CLOVER
CARE
GROUP**

THE BEST PEOPLE CARE

Raising Concerns, Freedom to Speak Up and Whistleblowing Policy and Procedure



Raising Concerns, Freedom to Speak Up & Whistleblowing

1) Purpose and values

Clover Care Group Ltd is committed to a culture of openness, honesty and learning, where speaking up about risks, wrongdoing or poor practice is welcomed and acted on. This policy explains how to raise concerns safely (internally or, where appropriate, externally), what will happen next, the protections available, and everyone's responsibilities. It is designed to help staff speak up early, with confidence that concerns will be taken seriously, investigated appropriately, and handled as confidentially as possible. It also reaffirms that no one will suffer detrimental treatment for raising a genuine concern in the public interest, even if it turns out to be mistaken.

This policy sits alongside our duty of candour, safeguarding responsibilities and wider governance framework, and renewed annually.

2) Scope: who and what is covered

Who is covered: all employees, officers, consultants, contractors, agency workers, casual workers, interns, volunteers and those working on training placements. Who may be affected: service users and families, colleagues, suppliers, professional visitors, commissioners, the Care Quality Commission (CQC) and Local Authorities.

Where it applies: any work context—on our premises, at client locations, remotely, online, or at work-related events. Concerns may also arise regarding third parties (e.g., a supplier or visitor).

What it covers: disclosures made in the public interest about malpractice, wrongdoing or risks to people, the organisation or the environment. Concerns about someone's personal employment situation (e.g., pay, workload, interpersonal disputes) should use the Grievances Policy and Procedure rather than this policy.

3) Legal and regulatory framework

The policy aligns with the Employment Rights Act 1996 (as amended), the Public Interest Disclosure Act 1998 (PIDA) and related legislation, including the Care Act 2014, The Health and Social Care Act 2008 (Regulated Activities) (Amendment) Regulations 2012, The Criminal Justice and Courts Act 2015, and the Enterprise and Regulatory Reform Act 2013. It also reflects CQC regulation and guidance, including Regulation 20: Duty of Candour, and national Freedom to Speak Up (FTSU) good practice.

4) Roles and named contacts

- Registered Manager / Clinical Director & Nominated Individual: Mary Dunn has overall responsibility for policy oversight, ensuring concerns are handled promptly, fairly and in line with legal duties and best practice.
- **Freedom to Speak Up Guardian (FTSU): Emmie Baker, Email: fts@clovercare.co.uk; Tel: 0330 808 8620. The Guardian supports staff who feel unable to raise concerns through usual channels, helping them speak up safely and signposting options.**
- All managers: create psychologically safe teams, respond quickly and proportionately to concerns, protect whistleblowers from detriment and escalate when needed.
- All staff: have a duty to raise concerns about unsafe care, poor practice or wrongdoing at the earliest opportunity.

5) What to raise: examples of qualifying concerns

You can speak up about any risk, malpractice or wrongdoing that is occurring, has occurred or is likely to occur, including but not limited to: unsafe care or staffing; unsafe working conditions; inadequate induction or training; failure to investigate incidents; falsifying timesheets or records; suspicions of fraud; breaches of data protection; damaging the environment (e.g., improper disposal of medicines/sharps); physical, verbal or sexual abuse of any person on the premises; a bullying culture; or failure to follow safeguarding procedures.

Where issues relate only to your personal employment situation (without a wider public-interest element), use the Grievances, Anti-Bullying or Harassment procedures. If you are unsure, seek advice (see section 12).

6) Key definitions

- **Whistleblowing:** speaking up about suspected wrongdoing or danger in the public interest. This includes criminal activity, breaches of legal or professional duties, miscarriages of justice, health and safety dangers, environmental damage, bribery, facilitating tax evasion, financial fraud/mismanagement, reputational damage risks, unauthorised disclosure of confidential information, negligence, or deliberate concealment of any of these.
- **Qualifying disclosure:** information you reasonably believe (and which is in the public interest) shows one or more of the categories above is happening, has happened or is likely to happen.
- **Protected disclosure:** a qualifying disclosure made to an appropriate person/body in a way the law recognises (e.g., employer, prescribed regulator, legal adviser) that then attracts protection from detriment/dismissal. The tests for “protected” part depend on to whom you disclose and the circumstances.
- **Public interest:** the concern affects others beyond a purely personal employment matter.
- **Vicarious liability:** the organisation can be held responsible for victimising acts by its staff unless it has taken reasonable steps to prevent them—hence the need for training, communication and swift action on bullying of whistleblowers.
- **Anonymous vs confidential:** you may raise concerns anonymously; they will be taken seriously and investigated as far as possible. Confidential disclosures mean your identity is known to those handling the concern but shared only on a need-to-know basis (unless law requires otherwise).

7) Principles we work by

- **Speak up early.** Concerns should be raised as soon as they arise so that risks can be addressed quickly.
- **No retaliation.** Dismissal, disciplinary action, reduction of hours, threats, exclusion or any detriment due to speaking up is prohibited and may itself be a disciplinary offence.
- **Fairness and confidentiality.** Concerns are handled sensitively, impartially and as confidentially as possible, consistent with safeguarding, regulatory and legal duties.
- **Balanced approach to external disclosure.** Internal routes are encouraged first. External routes (e.g., regulator) may be appropriate in some circumstances—seek advice if unsure; disclosure to the media is rarely appropriate.

8) How to raise a concern (step-by-step)

Step 1 — Line manager (if safe/appropriate).

Raise concerns verbally or in writing. Your manager will tell you if confidentiality cannot be maintained (e.g., due to safeguarding or regulatory obligations). Managers may need to share with the Registered Manager/Clinical Director to ensure appropriate handling. Anonymous concerns will be investigated as far as possible.

Step 2 — Escalate to the Registered Manager / Clinical Director.

If you cannot raise it with your manager, if it involves them, or if you did raise it and no action was taken, escalate to the Registered Manager / Clinical Director.

Step 3 — Contact the FTSU Guardian.

If you feel the concern won't be handled appropriately internally, contact Emmie Baker, FTSU Guardian (fts@clovercare.co.uk; 0330 808 8620) for advice and support to speak up safely.

Step 4 — Report to the Care Quality Commission (CQC).

If you still believe it won't be handled properly—or the matter is serious—contact the CQC (03000 616161 or via their website). The CQC will not disclose your identity without consent unless legally required (e.g., a child or vulnerable adult at risk).

Safeguarding: if the concern indicates abuse or neglect, follow local safeguarding procedures and, where necessary, refer directly to the Adult Protection Team in the service user's local authority. If the concern involves the Manager/Deputy, referral goes straight to Adult Protection. Police will be informed if there is evidence of criminal activity.

Investigation.

A proportionate investigation will be conducted. You may be invited to meetings and can bring a colleague or union representative (who must keep matters confidential). The Registered Manager / Clinical Director decides the scope and may involve others (e.g., Adult Social Services, auditors). Outcomes may require remedial action or referral to external bodies.

Feedback.

Where possible, a manager will give you feedback on the outcome of the investigation. Detail may be limited in some circumstances (e.g., confidentiality, data protection, ongoing processes). A record of the concern and actions taken will be kept in line with best practice.

If unhappy with handling.

If you are dissatisfied with how your concern was handled, raise it with the contacts listed above (e.g., FTSU Guardian, CQC).

10) Protection and support for whistleblowers

Clover Care Group Ltd encourages openness and protects staff who raise genuine concerns, even if mistaken. Anyone who threatens, bullies or retaliates against a whistleblower may face disciplinary action. If you believe you have suffered detriment, tell the Registered Manager / Clinical Director, Mary Dunn immediately; if unresolved, use the grievance procedure.

Independent advice:

- NHS & Social Care Whistleblowing Helpline (Speak Up): 0300 311 22 33 | england.speakup1@nhs.net
- Protect (formerly Public Concern at Work): 020 3117 2520 | info@protect-advice.org.uk | protect-advice.org.uk

These services offer free, confidential advice on whether and how to raise a concern and on legal protections.

11) Bullying or harassment of whistleblowers: “reasonable steps” defence

Employers can be vicariously liable for bullying or harassment by co-workers towards a whistleblower unless they have taken reasonable steps to prevent it. Our approach therefore includes: visible policy and leadership commitment; staff training; proactive communication; and decisive action against anyone who bullies or harasses a whistleblower.

12) External disclosures

This policy provides an internal route for reporting and remedying wrongdoing. In most cases, it should not be necessary to alert anyone externally. However, the law recognises that in some circumstances a disclosure to a prescribed person (e.g., a regulator such as the CQC) may be appropriate. We strongly encourage seeking advice (e.g., from Protect) before making an external disclosure. Reporting to the media will rarely be appropriate. Concerns about third parties (e.g., a supplier) should be reported internally first where possible.

13) Confidentiality, data protection and records

Information about a concern will be shared strictly on a need-to-know basis, subject to safeguarding and legal duties. Records of concerns, investigations and outcomes are kept securely, retained only as long as necessary, and handled in line with data-protection law and organisational policy. Breaches of confidentiality may lead to disciplinary action.

14) Employment contracts and settlement agreements

Nothing in employment contracts, confidentiality clauses or agreements will lawfully prevent a worker from making a protected disclosure or bringing a whistleblowing claim. Legal/HR advice will be taken to ensure agreements comply with PIDA and related legislation.

15) Monitoring, review and continuous improvement

Clover Care Group Ltd monitors the effectiveness of whistleblowing procedures and reviews every concern raised to identify themes, learning and opportunities to improve. We actively seek feedback—particularly from those who may face barriers to speaking up—and promote awareness through channels such as the QCS App and at www.clovercare.co.uk. Equality impacts are considered to ensure the policy helps eliminate discrimination and foster good relations.

16) Safeguarding routes (at a glance)

- **If a concern indicates harm, abuse or neglect, follow local safeguarding procedures and refer to the Adult Protection Team where appropriate.**
- **If the concern involves the Manager or Deputy, go straight to Adult Protection.**
- **Police will be informed where criminal activity is suspected.**

17) Quick guide: is it a protected disclosure?

A disclosure is more likely to be protected when:

1. You reasonably believe it's in the public interest;
2. You reasonably believe it shows wrongdoing (criminal offence, breach of legal obligation, miscarriage of justice, danger to health/safety, environmental damage, or deliberate concealment);
3. You disclose to an appropriate person/body (e.g., your employer, a prescribed regulator, a legal adviser), acting in good faith and not for personal gain, and—where relevant—it's reasonable in all the circumstances. (Different tests apply to different recipients; seek advice if unsure.)

18) Step-by-step process (summary checklist)

For staff raising a concern

- Record what, when, where, who; keep copies/screenshots of evidence.
- Use Step 1–4 routes (manager → Registered Manager/Clinical Director → FTSU Guardian → CQC).
- If safeguarding risk, refer immediately via local pathways.
- You may raise concerns anonymously; confidentiality will be respected where possible.
- You may bring a colleague/union rep to meetings.
- Expect acknowledgement, an investigator, a timeframe and feedback (as far as possible).
- If you experience detriment, tell the Registered Manager/Clinical Director; if unresolved, use grievance and seek independent advice (Speak Up Helpline / Protect).

For managers receiving a concern

- Thank the person; take it seriously; ensure immediate safety.
- Acknowledge promptly; explain confidentiality limits; appoint/confirm investigator; set timescales.
- Keep accurate records; avoid assumptions; act impartially; seek HR/Registered Manager advice.
- Protect the whistleblower from detriment; challenge bullying/retaliation.
- Feedback outcomes where possible; escalate externally if required by law.

19) Support for people using the service

People who use our services and/or their families should know how to raise concerns about harm or abuse and who to talk to. Safeguarding contact details are available, and our Complaints, Suggestions and Compliments procedure provides routes for service feedback. Service users can contact Mary Dunn for safeguarding concerns.

Final notes

- **Raising concerns is everyone's duty. Early speaking-up protects service users, colleagues and the organisation.**
- **Protections apply to genuine public-interest concerns even if mistaken. Bullying, harassment or retaliation against whistleblowers will not be tolerated.**
- **We will acknowledge, investigate and learn from every concern, improving our systems and culture.**