
Whistleblowing policy

Executive Summary

The Audit and Risk Assurance Committee (ARAC) has responsibility for the review of the whistleblowing policy and monitoring its operation. The whistleblowing policy is approved by the Council following recommendation by the ARAC. The Chair of the ARAC is also a designated point of contact for employees under the whistleblowing policy.

When the whistleblowing policy was last reviewed in December 2020 it was completely revised to be much shorter and more employee focused, in line with best practice. Since the whistleblowing policy was last updated no internal whistleblowing concerns have been reported. Although this does not necessarily reflect negatively on the policy, it does highlight the need to review the policy to see whether it can be improved and increase awareness about how to raise concerns among HCPC employees. The recently published report following an independent review of the culture of the Nursing and Midwifery Council also highlighted the importance of ensuring employees feel comfortable speaking up and the range of routes through which they can do this.

This latest review continues the evolution of the whistleblowing policy, moving to a policy that encourages and welcomes speaking up in the broadest sense, which has also been reflected in a change in the name of the policy.

The proposed changes to the policy:

- bring together the full range of options for speaking up and raising specific concerns and provide details of the various contact points and mechanisms within the HCPC to support employees in speaking up in any way they feel comfortable about any subject, concern or idea;
 - provide some examples of what can be raised through speaking up, which we can build on through our experiences and other communications and engagement once the new policy and speak up guardian role is in place;
 - encourage employees to speak up at the earliest opportunity, whether they have evidence for their concerns or not and without the need to set anything out in writing at that stage, recognising that employees may not know whether there is anything wrong;
 - introduce a speak up guardian to support those raising concerns through the processes and ensure they are kept updated on the outcome to the extent that this is possible;
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- include information about protected/qualifying disclosures, without restricting the application of the policy to concerns that meet the criteria for ‘whistleblowing’, as this could act as a potential barrier to speaking up; and
 - continue to reference external support and agencies to which concerns can be escalated.

The policy has been checked against the criteria in the policy review framework published by the National Guardian for Freedom to Speak Up. These criteria include:

- a short and welcoming policy that encompasses all workers with an emphasis on celebrating speaking up to address failings and errors and as an opportunity to make improvements;
- the policy is easy to read and understand and includes the information people need;
- the policy includes examples of the areas that people might want to speak up about and avoids emotive terminology (such as whistleblowing) that might act as a barrier to speaking up;
- the policy highlights good practice for speaking up through the normal line management but provides alternatives and a range of options without giving rise to confusion or complexity, including external routes;
- providing assurance about confidentiality and protection for those who speak up; encouraging speaking up at the earliest opportunity, taking action where there is victimisation or detriment and not focusing on the motivation for speaking up where the concern is genuine; and
- securing feedback on the policy.

Previous consideration	The whistleblowing policy was last reviewed and approved by the Council in December 2020 following a recommendation from the ARAC.
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An update on the planned approach for reviewing the whistleblowing policy was provided to the ARAC at its meeting in September 2024. The updated policy presented to the ARAC has been reviewed by and incorporates feedback from the Executive Leadership Team.

Decision	The ARAC is asked to review the updated speaking up (whistleblowing) policy and recommend its approval by the Council at the meeting on 5 December 2024.
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Next steps	Further consultation with the Employee Forum, which has previously considered the introduction of a Speak Up Guardian at
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its meeting in July 2024 and, subject to approval of the policy by the Council and the ARAC, the appointment of a Speak Up Guardian.

Communications and engagement campaign to highlight the updated policy and the Speak Up Guardian role.

Strategic priority Build a resilient, healthy, capable and sustainable organisation.

Financial and resource implications The appointment of a Speak Up Guardian. While this is not expected to have any financial implications as the role will not be separately remunerated, adequate time will need to be allocated to any Speak Up Guardian to perform the role.

EDI impact and Welsh Language Standards The processes and safeguards set out in the policy will support all employees in raising concerns, including those relating to equality, diversity and inclusion and support an open culture, with positive impacts for all protected groups.

As an internal-facing document, we do not consider this engages the Welsh Language Scheme.

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Speaking up (whistleblowing) policy

1 Introduction and aims

- 1.1 The HCPC is committed to being open and accountable and maintaining high ethical standards in everything we do. We want all employees and everyone who works with the HCPC to feel able to speak up when they have any concerns and know that they will be listened to. Speaking up at work will help the HCPC to keep improving how we protect the public, support our registrants and provide a positive working environment for our employees.
- 1.2 We want everyone to feel able to openly share their concerns through regular line management channels and points of contact. However, we recognise that this may not always be possible so this policy describes other ways that you can speak up about anything that is getting in the way providing our services or investigating concerns or does not feel right. This could be anything from a way of working or a process that is not being followed or you feel is not working as well as it should, if you feel you or a colleague are being discriminated against or you feel the behaviours of others are affecting your wellbeing or that of your team and do not reflect the HCPC's behavioural standards.
- 1.3 Speaking up, therefore, captures a range of issues and in some cases it may be more appropriate to use other existing processes to address these (for example, through our HR processes, through fitness to practise concerns or with another regulator). We will listen and work with anyone who speaks up to identify the most appropriate way of responding to the issue raised.
- 1.4 This policy will explain the different options available to speak up and what to expect in response, the support available from the Speak Up Guardian and how we will ensure that no one is deterred or prevented from speaking up and is protected from any negative treatment because they have spoken up.
- 1.5 This policy applies to everyone who works for the HCPC, including full-time and part-time employees, those employed through an agency or on a fixed term contract and other workers and contractors.

2 How to speak up in the HCPC

- 2.1 Most speaking up will happen through regular conversations with team leaders and managers where challenges are raised and resolved quickly. We want to have a culture at the HCPC where that is normal, everyday practice and encourage this option as the easiest and simplest way to resolve any issues or concerns.

2.2 If for any reason it does not feel appropriate to discuss something with your team leader or manager or this has not been fully addressed after you have raised it, then there are other options of who to speak up to, depending on what you would like to speak up about.

2.2.1 The head of the relevant function or executive director with responsibility for an area to raise something about the processes within a department or whether a team or department is functioning effectively, a new risk or a risk that is not being managed appropriately or a new idea or innovation that could improve things. If you do not know which head of function or executive director to speak to details can be found on the intranet ([include link]).

2.2.2 If you want to talk about your experience working with the HCPC with the Senior Leadership Group, the Chief Executive or the Chair in a Let's Talk session, these can be set up by contacting the Chair and Chief Executive Office by email to cce@hcpc-uk.org.

2.2.3 The Human Resources (HR) department is available if a concern relates to your employment or contract with the HCPC or a grievance or complaint arising from employment with the HCPC. More information about how to do this in the [Grievance and dispute resolution policy](#) and procedure on the intranet.

2.2.4 The Speak Up Guardian [include name, role and contact details], who can provide support to speak up in a number of ways, including by signposting to the range of routes available in the HCPC to speak up and by helping access those routes. The Speak Up Guardian can also help if using any of the other options does not feel right or something you have raised has not been addressed fully or you have not received a response. The Speak Up Guardian will ensure that the issues raised are responded to and that the person speaking up receives feedback on the actions taken where possible. You can find out more about the Speak Up Guardian role on the intranet [include link].

2.2.5 Employee Forum representatives, if this is a mutual concern for the HCPC and its employees that would benefit from consultation and discussion at the Employee Forum. There is more information about the role of the [Employee Forum](#) on the intranet. The employee representatives representing different areas of the HCPC can be found on the [intranet](#) and contacted by sending an email to employeeforum@hcpc-uk.org.

- 2.2.6 By email to bribery&fraud@hcpc.org.uk if this is a concern about potential fraud, theft, misuse of equipment or abuse of position within the HCPC. There is more information in the [Fraud policy](#) and the [Fraud response plan](#) on the intranet.
- 2.2.7 In the event of a data breach or information incident, the Chief Information Security and Risk Officer (dl-infosec@hcpc-uk.org). Data breaches or information incidents should be reported as soon as possible.
- 2.2.8 Any health and safety hazards or concerns should be reported to Office Services by raising a ticket through the Service Desk. More information can be found in the [Health and Safety Policy Statement and Responsibilities](#) on the intranet.
- 2.2.9 If there is a concern about safeguarding and an identified risk of abuse, harm or neglect from anyone who comes into contact with children or adults at risk in the course of their work then this should be raised with a member of the executive or senior leadership teams or with the Human Resources department.
- 2.2.10 Our Executive Leadership Team member with responsibility for speaking up, [include name and contact details], who can provide support to the Speak Up Guardian and is responsible for ensuring that our arrangements for speaking up are effective.
- 2.2.11 The Chair of the Audit and Risk Assurance Committee, Lianne Patterson by sending an email to Lianne.Patterson@hpcouncil-uk.org. The Audit and Risk Assurance Committee has specific oversight of whistleblowing within the HCPC and the Chair of the committee is an independent, non-executive Council member. The Chair of the committee can also provide support to the Speak Up Guardian and an independent perspective on anything raised with the Speak Up Guardian.
- 2.3 When speaking up please be ready to explain as fully as possible the information and circumstances that prompted you to speak up. You do not need to have evidence of your concerns before speaking up as we want you to let someone know as soon as possible.

3 Confidentiality

- 3.1 The most important aspect about speaking up is the information provided and not the identity of the person speaking up. We will do everything we reasonably can to protect the confidentiality of the person speaking up if that is what they would prefer. If we are asked not to disclose your identity, we will not do so without your consent unless required by law. There may be times when we are unable to resolve a concern without revealing someone's identity, for example

where your personal evidence is essential. If this is the case, we will first discuss with you whether and how the matter can best be taken forward.

- 3.2 Whilst speaking up can be done anonymously, it can be more difficult for us to investigate a concern as we will not be able to get any further information we need or provide feedback on the actions taken. We may not be able to get to the root of the concern without further help and information from the person who has chosen to speak up.

4 External advice and support

- 4.1 Free and confidential independent expert advice about speaking up is available from the independent charity [Protect](#), through its adviceline on 020 3117 2520 or by email using the [webform on its website](#). Protect's advisors can talk through the options available and offer help to decide how best to raise a concern.
- 4.2 The HCPC's [employee assistance programme](#) is also available 24/7, 365 days a year.
- 4.3 The HCPC is regulated by the Professional Standards Authority (PSA). If there are good reasons for not speaking to someone with in the HCPC, concerns may be brought to the PSA's attention by contacting concerns@professionalstandards.org.uk. More information about contacting the PSA can be found in its [Policy on responding to serious systemic concerns about the performance of a statutory regulator](#). It is recommended you contact [Protect](#) before reporting a concern externally. Its advisors will be able to provide more information on external reporting.
- 4.4 The HCPC is a party to an Emerging concerns protocol with other health and social care regulators. If there might be a risk to people using services, their families or carers or professionals, and where it would be useful share that risk with other regulators, the HCPC may do so under the [Emerging concerns protocol](#). You can contact [include name, role and contact details] if you would like to talk to someone about the emerging concerns protocol.
- 4.5 The HCPC is also a prescribed person under the Public Interest Disclosure (Prescribed Persons) Order 2014 for matters relating to our statutory functions (the education, registration, standards and fitness to practise of the professions we regulate). If someone from outside the HCPC wants to report wrongdoing in the public interest, they should contact the policy team by email to policy@hcpc-uk.org. Guidance is also available on the HCPC's [website](#).

5 What will happen after speaking up?

- 5.1 The matter being raised may be best considered under an existing HCPC policy or process, for example, our Dignity at work policy. Some other

examples are referred to in the section 'How to speak up' above.

- 5.2 We will support our managers and team leaders to listen to any matters raised and take action to resolve it wherever possible. In most cases, it is important that this opportunity is fully explored, which may be with facilitated conversations and/or mediation.
- 5.3 Where an investigation is needed, this will be objective and conducted by someone who is suitably independent (this might be someone outside the HCPC, a Council member or someone from a different part of the organisation). It will reach a conclusion within a reasonable timescale and a report will be produced that identifies any issues to prevent similar issues recurring.
- 5.4 Any employment or conduct issues identified during the investigation will be considered separately.
- 5.5 We will discuss the issues with you to ensure we understand exactly what you are worried about. If we decide to investigate, we will tell you how long we expect the investigation to take and agree with you how to keep you up to date with its progress. Wherever possible, we will share the full investigation report with you (while respecting the confidentiality of others and recognising that some matters may be strictly confidential, which may mean that in some cases we are not even able to share the outcome with you). If no action is to be taken, the reason for this will be explained.
- 5.6 We want speaking up to improve how we protect the public, the services we provide for registrants and the environment in which our employees work. Where speaking up identifies improvements that can be made, we will ensure necessary changes are made and are working effectively. We will also seek feedback from employees about their experiences of speaking up. Themes and issues arising from concerns and feedback will be shared with the Employee Forum and the Audit and Risk Assurance Committee so that they can provide advice and oversight to help us to continue to improve. The identity of anyone raising a concern will not be disclosed as part of this reporting.

6 Protection when speaking up

- 6.1 The HCPC will not tolerate any harassment or victimisation of any person as a result of speaking up and any such occurrence will be handled through our Dignity at work policy. However, raising a concern that is known to be untrue maliciously will be dealt with under the Code of conduct and behaviour policy.

- 6.2 Whistleblowers are given legal protection if specific conditions are met, and this is called a protected or qualifying disclosure. More detail on the legal protections can be found at <https://protect-advice.org.uk/pida/> and in the Protected disclosures and whistleblowing section below.

7 Protected disclosures and whistleblowing

- 7.1 Whistleblowing describes when a worker raises a genuine concern about serious wrongdoing with someone in authority either internally at the HCPC or externally (for example, to another regulator or MP).
- 7.2 It can sometimes be difficult to know if speaking up amounts to whistleblowing, however, this is not something that anyone speaking up should worry about as this can be considered after you have spoken up.
- 7.3 Whistleblowing refers to concerns of wrongdoing or failure the disclosure of which is in the public interest. Public interest means that the concern is of interest to the wider public not just to the person who is raising the concern. This includes risks to the public, registrants, complainants, our employees or the HCPC itself. These are called 'qualifying disclosures'.
- 7.4 A qualifying disclosure is one made in the public interest by a worker who has a reasonable belief that:
- 7.4.1 a criminal offence;
 - 7.4.2 a miscarriage of justice;
 - 7.4.3 an act creating risk to health and safety;
 - 7.4.4 an act endangering or causing damage to the environment;
 - 7.4.5 a breach of any other legal obligation; or
 - 7.4.6 concealment of any of the above,
- is being, has been, or is likely to be, committed. It is not necessary to have proof that such an act is being, has been, or is likely to be, committed.
- 7.5 Some examples are provided below to aid understanding of what is meant by concerns in the public interest. This list is not exhaustive.
- 7.5.1 Performance data is being misreported to hide an issue.
 - 7.5.2 A colleague has registered someone knowing they are not eligible.
 - 7.5.3 You suspect someone is transferring HCPC money into their own bank

account.

7.5.4 You see a report about asbestos in the HCPC's offices but are told to keep quiet about it.

7.6 The legislation governing whistleblowing and protected disclosure allows certain categories of worker to lodge a claim for compensation with an employment tribunal if they suffer any detriment as a result of speaking up.

7.7 It is understandable that those raising concerns are sometimes worried about possible repercussions. The HCPC aims to encourage openness and accountability and will support employees who raise genuine concerns under this policy. If someone has made untrue allegations maliciously, for example in bad faith or with a view to personal gain, this will be dealt with under the Code of conduct and behaviour policy.

8 Review and approval of this policy

8.1 This policy will be regularly reviewed, at least once every three years, by the Head of Governance and approved by the Audit and Risk Assurance Committee, which has responsibility for oversight of speaking up and internal whistleblowing, and the Council.