

Raising a concern with CQC

A quick guide for health and care staff
about whistleblowing



Speaking out about poor care

You may have concerns about what is happening where you work. When the concern feels serious because it might affect patients or people receiving care, colleagues or your whole organisation, it can be difficult to know what to do.

You may feel that raising the matter would be disloyal to colleagues, to managers or to your organisation. However, everyone working in health and social care has a duty to follow their professional code of conduct, and put patients and the people they care for first and protect their safety.

We would always encourage you to try to resolve any concerns you have within your organisation first. This is the recommended course of action. But if you feel unable to do this, or feel your voice is not being heard, you can speak to someone who is independent of your organisation.

All providers of health and social care in England are required by law to meet government standards of quality and safety. It is CQC's job to check that providers continue to meet these standards, and take action if they do not.

CQC's role is to regulate **providers** of health or adult social care in England – for example NHS trusts, private hospitals, care home owners and dental practices. This is separate to professional regulatory bodies, for example the General Medical Council or the Nursing and Midwifery Council, which regulate professional care staff as individual practitioners.

If we find that providers are not meeting the government standards, we take action to make them put it right. If the provider does not do what we ask and we believe people are at unacceptable risk of poor care, we have a range of strong enforcement powers.

The standards cover a range of things essential to the quality and safety of care. Basically, if you have a concern about:

- **How patients and people are being treated,**
 - **The welfare of patients and people receiving care,**
 - **The safety and safeguarding of people receiving care,**
 - **People's dignity and privacy...**
- ... then we want to hear about it.

The concerns don't have to be restricted to people using the service. Whistleblowing can cover any risk, malpractice or wrongdoing that affects patients, the public, other staff or the provider itself.

I need to raise a concern. What do I do?

You will be able to justify raising a genuine concern about the safety of patients or care standards if you do so honestly and reasonably, even if you are mistaken.

You may want to get independent legal advice first, or contact your trade union or professional regulatory body. And you can get free, confidential advice from the independent whistleblowing charity Public Concern at Work: you can call them on 020 7404 6609.

1. If you see something being done wrong, can you tackle it yourself, there and then? A firm, polite challenge is sometimes all that is needed.
2. Talk to your line manager if possible, or someone senior in the organisation, about the problem.
3. If you do not feel able to raise your concern with your line manager or other management, consult your own organisation's whistleblowing policy, if there is one, and follow that.
4. If you have tried all these, or you do not feel able to raise your concern internally, you can raise your concern in confidence with us at CQC.



Can I give CQC information anonymously or in confidence?

Yes. However, if you give us information anonymously we can't give you any feedback about what action we took and we can't contact you to discuss your concern or gather further information.

If you provide information in confidence we will always make every effort to avoid disclosing your identity. However, in some circumstances, we might have to disclose information that could identify you – for example, to protect people from immediate harm or if we suspect that a serious criminal offence may have been committed.

What will CQC do with my information?

We have a specially trained team at our National Customer Service Centre, who process all whistleblowing concerns that come in to us. All emails, phone calls, letters, concerns raised in person at one of our offices and during an inspection are routed and logged through the central team, who also track and chase each stage of follow-up until completion.

Our follow-up of concerns is always handled by the local Compliance Inspector for the service in question. He or she will use the information to help decide what to do next.

If the information is about possible harm or abuse, we will make a safeguarding alert to the local authority. We will follow our safeguarding procedure and the inspector for the service will actively monitor the progress and outcome of the local authority's investigation. In support of that investigation, we might carry out an inspection.

We will notify another regulator or official body if it is appropriate for them to look into the concern instead of, or as well as, us.

A quick guide to the law

The Public Interest Disclosure Act (PIDA) protects the public by providing a remedy for people who suffer a detriment by any act or any deliberate failure to act by their employer for raising a genuine concern.

Essentially, under PIDA, workers who act honestly and reasonably are given automatic protection for raising a matter internally. **Protection is also available to people who make disclosures to prescribed regulators (such as the Care Quality Commission).**

Wider disclosures (for example to an MP or the media) may also, in certain circumstances, be protected. A number of additional tests apply when going wider, including:

- Whether it is an exceptionally serious concern.
- Whether the matter has already been raised.
- Whether there is good reason to believe that the individual will be subject to a detriment by his employer if the matter were raised internally or with the appropriate regulator.
- Whether disclosure was reasonable given all the circumstances.

PIDA covers all workers including temporary agency staff, people on training courses and self-employed staff who are working for and supervised by the organisation. It does not cover volunteers. It also makes it clear that any clause in a contract that purports to gag an individual from raising a concern that would have been protected under PIDA is void.

Where an individual is subjected to a detriment by their employer for raising a concern or is dismissed in breach of PIDA, they can bring a claim for compensation in the Employment Tribunal. Awards are uncapped and based on the losses suffered.



More information

CQC's full whistleblowing guidance for people who work for providers that are registered with CQC.

↳ www.cqc.org.uk/contact-us

Public Concern at Work – the leading independent UK authority on whistleblowing. It provides confidential advice to individuals who witness wrongdoing at work and are unsure whether or how to raise a concern.

↳ Call **020 7404 6609** or go to www.pcaw.org.uk

'Speak up for a healthy NHS' – you may find it helpful to look at this guide, which was commissioned by the NHS Social Partnership Forum and written by Public Concern at Work (in consultation with NHS Employers, trade unions and the Department of Health). It sets out simple steps to help NHS organisations ensure that their whistleblowing arrangements work, but the guidance also has a section about the law that may be useful to you.

↳ www.pcaw.org.uk/policy/policy_pdfs/SpeakupNHS.pdf