

St.Joseph's House for Adult Deaf and Deafblind.

Whistleblowing Policy

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1 Introduction

1.1 The Law requires care service providers to have in place measures to safeguard people who use their services from harm or abuse and to promote their rights and welfare. National Standards expand on this requirement and call upon care service providers to have whistleblowing arrangements. The relevant are detailed in Appendix A to this document.

1.2 The term 'whistleblowing' is used in national standards to describe the actions of employees who draw attention to bad practice where they work. Employees may whistleblow within their organisation or, if they do not have confidence in their employer or fear detriment as a result, may disclose their concerns to others.

1.3 Employees are often the first to realise that there may be something seriously wrong in their place of work. Normally, employees would be expected to raise any concerns initially with their line manager. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to ST.JOSEPH'S HOUSE. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may be a suspicion of malpractice.

1.4 ST.JOSEPH'S HOUSE is committed to the highest possible standard of openness, probity and accountability. In line with that commitment we expect employees and others that we deal with, who have serious concerns about any aspect of ST.JOSEPH'S HOUSE's work, or those who work for ST.JOSEPH'S HOUSE, to come forward and voice their concerns. It is recognised that most cases will have to proceed on a confidential basis.

1.5 This policy document makes it clear that you can raise concerns without fear of victimisation, subsequent discrimination or disadvantage. This Whistleblowing Policy is intended to encourage and enable employees

to raise concerns within ST.JOSEPH'S HOUSE rather than overlooking a problem or 'blowing the whistle' outside.

1.6 This policy applies to all employees and those contractors working for ST.JOSEPH'S HOUSE on ST.JOSEPH'S HOUSE premises, for example, agency staff, advisors, builders and drivers. It also covers suppliers and those providing services under a contract with ST.JOSEPH'S HOUSE in their own premises or in other premises where services are delivered.

1.7 These procedures are in addition to the ST.JOSEPH'S HOUSE's complaints procedures and other statutory reporting procedures applying to some services e.g. residences. ST.JOSEPH'S HOUSE is responsible for making service users aware of the existence of these procedures.

1.8 This policy has been discussed with the relevant trade unions and has their support.

2 Aims and Scope of the Policy

2.1 This policy aims to:

- Encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice
- Provide avenues for you to raise those concerns and receive feedback on any action taken
- Ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied
- Reassure you that you will be protected by ST.JOSEPH'S HOUSE from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure in good faith

2.2 The Whistleblowing Policy is intended to cover major concerns that fall outside, or in a particular instance do not appear to have been properly addressed within the scope of other procedures.

These include:

- Conduct which is an offence or a breach of the law
- Disclosures related to miscarriages of justice
- Health and safety risks, including risks to the public as well as other employees
- Damage to the environment
- The unauthorised use of funds
- Possible fraud and corruption
- Sexual, physical or other abuse of service users
- Unethical conduct

It is important to note there is a Grievance Procedure in place to enable you to lodge a grievance relating to your own employment, see ST.JOSEPH'S HOUSE Employment Policies and Procedures Manual.

2.3 Thus, any serious concerns that you have about any aspect of service provision or the conduct of staff, officers or members of ST.JOSEPH'S HOUSE or others acting on behalf of ST.JOSEPH'S HOUSE can be reported under the Whistleblowing Policy. This may be about something that: makes you feel uncomfortable in terms of known standards, your experience or the standards you believe ST.JOSEPH'S HOUSE subscribes to

- Is against ST.JOSEPH'S HOUSE's policies and procedures
- Falls below the standard of ST.JOSEPH'S HOUSE's policies and procedures
- Amounts to improper conduct

3 Safeguards - Harassment or Victimisation

3.1 ST.JOSEPH'S HOUSE is committed to good practice and high standards and wants to be supportive of employees.

3.2 ST.JOSEPH'S HOUSE recognises that the decision to report a concern can be a difficult one to make especially for staff who are new to the organisation. If what you are saying is true, or your suspicions are reasonable, you will have nothing to fear because you will be doing your duty to your employer and to those whom you are providing a service. In fact, you may be making yourself vulnerable if you do not raise the alarm.

3.3 ST.JOSEPH'S HOUSE will not tolerate or allow any form of harassment, victimisation or discrimination (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith. If there are any intimidatory threats or instances of harassment/victimisation/discrimination against a 'whistleblower' ST.JOSEPH'S HOUSE will take appropriate disciplinary action against the individual(s) concerned.

3.4 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.

Legislation

• **The Protection for Person's Reporting Child Abuse Act, 1998** provides immunity from civil liability to any person who reports child abuse 'reasonably and in good faith' to designated officers of health boards or any member of An Garda Síochána. It also provides significant protection for employees who report child abuse covering all forms of discrimination up to, and including, dismissal.

The Health Act, 2007 makes provision for protected disclosure of information by an employee of a relevant body. See Part 14 Section 103.

4 Confidentiality

4.1 All concerns will be treated, as far as possible, in the strictest confidence and every effort will be made not to reveal your identity, if you so wish. However, if your concerns require any further action, you may at some future date have to act as a witness and/or provide evidence.

5 Anonymous Allegations

5.1 This policy encourages you to put your name to your allegation whenever possible.

5.2 Concerns expressed anonymously are much less powerful but will be considered at the discretion of ST.JOSEPH'S HOUSE.

5.3 In exercising this discretion the factors to be taken into account would include:

- The seriousness of the issues raised
- The credibility of the concern
- The likelihood of confirming the allegation from attributable sources

6 Untrue Allegations

6.1 If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

7 How to Raise a Concern

7.1 As a first step, you should normally raise concerns with your immediate manager. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that a manager is involved, you should approach the Director of ST.JOSEPH'S HOUSE.

7.2 Concerns should be raised in writing. Staff who wish to make a written report are invited to use the attached form at Appendix B which enables you to identify:

- The background and history of the concern (giving relevant dates)
- The reason why you are particularly concerned about the situation

7.3 The earlier you express the concern the easier it is to take action.

7.4 Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.

7.5 Advice/guidance on how to pursue matters of concern may be obtained from:

- The Director of ST.JOSEPH'S HOUSE
- Your Line Manager
- A Nominated Person in your Service

7.6 You may wish to consider discussing your concern with a colleague or your trade union representative, if appropriate, initially as you may find it easier to raise the matter through someone you trust.

7.7 You may invite your trade union, or a friend to be present during any meetings or interviews in connection with the concerns you have raised.

8 How ST.JOSEPH'S HOUSE will respond

8.1 ST.JOSEPH'S HOUSE will respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.

8.2 Where appropriate, the matters raised may:

- Be investigated by appropriate management representatives, internal audit or through the disciplinary process
- Be referred to An Garda Síochána or the Health Service Executive
- Be referred to an external auditor
- Form the subject of an independent inquiry

Or a combination of the above

8.3 In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the ST.JOSEPH'S HOUSE will have in mind is the public interest.

Concerns or allegations that fall within the scope of specific procedures (for example, child protection and adult abuse or discrimination issues) will normally be referred for consideration under these procedures.

8.4 Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

8.5 Within ten working days of a concern being raised, the nominated person in your service will write to you in confidence:

- Acknowledge that the concern has been received
- Indicating how it is proposed to deal with the matter
- Giving an estimate of how long it will take to provide a final response
- Telling you whether any initial enquiries have been made
- Supplying you with information on staff support mechanisms
- Telling you whether further investigation will take place and if not, why not

Every effort will be made to ensure that your concerns are dealt with as speedily as possible and you are kept informed of progress made.

8.6 The amount of contact between the personnel considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, ST.JOSEPH'S HOUSE will seek further information from you.

8.7 Where any meeting is arranged, off site if you so wish, you can be accompanied by a trade union representative or a friend.

8.8 ST.JOSEPH'S HOUSE will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings ST.JOSEPH'S HOUSE will arrange for you to receive advice and support throughout the procedure

8.9 ST.JOSEPH'S HOUSE accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the outcome of any investigation.

9 The Responsible Officer

9.1 The Director has overall responsibility for the maintenance and operation of this policy. He will maintain a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the Board of Directors of ST.JOSEPH'S HOUSE.

10 How the Matter can be Taken Further

10.1 This policy is intended to provide you with an avenue within ST.JOSEPH'S HOUSE to raise concerns. ST.JOSEPH'S HOUSE hopes you will be satisfied with any action taken. If you are not and if you feel it is right to take the matter outside ST.JOSEPH'S HOUSE, the following are possible contact points, (this list is not exhaustive):

- The Health Service Executive
- The Ombudsman
- An Garda Síochána
- The Chief Inspector of the Social Services Inspectorate (SSI) within the Health Information and Quality Authority (HIQA)

10.2 If you do take the matter outside ST.JOSEPH'S HOUSE, you should ensure that you do not disclose confidential information. Check with the Director before disclosing any information.

11 Whistleblowing Do's and Don'ts

Do:

- Keep calm
- Think about the risks and outcomes before you act
- Remember you are a witness, not a complainant
- Seek advice

Don't:

- Forget there may be an innocent or good explanation
- Become a private detective
- Use a whistleblowing procedure to pursue a personal grievance
- Expect thanks

Appendix A

National Care Standards – Whistleblowing Residential Settings for Older People (HIQA)

Standard 8.3

There is a policy and procedures on 'whistleblowing' and protected disclosure. Staff are aware of who they report concerns to and can do so without fear of adverse consequences to themselves.

Guidance for the Provision of Residential Services for Young People with Disabilities (HSE)

Standard 5.3.12

The residential services should have a policy which supports a culture and ethos of safeguarding whistleblowing practice to comply with the Protection for Persons Reporting Child Abuse Act (1998) and the Health Act (2004)

Standard 5.3.13

Staff members should be encouraged and facilitated to question and, where appropriate, express concern about attitudes and practices of colleagues. The procedures should outline the process for staff to report concerns to someone within and outside the service in the event that they feel unheard. This should be done in compliance with the policy and ensure the protection of staff who highlight perceived inadequacies within the system.

**Appendix B
Catholic Institute for Deaf People
Whistleblowing Policy Report Form**

NAME OF SERVICE: _____

WHAT CONCERN(S) DO YOU WISH TO RAISE?

(In your own words describe your concern(s), include date(s), time(s), persons involved, including any witnesses, location, the length of time you have been concerned.)

WHY ARE YOU CONCERNED ABOUT THE ISSUE(S)?

HAVE YOU DISCUSSED THE ISSUE(S) WITH ANYONE ELSE? YES/NO

IF SO, who with _____ WHEN (date) _____

WHAT WAS THE OUTCOME OF THIS PREVIOUS DISCUSSION?

SIGNED _____ DATE _____

On Completion This Form Should Be Sent To Your Line Manager, the Nominated Person in Your Service or the Director in a Sealed Envelope Marked 'Private and Confidential. In the event that your concern is about the Director, to The C.E.O. of the CIDP.