

Raising Concerns about Healthcare in Wales

Advice for Healthcare Workers

This guidance is for people who work for or worked for a healthcare organisation and who have concerns about poor care. It sets out our role and what we can, and cannot, do when we receive whistleblowing information.

Whistleblowing is the term used when someone who works in or for an organisation wishes to raise concerns about malpractice, wrongdoing, illegality or risk. These concerns can affect patients, the public, other staff or the organisation itself.

Speaking Out

From time to time you may have concerns about something happening where you work which might affect patients, your colleagues or the whole organisation. Doing something about these concerns isn't always easy.

All health care professionals must follow their professional code of conduct and we would always recommend that you raise your concern with your organisation first. Your organisation should have a whistleblowing policy. However, we recognise that sometimes this is not possible or you may feel that you are not being listened to. If you have raised your concern internally and it has not been addressed, or if you feel unable to raise your concern at any level in your organisation, you can speak to us.

The law and HIW

Whistleblowing is different to making a complaint or a grievance. A 'whistleblower' is somebody who makes a 'qualifying disclosure' about a concern at work. HIW is a 'prescribed body' under whistleblowing laws. This means that a whistleblower can make a 'qualifying disclosure' to us and will have certain employment protections under the Employment Rights Act 1996, which was amended by the Public Interest Disclosure Act (PIDA) 1998.

PIDA protects the public interest by providing a remedy for individuals who suffer workplace reprisal for raising a genuine concern, whether it is a concern about patient safety, safeguarding, financial malpractice, danger, illegality, or other wrongdoing.

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If you disclose information to us, your disclosure is protected if you have made it honestly, you believe it is substantially true and you have a reasonable belief that it is about the provision of healthcare in Wales.

Can I give information anonymously?

Usually, the best way to raise a concern is to do so openly. Openness makes it easier for us to understand the issues and get more information.

Of course, we recognise that there may be circumstances when you would like us to keep your identity confidential. We will not disclose your identity without your consent unless there are legal constraints or obligations that require us to do otherwise (for example where your evidence suggests that a child or vulnerable adult is at risk or that a serious criminal offence has been committed) or if we are required to do so by a court. We will let you know if we have to do this and that this will identify you to another body.

Remember, even though we protect your identity, others may guess who has contacted us from the nature of the information you have provided.

You can raise a concern anonymously if you do not want to give your name at all. If this happens, we will not be able to contact you to discuss your concern, to get more information, or to update you on any action we take.

What will HIW do with the information I give?

Whistleblowing concerns are handled by our specially trained concerns team. We will listen to your concern and explain how we can help.

We will choose one of the approaches available to us to follow up on the information you disclose. These include:

- Writing to the healthcare organisation to request a formal response to the issues raised
- Logging your concerns as part of our overall intelligence picture of the place where you work so that they can be considered the next time we visit
- Notifying another organisation or regulatory body about the information you gave us if it is more appropriate for them to look into the concern

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- Carrying out an inspection or an investigation
- Following safeguarding procedures if the information is about possible harm or abuse of a child or adult at risk.

We will let you know what we plan to do and any feedback about the action we take (unless we do not know who you are because you came to us anonymously).

How do I contact HIW?

You can contact HIW by telephone 0300 062 8163 or by email

hiw@gov.wales

Alternatively, you can write to us at:

Healthcare Inspectorate Wales

Rhydycar Business Park

Merthyr Tydfil

CF48 1UZ

Who else can help?

HIW cannot give you legal advice. If you have any concerns about making a disclosure to HIW, you should speak to a lawyer, your trade union or an organisation like Public Concern at Work.

Public Concern at Work – www.pcaw.org.uk

020 7404 6609