
HCPC internal Whistleblowing Policy

Executive Summary

This paper presents an updated Whistleblowing Policy for HCPC employees to raise serious concerns internally with assurances of safety.

Previous consideration	The draft policy has been considered by the SMT and Employee Forum. It has undergone legal review. The Audit Committee reviewed the Policy at their meeting of 11 November 2020 and agreed to recommend it to Council for approval.
Decision	The Council is asked to approve the Policy
Next steps	If approved, the policy will be promoted internally with employees.
Strategic priority	The strategic priorities set in 2018 are no longer current. We are developing a new strategy that we aim to confirm at the end of 2020.
Financial and resource implications	No resource implications of this development work.
Author	Claire Amor, Secretary to Council claire.amor@hcpc-uk.org

HCPC internal Whistleblowing Policy

1. Introduction

- 1.1 The HCPC's internal whistleblowing policy seeks to encourage our employees to raise concerns and provide assurance of the safety of doing so. The policy applies to all people who work for the HCPC this includes full-time and part-time employees, those employed through an agency and contractors.
- 1.2 A separate policy addresses the HCPC's responsibilities as a designated reporting body for external whistleblowing reports (for example from registrants' whistleblowing as part of an FTP case). This review was solely focused on the internal policy. The External policy is due for review in 2023.

2. Policy development

- 2.1 The HCPC's Whistleblowing Policy for employees was last reviewed in 2012. Much has changed in best practise since then and so a tracked change version is not presented, instead we have started new with a focus on having a shorter and more employee focused policy.
- 2.2 The policy was developed taking best practice guidance from the whistleblowing charity Protect, as well as a review of policies in the public sector. Our employee forum was consulted on the tone of the policy to ensure it gave a sense of assurance and communicated senior management's support of employees raising concerns.
- 2.3 The Audit Committee reviewed the policy at their meeting of 11 November 2020 and agreed to recommend it to the Council for approval. The minutes of this meeting are on this Council meeting agenda.

3. Future reviews

- 3.1 Reviewing the Whistleblowing policy was an action arising from the Audit Committee's review of its effectiveness undertaken in January 2020. In the code of corporate governance revisions paper on this meeting's agenda it is proposed that the Audit Committee, instead of recommending change to Council, is delegated to approve future policy revisions.

4. EDI

- 4.1 An equality reflection has been undertaken on the revised policy. This is presented as appendix B.

5. Risk

- 5.1 A clear policy welcoming concerns being raised contributes to our assurance for strategic risk 5, failure of governance, leadership or culture. It can also assist us in mitigating the other risks through reporting.

6. Appendices

- Appendix A – Whistleblowing Policy
- Appendix B - Equality Reflection

Whistleblowing Policy

Introduction

1. The HCPC is committed to being open and accountable, and maintaining high ethical standards in everything we do. All employees and those who work for the HCPC have an important role to play in achieving this goal and part of this is raising concerns when things go wrong.
2. We want all workers to feel able to openly share their concerns through regular line management channels. For serious concerns about wrongdoing, we have a process called whistleblowing.
3. This policy will explain what whistleblowing is and the HCPC's process for internal whistleblowing, it applies to all people who work for the HCPC this includes full-time and part-time employees, those employed through an agency and contractors.

What is whistleblowing

4. Whistleblowing is when a worker raises a genuine concern about serious wrongdoing with someone in authority either internally at the HCPC or externally (for example, to a regulator or MP).
5. Whistleblowing can sound scary and have outdated connotations of disloyalty. This is not at all what whistleblowing is about, it is about helping the HCPC to learn from when things go wrong and put them right as soon as possible.
6. It can sometimes be difficult to know if your concern raises to the level of a whistleblowing issue. 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.
7. Some examples are provided below to aid understanding of what is meant by concerns in the public interest. This list is not exhaustive.
 - Performance data is being misrepresented to hide an issue.
 - A colleague has registered someone knowing they are not eligible.
 - You suspect someone is transferring HCPC money into their own bank account.
 - You see a report about asbestos in the building but are told to keep quiet about it.

8. Whistleblowing is not a suitable process for personal grievances about your employment. If you have a complaint to raise about how you have been treated or your employment this should be discussed with your line manager if you feel comfortable doing this, and, or raised under the HCPC's [grievance](#) or [anti bullying and harassment](#) policies.
9. If you are uncertain about which policy applies, the Human Resources team will be able to guide you on the most appropriate policy in the circumstances. Information on sources of independent advice is included later in this policy.

Evidencing concerns

10. If you do not have evidence of your concerns you should not wait until you do before raising the concern. This is because actual harm could occur while you wait. We want you to let us know as soon as possible. If you have a reasonable belief that something is wrong and in the public interest to raise but it turns out following a confidential investigation that you were mistaken, you will not be penalised.

Independent advice

11. If you are unsure about raising a concern you can get free and confidential independent advice from the independent charity Protect <https://protect-advice.org.uk/>. You can contact the Protect advice line on 020 3117 2520 or by email at whistle@protect-advice.org.uk. Their advisors can talk you through your options and can help you raise a concern. The HCPC's employee assistance service is also available to you.

Anonymous concerns

12. Please be assured that we will do everything we reasonably can to protect your confidentiality if you raise a whistleblowing concern.
13. If you ask us 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 your 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 proceed.
14. Whilst you can raise a concern anonymously, it will be a lot harder for us to investigate your concern as we won't be able to get any further information we need from you or provide you with the findings of our investigation. We may not get to the root of your concern without your help.

Protection when raising a concern

15. If you have a reasonable belief that something is wrong and in the public interest to raise you will not be at risk of losing your job or missing out on career progression as a result. We will do everything we reasonably can to safeguard your confidentiality during and after the process. The HCPC will not tolerate any harassment or victimisation of any person due to their raising a concern, and any

such occurrence will be handled through our anti-harassment policy as a serious misconduct matter.

16. You may have heard that whistleblowers have legal protection. This is true if specific conditions are met, this is called a qualifying disclosure. More detail on the legal protections can be found here <https://protect-advice.org.uk/advice-line-2/faqprotecteddisclosure/>
17. A worker who makes a rash disclosure (for example to the media, where the matter could and should have been raised internally) will not be protected by this policy. You should follow the how to raise a concern process first.
18. Whilst workers who have a reasonable belief that something is wrong and in the public interest to raise will be protected if they are mistaken, raising a concern you know to be untrue maliciously will be dealt with under the misconduct policy.

How to raise a concern

Stage 1 In the first instance any concerns should be raised with your line manager. If you believe your line manager is involved in the wrongdoing, or if for any other reason you do not wish to approach them, you can raise your concerns with another senior manager within your department, or directly with the individuals listed in stage 3.

Stage 2 Your line manager (or other senior manager) will inform the Head of Governance about the concern and together they will arrange an investigation into the matter. Should the concern involve the Head of Governance, the Chief Executive should be informed in their place.

Any investigation will be carried out in accordance with the principles set out in this policy. The investigation may require you to give a written account of your concerns. The Head of Governance (or Chief Executive) will report the matter to either the SMT or the Audit Committee in the first instance, dependent on the nature of the concern and any conflicts of interest involved.

As far as is reasonably practicable and without compromising another worker's right to privacy, any worker raising a report of serious malpractice will be informed of the outcome of the investigation, what action is being taken and the reasons for this. If no action is to be taken, the reason for this will be explained.

Stage 3 If you are concerned that your line manager is involved in the wrongdoing or has failed to escalate your concerns and initiate an investigation and there are no other senior managers in your department you feel able to approach with your concern, you should inform the one of the following people:

- Claire Amor, Head of Governance
- John Barwick Chief Executive and Registrar

- Sue Gallone, Chair of the Audit and Risk Assurance Committee (contact details can be found [here](#))

They will then ensure your concerns are investigated and the findings reported to either the SMT or Audit Committee as appropriate. Any approach to the individuals listed above will be treated with the strictest confidence and your identity will not be disclosed without your prior consent.

Stage 4 If following investigation malpractice is not proven and you feel this is the incorrect decision, or feel that the Whistleblowing procedure has not been properly applied, you should raise your concerns to the Chief Executive and Registrar or to the Chair of Council. They will review the investigation and outcome in the light of your continuing concerns, and will consider and determine the matter.

Stage 5 If on conclusion of stages 1, 2, 3 and 4 you believe that the appropriate action has not been taken, you can report the matter to an external body. The law lists bodies to whom whistleblowing concerns can be reported here - [Whistleblowing: list of prescribed people and bodies - Publications - GOV.UK](#).

The law provides protection for workers who raise legitimate concerns about specified matters. These are called 'qualifying disclosures'. A qualifying disclosure is one made in the public interest by a worker who has a reasonable belief that:

- a criminal offence;
- a miscarriage of justice;
- an act creating risk to health and safety;
- an act causing damage to the environment;
- a breach of any other legal obligation; or
- concealment of any of the above;

is being, has been, or is likely to be, committed. It is not necessary for the worker to have proof that such an act is being, has been, or is likely to be, committed

More detail on the legal protections can be found here <https://protect-advice.org.uk/advice-line-2/faqprotecteddisclosure/>

It is recommended you contact *Protect* before reporting a concern externally. They will be able to advise you and provide more information on external reporting. More detail can be found here <https://protect-advice.org.uk/advice-line-2/faqprotecteddisclosure/>

Equality Reflection (Level 1)

For background information on how to complete this form, read **Appendix 1**. Delete **guidance text** as you complete the form. Guidance text is suggested (not required) content.

Section 1: Project overview

Project title: HCPC internal Whistleblowing Policy	
Version: v1	Previous approved versions: n/a

<p>What are the intended outcomes of this work?</p> <p>To encourage HCPC employees to raise concerns and provide assurance of the safety of doing so. The policy will apply to all people who work for the HCPC this includes full-time and part-time employees, those employed through an agency and contractors.</p>
<p>Who will be affected?</p> <p>HCPC employees and partners.</p>

Section 2: Key EDI information

The following are protected characteristics under the Equality Act 2010.

- **Age:** children, younger and older people
- **Disability:** physical and mental health conditions. Think: 'invisible disabilities'
- **Gender reassignment:** includes individuals at all stages of transition
- **Race:** includes nationality, citizenship, ethnic or national origins.
- **Religion or belief:** religious and philosophical beliefs, including lack of belief
- **Sex:** gender; men, women and non-binary identities
- **Sexual orientation:** heterosexual, lesbian, gay, bi-sexual and other orientations
- **Pregnancy and maternity:** people who are pregnant, expecting a baby, up to 26 weeks post-natal or breastfeeding
- **Marriage and civil partnerships:** all unions, including same-sex

Section 3: Reflective Summary

This document is adapted from a Department of Health publication and contains public sector information licensed under the Open Government Licence v3.0. Last revised by the HCPC in March 2019.

Describe any possible impacts to groups or individuals with the characteristics listed at section 2 that may arise from this work. You may also consider connected issues or characteristics such as socio-economic group, area inequality, income, resident status and other barriers to access.

What do you consider to be the possible EDI implications of this work?

Explain how you have come to these conclusions.

The HCPC seeks to continue enabling and harnessing the rich diversity of our colleagues and partners, ensuring a diverse workforce and representation at all levels. We are also looking to develop and embed an inclusive culture, that encourages and values diversity and the uniqueness and experiences of our colleagues and partners, enabling them to be themselves and bring their whole self to work.

The Equality and Human Rights Commission recognises the importance of whistleblowing where an employer is committing breaches of equality and human rights law¹. This Whistleblowing Policy seeks to ensure that there are appropriate processes and safeguards in place to support employees in raising concerns about wrongdoings. We believe these processes and safeguards will support all employees in raising concerns, in particular those relating to Equality, diversity and inclusion. For this reason, we consider that the impacts of the Whistleblowing Policy should be positive for all protected groups.

Section 2: Welsh Language Scheme

How might this project engage our commitments under the Welsh Language Scheme?

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

Section 4: Action plan

Summarise the key actions required to improve the project plan based on any gaps, challenges and opportunities you have identified through this reflection.

In developing your action plan, consider:

- **How will the project eliminate discrimination, harassment and victimisation?**
- **How will the project advance equality of opportunity?**
- **How will the project promote good relations between groups?**
- **How will you monitor equality impacts arising from this work going forwards?**

Summary of action plan

Given the positive impacts expected of this work, we do not consider an action plan is required, but will consider anew as and when we review the Whistleblowing Policy.

¹ [Whistleblowing | Equality and Human Rights Commission \(equalityhumanrights.com\)](https://www.equalityhumanrights.com/)

You may choose to use the action plan template in the EDI Impact Assessment document (for new or major projects or policies) to develop specific action points.



EDI should be an ongoing consideration throughout any project.

Where EDI issues are raised after this reflection and action plan have been agreed, you should make a note and update this document if necessary.

Any project identified as unlawfully discriminatory must not be progressed.

Reflection completed by: Claire Amor	Date: 24/11/20
Reflection approved by: Katherine Timms	Date: 25/11/20

Appendix 1: How to complete this form

This form is intended for use in **minor or updating** projects. It is designed to consider the 9 protected characteristics set out in the Equality Act 2010. It is therefore important that you complete every section of the form.

You should consider and document **positive and negative** impacts which might result from the proposed project. Impacts might be **indirect**. If you consider that there will be **no impact** to groups or individuals with a particular protected characteristic, this **should still be documented**.

The EDI reflection is not intended as a 'tick box' exercise. Instead, it offers a tool to help you embed equality, diversity and inclusion throughout your work planning and delivery. We encourage you to consult with colleagues, stakeholders and where possible, people with protected characteristics as part of this process.

For more guidance and information, please refer to the **Equality impact assessment guidance** document.

Should you have any queries or suggestions, please contact the Policy and Standards team on 0207 840 9815 or policy@hcpc-uk.org. Your EDI Manager is Katherine Timms.