

Whistle Blowing Policy and Procedure

Statement and purpose of the Policy

Serenta Homecare is committed to the highest standards of integrity, accountability and transparency in the way we operate and the services we provide. The Company recognises its duty under the Public Interest Disclosure Act 1998.

Concerns may be raised by employees, Service Users or their relatives or a professional person acting on behalf of a Service User. This policy and procedure is intended to provide a means for Serenta Homecare employees to raise serious concerns about standards, conduct, financial irregularity or possible unlawful action. Employees are encouraged to speak up and raise concerns where they have a reasonable belief that it is in the public interest to do so.

1. Scope

This policy and procedure applies to all employees who raise concerns in the reasonable belief that it is in the public interest to do so. The Company also has separate policies and procedures for dealing with Complaints, Bullying and Harassment and employee Grievances. For example, if you have a grievance about your job or working conditions you should use the Serenta Homecare Grievance Procedure or, if you feel that your Manager or a colleague is treating you unfavourably, you should refer to the Serenta Homecare Bullying and Harassment (Dignity at Work) Policy.

This procedure applies to, but is not limited to, concerns or allegations about any of the following:

- Conduct which is an offence or breach of the law
- Alleged miscarriage of justice
- Serious Health and Safety risks
- The unauthorised use of public funds
- Possible fraud and corruption
- Sexual, physical or verbal abuse, or bullying or intimidation of employees, customers or service users
- Abuse of authority
- Other unethical conduct

2. Protection of “Whistle-Blower”

The Company recognises that the decision to raise a concern or make an allegation can be difficult. However, a “whistle-blower” who makes an allegation in the reasonable belief that

it is in the public interest to do so will be protected from any reprisals, harassment or victimisation.

3. Confidentiality

All concerns or allegations raised will be treated in confidence and every effort will be made not to reveal a whistle-blower's identity unless the whistle-blower requests otherwise. However, if the matter is subsequently dealt with through other Serenta Homecare procedures such as the Disciplinary Procedure the identity of the whistle-blower may be disclosed. Similarly, if the allegation results in court proceedings then the whistle-blower may have to give evidence in court.

4. Anonymous Allegations

This procedure encourages whistle-blowers to put their name to an allegation wherever possible as anonymous allegations may often be difficult to substantiate or prove. Allegations made anonymously are much less powerful, however, they will be considered at the discretion of the Registered Manager and Company Directors.

The following factors will be taken into account:

- The seriousness of the concern or issue raised
- The credibility of the allegation; and
- Whether the allegation can realistically be investigated from other information or sources.

5. Unfounded Allegations

No disciplinary or other action will be taken against a whistle-blower who makes an allegation in the reasonable belief that it is true and in the public interest to do so even if the allegation is not substantiated by a subsequent investigation. However, disciplinary action may be taken against a whistle-blower who makes an allegation without reasonable belief that it is in the public interest (e.g. making an allegation maliciously or for personal gain where there is no element of public interest).

6. Procedure for Raising a Concern or Making an Allegation

6.1 Reporting a Concern or Allegation

An employee wishing to raise a serious concern or allegation that they believe to be in the public interest should report this directly to the Registered Manager. If they believe that the Registered Manager is involved, the concern or allegation should be raised with the Company Directors.

The person raising the concern or allegation will be assured that an investigation will be carried out discreetly and in confidence.

Where investigation is necessary, then the Registered Manager will inform the employee(s) against whom the allegations have been made.

Where the alleged offence is of a serious nature, the employee at the centre of the allegation will normally be suspended on full pay pending the outcome of the investigation. Suspension is a neutral action to enable a full investigation to take place and the employee will be informed that, at this point, there is no inference of guilt.

6.2 Responding to a Concern or Allegation

The Registered Manager will record details of the concern or allegation raised gathering as much information as possible, (see 6.3 below).

If the allegation concerns a potential criminal offence it will immediately be reported to the Directors and a decision will be made as to whether to inform the Police.

If the allegation concerns suspected harm to children the appropriate authorities will be informed immediately.

If the issue is around suspected harm to vulnerable adults, the relevant Safeguarding Policies and reporting procedures should be followed.

6.3 Details of Concern or Allegation

Whether the concern or allegation is raised in writing or verbally it is important that relevant information is gathered when it is first reported including:

- The name of the person making the allegation and a contact point
- The background to the concern or allegation (e.g. relevant dates, names and positions of those who may be involved)
- The grounds for the concern or allegation. Although someone raising a concern will not be expected to prove the truth of any allegations, they will need to provide information to the person they have reported it to, to establish that there are reasonable grounds for believing that there has been serious misconduct or malpractice.

6.4 Response Times

The Manager receiving the concern or allegation will acknowledge this in writing within 10 working days giving:

- An indication of how the Company intends to deal with the matter
- An estimate of how long it will take to provide a response

- An indication of whether any initial enquiries have been made
- Information on support available for the whistle-blower
- An indication of whether further investigation will take place and if not, why not

6.5 Investigation

An investigation will be undertaken by an appropriate Manager or independent investigator who will interview all parties believed to be involved. This may include other employees, Service Users' and/or their families, friends and advocates as appropriate. Once all relevant evidence has been gathered a written investigation report will be completed.

The employee raising the concern or making an allegation may be accompanied by a person of their choosing during any meetings or interviews in connection with the concern or allegation. However, if the matter is subsequently dealt with through another procedure (e.g. Serenta Homecare Disciplinary Procedure) the right to be accompanied at that stage will be in accordance with the relevant procedure, (e.g. a work colleague or trade union representative).

6.6 Following the Investigation

If the investigation finds evidence that the serious concerns or allegations are justified the employee concerned will be subject to the Serenta Homecare Disciplinary Procedure. If the Company is then satisfied that gross misconduct has occurred, the result will normally be summary dismissal without notice or payment in lieu of notice.

Criminal charges may be brought by the Police or other parties depending upon the circumstances. If a Police investigation results in the prosecution and conviction of the employee this will be communicated, in writing to the Care Quality Commission (CQC) and where relevant the individual's name may be placed on the Protection of Vulnerable Adults (POVA) Register.

If no evidence is found to support the allegations, employee who was subject to the allegations will be restored to full duties.

Where the evidence shows that the allegations are unfounded and are shown to be malicious action on the part of the employee raising the allegations then they will be subject to disciplinary proceedings under the Serenta Homecare Disciplinary Procedure. This may lead to disciplinary action and potential dismissal.

6.7 Support

Serenta Homecare will take appropriate steps to minimise any difficulties which may be experienced by the whistle-blower as a result of making an allegation. For example, if a whistle-blower is required to give evidence in criminal or disciplinary proceedings the Company will arrange for them to receive advice about the procedure and advise on the support that is available.

The Company recognises that whistle-blowers need to be assured that the matter has been properly addressed, therefore, subject to legal constraints, we will inform those raising concerns or making allegations of the outcome of any investigation as appropriate.

Where the allegation has been made anonymously, the Company will be unable to communicate what action has been taken.

6.8 Freedom to Speak Up Guardian (FTSUG)

If raising concerns with your line manager or Registered Manager does not resolve matters, or you don't feel able to raise it with them, you can contact Freedom to Speak Up Guardian –Alex Taylor , 0114 2581093 alex.taylor@serentahomecare.c.uk This is a role identified to act as an independent and impartial source of advice to staff at any stage of raising a concern, with access to anyone within the Serenta Group.

FTSUG responsibility is to:

- Provide guidance and support to those raising concerns
- Monitor that processes are adhered to and timescales for actions met
- Unless otherwise indicated, the FTSUG holds the duty to feedback the outcome of the investigation to the employee raising concerns.

6.9 Responsibility for the Procedure

The Registered Manager and Directors of Serenta Homecare have overall responsibility for the operation of this policy and procedure and for determining the processes to be followed and the format of the records to be kept. The Registered can be contacted via:

Email: fran.beardsmore@serentahomecare.co.uk

Phone: 07973 621915

6.10 Monitoring

A confidential “register” will be maintained recording the following details:

- The name and status (e.g. employee) of the whistle-blower
- The date on which the concern or allegation was raised
- The nature of the concern or allegation
- Details of the person who received the concern or allegation
- Whether the concern or allegation was investigated and, if so, by whom
- The outcome of the investigation
- Any other relevant details

The register will only be available for inspection by the Company Directors.

(See also Serenta Homecare Guidelines on Challenging Bad Practice in Social Care)

Document Control

Date Approved: September 2026

Target Audience: All Serenta Homecare Staff

Review Date: September 2027

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