

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 concern 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, such as:

- **How patients and people are being treated,**
- **The welfare of patients and people receiving care,**
- **The safety and safeguarding of people receiving care, and**
- **People's dignity and privacy.**

If you have a concern, 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 advice first, or contact your trade union or professional regulatory body.

You can get free, independent and confidential advice from the Whistleblowing Helpline for NHS and Social Care on **08000 724725**.

You can also call the independent whistleblowing charity Public Concern at Work for free and confidential advice on **020 7404 6609**.

- 1.** If you see an unsafe practice, risk or wrongdoing, can you tackle it yourself, there and then? A firm, polite challenge is sometimes all that is needed.
- 2.** Talk to your line manager about the problem if possible, or someone senior in the organisation.
- 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.

How do I tell CQC?

You can contact us by telephone, email or letter.

Please tell us that you are raising a concern and that you are a worker who is either employed by, or providing services to, a registered provider.

↳ Call us on: **03000 616161**

↳ Email us at: **enquiries@cqc.org.uk**

Our opening hours are Monday to Friday: 8.30am - 5:30pm

↳ Write to us at:

**CQC National Correspondence
Citygate
Gallowgate
Newcastle upon Tyne
NE1 4PA**

Tell us online at:

www.cqc.org.uk/GiveFeedback

Can I give CQC information anonymously or in confidence?

It is best to raise your concern openly with us, because that makes it easier for us to follow it up. We will not disclose your identity without your consent unless there are legal reasons that require us to do so. This might be, for example, where your information is about a child or vulnerable adult who is at risk, or where there is a possible criminal offence. If this is the case, we may have to tell the police or another official body, or if 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.

You can if you wish give us information anonymously. However, note that we won't be able to contact you to discuss your concern or ask you for further information, and we won't be able to give you any feedback about any action we take.

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 term ‘whistleblower’ may be used to describe people who make a ‘qualifying disclosure’ about a concern at work.* Where a worker suffers a detriment or is dismissed as a result, then they may have certain employment protections under the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998, often referred to as ‘PIDA’). In practice, this is likely to mean that they may be able to claim unfair dismissal at an Employment Tribunal.**

CQC is one of a number of bodies you can make a qualifying disclosure to, but we have no powers under the Public Interest Disclosure Act and cannot advise you on this or any other legal matter. We cannot intervene, be involved in or advise on any dispute you might have with an employer resulting from any concern you might wish to raise with CQC, or any underlying or other employment issue.

If you have any concerns about making a disclosure to CQC you should seek your own independent advice from a lawyer, trade union or organisation such as Public Concern at Work.

* The Employment Rights Act 1996 defines a ‘qualifying disclosure’ with reference to the information’s relationship to the public interest and specified areas of potential damage or harm.

** Not every disclosure of information about perceived wrongdoing or malpractice will be a qualifying disclosure and enable the worker to receive the protection given by the Act.



More information

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

↳ www.cqc.org.uk/whistleblowing

Whistleblowing Helpline for the NHS and Social Care –

a Government-funded helpline operated by Mencap. It provides free, independent and confidential advice. Open between 8am and 6pm weekdays, with an answering service on weekends and holidays.

↳ Call **08000 724725**

Public Concern at Work – the leading independent UK authority on whistleblowing. It provides free, 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’ – this guide for NHS bodies was written by Public Concern at Work in consultation with NHS Employers, trade unions and the Department of Health. It has a section about the law that may be useful to you.

↳ www.pcaw.org.uk/files/SpeakupNHS.pdf