



The Regulation and  
Quality Improvement  
Authority

# **RQIA Guidance for Whistleblowers**

**Guidance for health and social care staff who wish to make a protected disclosure about wrongdoing in their workplace.**

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## **RQIA Guidance for Whistleblowers**

### **1 What is Whistleblowing?**

The term whistleblowing is used to describe a situation where a worker makes a protected disclosure about wrongdoing in their workplace. This can be reported as a protected disclosure to a prescribed body, and their employment rights will be protected.

This guidance has been developed for the benefit of staff who work in all health and social care bodies and those who work in registered establishments.

### **2 What is a Protected Disclosure?**

Workers who are concerned about wrongdoings or failures can make disclosures to a prescribed body<sup>1</sup> for example, RQIA. For a disclosure to be protected by the [Public Interest Disclosure \(Northern Ireland\) Order 1998](#) (Amended January 2011) the worker must:

- make the decision in good faith, which means with honest intent and without malice
- reasonably believe that the information, and any allegation it contains is substantially true, and
- reasonably believe that they are making the disclosure to the correct/appropriate 'specified person'

### **3 Qualifying Disclosures**

Certain kinds of disclosures qualify for protection. If a worker believes that one or more of the following is happening now; took place in the past; or, is likely to happen in the future; they can report these to a prescribed body:

- a criminal offence
- a breach of legal obligation
- a miscarriage of justice
- a danger to the health or safety of any individual
- damage to the environment
- deliberate covering up of information relating to any of the above five matters

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<sup>1</sup> A prescribed body is one identified under the Public Interest Disclosure (Prescribed Person) (Amendment) Order (Northern Ireland) 2012 as able to receive concerns about organisations.

## 4 What to Do if You Have Concerns

In the first place, the worker should talk informally to their manager, or someone else in authority within their place of work. They should also follow their organisation's internal policies about reporting concerns.

Managers should deal quickly and effectively with concerns from workers about their organisation. However, if the worker has raised a concern and does not believe that management has dealt with the matter properly, they can take it further by making a protected disclosure to RQIA. Many employers have their own whistleblowing policies and procedures, which must be followed in the first instance.

If there is no whistleblowing policy, or the worker remains dissatisfied after using it, they can report their concerns to RQIA or to another prescribed body, and continue to have the protection of the law under the [Public Interest Disclosure \(Northern Ireland\) Order 1998](#). (RQIA and the Northern Ireland Social Care Council (NISCC) are the prescribed bodies for health and social care in Northern Ireland.)

If a worker is employed by an agency providing services or is a volunteer or student, they may wish to discuss their concerns with their own line manager, so that they can consider what action to take.

If a worker is not confident that the management of the service (or their own management) will deal with their concerns properly, they can whistle blow directly to RQIA.

## 5 How to Raise Concerns with RQIA

You can contact RQIA by telephone, email or letter. RQIA staff will ensure that the information given to us is passed to the appropriate person within the organisation, who can decide what action to take next.

### Contact details for RQIA:

Telephone: (028) 9536 1990

Email: [info@rqia.org.uk](mailto:info@rqia.org.uk)

Address: Regulation and Quality Improvement Authority (RQIA)  
9<sup>th</sup> Floor  
Riverside Tower  
5 Lanyon Place  
BELFAST  
BT1 3BT

Website: [www.rqia.org.uk](http://www.rqia.org.uk)

## 6 What RQIA Does with Concerns

Depending on the details of the information, RQIA may do one or more of the following:

- follow up the matters raised at the next inspection
- raise the matter directly with the service provider.
- review the information to decide if it warrants an unannounced inspection of the service.
- escalate in line with RQIA's escalation policy and procedure.
- review the information in line with the [Protocol for the Joint Investigation of Alleged or Suspected Cases of Abuse of Vulnerable Adults](#).
- contact the relevant HSC trust Department of Health or the HSC Board to decide on appropriate action.
- notify another public body to lead an investigation of the concern, as appropriate, with involvement from RQIA, when required.
- notify the Police Service of Northern Ireland (PSNI) if the information is about an alleged criminal offence.

## 7 Anonymous Information and Confidentiality

Where a worker provides RQIA with information anonymously, and provides no contact details, we cannot invite them to discuss their concerns. Nevertheless, all anonymous information will be treated in the same manner as People who give RQIA their details.

If the worker's identity and contact details are disclosed but the information is provided in confidence, RQIA will respect the worker's request for anonymity. However, this may not be possible in every circumstance, as we may have to share information with a third party that could require the identification of the source. For example, depending on the information given to us, we may need to contact the PSNI about alleged criminal activity or another public authority under the provisions of the [Protocol for the Joint Investigation of Alleged or Suspected Cases of Abuse of Vulnerable Adults](#), or under the [Regional Child Protection protocols](#). When these circumstances apply, the whistleblower will be advised at the time the disclosure is made.

RQIA may make direct contact with the whistleblower where contact details have been provided and it is considered necessary. RQIA is not obliged to provide whistleblowers with an account of any actions taken in response to their concerns.

## **8 Is Whistleblowing the Same as Making a Complaint?**

Whistleblowing refers only to situations where a worker raises concerns about their place of work.

People who use services, their relatives, representatives or others can make complaints about a service, using the services' complaints policy and procedure. This is not whistleblowing.

Workers who are unsure if their concern is deemed a matter of whistleblowing may wish to contact RQIA for further advice of how this can be reported. Contact details are outlined under point 5.

For information on how to make a complaint about a service please see our website:

## **9 What Should Employers do About Arrangements for Workers to Report Concerns?**

Employers should ensure they have developed their own whistleblowing policy and procedure.

Employers should ensure that workers are aware of their rights under [Public Interest Disclosure Order \(Northern Ireland\) 1998](#).

Employers should ensure their workers are confident about reporting any concerns to them and/or to a prescribed body, without worrying about the consequences.

Services provided by HSC bodies and registered establishments should have an open culture that allows workers to feel supported to raise concerns, both inside and outside of the workplace, without fear of recrimination.

## **10 Further Information**

You can read [Public Interest Disclosure \(Northern Ireland\) Order 1998](#).

You may also find guidance, prepared by the Northern Ireland Audit Office, National Audit Office, Audit Scotland and Wales Audit Office, in partnership with Public Concern at Work, entitled [https://www.rqia.org.uk/RQIA/media/RQIA/Resources/Whistleblowing/NIAO-wb\\_good\\_practice\\_guide.pdf](https://www.rqia.org.uk/RQIA/media/RQIA/Resources/Whistleblowing/NIAO-wb_good_practice_guide.pdf), helpful.

If you wish to seek advice regarding employment matters you should contact the Labour Relations Agency (LRA) who can provide support or advice.

Contact details for LRA are as follows:

2-16 Gordon St  
Belfast  
BT1 2LG

Tel: 028 9032 1442

Email: [info@lra.org.uk](mailto:info@lra.org.uk)