



Delivering Quality Healthcare

Policy Title	Whistleblowing Policy: 69	Date Implemented or Date of Last Review	10/05/2020
CQC KLOE Reference	Safe	Date of Next Review	09/05/2020

1. INTRODUCTION

- 1.1. All organisations face the risk of things going wrong or of unknowingly harbouring malpractice.
- 1.2. KOPE-MEDICS take malpractice very seriously. We encourage open communication from our, stakeholder's directors and temporary workers. We want you to feel secure about raising your concerns.
- 1.3. All temporary workers have statutory protection if they raise concerns in the right way. This policy is designed to give temporary workers that opportunity and protection.
- 1.4. It does not matter if you are mistaken. You do not have to prove anything about the allegation you are making but you must reasonably believe the information you have tends to show some malpractice.
- 1.5. This policy is compatible with the Public Interest and Disclosure Act 1998 and the Enterprise and Regulatory Reform Act 2013 is consistent with its objective of providing a high-quality service, and that use of an agreed procedure will support that compliance.
- 1.6. KOPE-MEDICS encourages a free and open culture in its dealings with its officers, temporary workers and all people withwhom, it engages in business and legal relations.
- 1.7. In particular, KOPE-MEDICS recognises that effective and honest communication is essential if malpractice is to be effectively dealt with and KOPE-MEDICS success ensured.

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2. PROCEDURE

- 2.1. Temporary workers are likely to be the first to realise that there may be something seriously wrong within KOPE-MEDICS. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to their employer.
- 2.2. They may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 2.3. KOPE-MEDICS recognises the need for, and importance of, whistleblowing as a means of ensuring that temporary workers can confidentially raise issues of concern and conscience inside KOPE-MEDICS and therefore temporary workers are encouraged to raise genuine concerns about malpractice at the earliest practicable stage.
- 2.4. This procedure is, accordingly, intended to provide a safeguard to enable temporary workers to raise concerns about one or more of the following that has occurred, is occurring, or is likely to occur.
- 2.5. These qualifying disclosures are set out in The Public Interest Disclosure Act 1998:
 - 1.1.1. That a criminal offence has been committed, is being committed or is likely to be committed;
 - 1.1.2. That a person has failed, is failing or is likely to fail to comply with any legal obligation to which they are subjected;
 - 1.1.3. That a miscarriage of justice has occurred, is occurring or is likely to occur;
 - 1.1.4. That the health and safety of any individual has been, is being or is likely to be damaged. It must indicate a greater danger than is associated with the normal use of the process/product, or a danger that is not usually associated with it;
 - 1.1.5. That information tending to show any matter falling within any one of the preceding examples has been, is being or is likely to be deliberately concealed.

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- 1.2. Disclosures will now only be a qualifying disclosure if the worker reasonably believes that the disclosure is "in the public interest". This follows amendments made by the Enterprise and Regulatory Reform Act 2013.
- 1.3. Any person wishing to raise concerns should report the matter to the head office, in a confidential manner, when such concerns are with regard to matters such as the following:
 - 1.1.1. fraud and financial irregularities;
 - 1.1.2. serious maladministration arising from deliberate improper conduct;
 - 1.1.3. miscarriages of justice;
 - 1.1.4. failure to comply with legal obligations; unethical activities that may be of a criminal nature; or dangerous acts or omissions that create a risk to health, safety or the environment within the sphere of activities of KOPE-MEDICS.

2. REPORTING CONCERNS

- 2.1. In the event that the concerns relate to the client they should be reported to the office.
- 2.2. If you do not feel that the office will appropriately handle your concerns, you may report your concerns directly to the CQC.
- 2.3. The CQC will not disclose your identity without your consent unless there are legal reasons requiring them to do so, e.g. where your information is about a child or vulnerable adult who is at risk.
- 2.4. It is important to recognise that whistleblowing is not a substitute for the Grievance Procedure that is available to temporary workers who have individual or collective complaints about their management.
- 2.5. Concerns should normally be raised in writing, but oral reports will also be accepted on the understanding that instances of whistleblowing raised anonymously will not be investigated.
- 2.6. Where an abuse complaint is received, the head office and refers to the actions of a family member or friend or anyone in contact with the client, then the

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referral must in the first instance be made to the Social Services Adult Protection Team.

- 2.7. The Adult Protection Team will take the responsibility of informing other agencies. The contact details for your local Social Services are as follows:
 - 1.1.1. Responsibility for dealing with any concerns reported will lie with the KOPE-MEDICS who will have access to the Local authority.
 - 1.1.2. The KOPE-MEDICS, in consultation with the Local authority, shall have discretion over the nature of the investigation into concerns raised, including, where it is considered appropriate, the involvement of the Inspection Unit or Auditors. If there is evidence of criminal activity, the police will be informed.
- 1.2. A temporary worker will never be disciplined for raising a concern, so long as they follow the Whistleblowing Procedure or make disclosures in accordance with the Public Interest Disclosure Act 1998.
- 1.3. However, disciplinary action could be taken if someone used the Whistleblowing Procedures to raise false concerns in bad faith.
 - 1.1.1. The Local authority shall decide whether disciplinary action is to commence.
 - 1.1.2. KOPE-MEDICS will take any steps necessary to ensure that those who raise concerns are protected from bullying or victimisation by fellow workers.

2. CONDUCT

- 2.1. KOPE-MEDICS will regard a temporary workers actions as legitimate if they have followed the Whistleblowing Procedure.
 - 1.1.1. Acted in good faith and not for personal gain or out of personal motives;
 - 1.1.2. Had reasonable grounds for believing that the information disclosed indicates the existence of one or more of the following;
 - 1.1.3. That a criminal offence has been committed, is being committed, or is likely to be committed;

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- 1.1.4. That a person has failed, is failing, or is likely to fail to comply with any legal obligation to which they are subject;
 - 1.1.5. That a miscarriage of justice has occurred, is occurring or is likely to occur;
 - 1.1.6. That the health and safety of any individual has been, is being or is likely to be damaged;
 - 1.1.7. That information tending to show any matter falling within any one of the preceding examples has been, is being or is likely to be deliberately concealed.
- 1.2. There is also, within KOPE-MEDICS's contract of employment, a specific confidentiality clause.
 - 1.3. The breach of this condition could be regarded as gross misconduct which would justify summary dismissal.
 - 1.4. All matters of concern must be raised internally in the first instance. The purpose of this is to give KOPE-MEDICS every chance to investigate and take appropriate action before Disclosure is in the public domain.

How do I tell CQC?

You can contact CQC by telephone, email or letter. Please tell us that you are raising a concern and that you are a worker who is either employed by, or providing services to, a registered provider.

Call us on: 03000 616161

Email us at: enquiries@cqc.org.uk

Our opening hours are Monday to Friday: 8.30am - 5:30pm

Write to us at: CQC National Correspondence

City gate Gallowgate

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