



Policy and Procedure on Whistleblowing

1. What is whistleblowing?

1.1 The UK government, which sets out examples of what amounts to whistleblowing in its guidance about whistleblowing, describes it as follows:¹

- you're a whistleblower if you're a worker and you report certain types of wrongdoing. This will usually be something you've seen at work – though not always.
- the wrongdoing you disclose must involve public interest issues. This means it must affect others, for example, the general public.
- as a whistleblower you're protected by law – you should not be treated unfairly or lose your job because you 'blow the whistle'.
- you can raise your concern at any time about an incident that happened in the past, is happening now, or that you believe will happen soon.

'Protect', which is a UK whistleblowing charity, also provides examples of whistleblowing and guidance about all aspects of whistleblowing.²

2. Why is whistleblowing important to Social Care Wales?

2.1 Whistleblowing is important to Social Care Wales because we are a public protection body. As such, we are required to protect the public, promote and maintain high standards in social care and uphold public confidence in the social care workforce in Wales. We need to be aware of matters that threaten public safety in the social care sector or call into question the values we seek to uphold.

¹ www.gov.uk/whistleblowing

² Protect is a charity that provides free, confidential advice to people who are not sure whether, or how, to raise concerns about practices at work. www.protect-advice.org.uk

- 2.2 We have a duty to respond to whistleblowing and to submit an annual report about any whistleblowing reports we receive. This is because we are a prescribed body under The Public Interest Disclosure (Prescribed Persons) Order 2014 (as amended).³
- 2.3 We will take whistleblowing complaints seriously and respond to them in line with the provisions of the Public Interest Disclosure Act.⁴ We will also follow the Whistleblowing Commission Code of Practice, in so far as it relates to prescribed regulatory bodies.⁵

3. Organisational responsibilities

- 3.1 Whistleblowers may contact anyone in our organisation to make an initial complaint, but it is the responsibility of the Fitness to Practise (FTP) team to investigate and respond to whistleblowing concerns.
- 3.2 Our Audit and Risk Committee will be responsible for the independent oversight and review of our whistleblowing arrangements.
- 3.3 The Governance and Monitoring Officer will be responsible for compiling our annual whistleblowing report.

4. What is the purpose of this policy and who should read it?

- 4.1 This policy is for members of the public who are considering making a whistleblowing complaint to Social Care Wales
- 4.2 It sets out what our staff are expected to do when they are contacted by a whistleblower in the course of their work. It is not for whistleblowers who work for us, or for members of our Board, as we have separate whistleblowing policies for them.
- 4.3 It is not a comprehensive guide to whistleblowing. You can find detailed information about whistleblowing on the [Protect](#) website.⁶

5. How our staff members deal with whistleblowing concerns

³ The Public Interest Disclosure (Prescribed Persons) (Amendment) Order 2017 added Social Care Wales to the list of prescribed bodies in the Schedule to the Public Interest Disclosure (Prescribed Persons) Act 2014 (in place of the reference to the Care Council for Wales) for the purposes of s43(F) of the Employment Rights Act 1996.

. <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies-2>

⁴ <https://www.gov.uk/government/publications/guidance-for-auditors-and-independent-examiners-of-charities/the-public-interest-disclosure-act-2>

⁵ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/415175/bis-15-200-whistleblowing-guidance-for-employers-and-code-of-practice.pdf

⁶ www.protect-advice.org.uk

- 5.1 Whistleblowers may contact any member of staff with their concerns. Whoever they contact, they should be treated with respect and sensitivity and be given consistent information.
- 5.2 If a member of staff outside the FTP team is contacted by telephone by a whistleblower who raises a concern, the whistleblower should be put through to the FTP team directly, where possible, or be given the contact details below. The FTP drop box is monitored every day by the FTP team.

Head of Triage
Social Care Wales
South Gate House
Wood Street
Cardiff
CF10 1EW

Email: FTPcomplaints@socialcare.wales
Tel: 0300 3033 444 Website: socialcare.wales

- 5.3 If the whistleblower says they would prefer to share the information with a member of staff who is not part of the FTP team, the staff member should refer the whistleblower to the Assistant Director of Regulation.
- 5.4 Staff members should treat all information they receive from whistleblowers as sensitive and confidential. They should not discuss details of the whistleblowing with anyone other than the fitness to practise team and, even then, they should only do so for the purpose of passing on the information.
- 5.5 Staff members should remind the whistleblowers that they should not breach the Data Protection Act 2018/UK GDPR when giving us information. For example, providing information from a child's case file or court documents without the court's permission.
- 5.6 Once the staff member has passed any notes about the whistleblowing to FTP, the staff member should ensure the safe disposal of the notes.

6 How our FTP team deal with whistleblowing concerns

- 6.1 In all whistleblowing complaints, the FTP team may recommend that the person raising the concern seeks advice from a professional body, trade union, student body or 'Protect' before providing details of their concern. This is particularly important if there is a risk that the person will reveal an individual's identity without the person's consent.
- 6.2 Where the whistleblowing complaint is one that Social Care Wales can consider, the FTP team should explain to the whistleblower that they can raise their concern confidentially and that their details will not be released without their consent unless the FTP team is under a legal duty to do so. If the

individual does not want to remain anonymous, the FTP team will take their contact details.

- 6.3 If the whistleblower wishes to remain anonymous, the FTP team will explain that their ability to investigate the matter may be affected by the request for anonymity. However, a decision to remain anonymous will not be regarded as a bar to investigation and the whistleblower should be made aware of this.
- 6.4 The FTP team will ask the individual if they have raised their concerns through their employer's complaints procedure or whistleblowing policy. If they have not done this already, they will be advised to do so. If they have raised their concerns with their employer but feel that any of the following apply, our FTP team will investigate
- where a complaint was dealt with inadequately, and/or
 - there is a risk to others, and/or
 - the matter may call into question a person's suitability to remain on our Register, and
 - where there is sufficient relevant evidence to support the allegation.
- 6.5 After receiving a referral, the FTP team will:
- carry out a dynamic risk assessment on the information received
 - acknowledge the concern within 5 days
 - log the concern in the FTP case management system
 - provide an update about what will happen next, within 14 working days of receiving the original concern
 - give the whistleblower a point of contact in the FTP team (if the whistleblower has provided contact details)
 - where relevant, direct the whistleblower to sources of support
 - where relevant, for example, where the whistleblowing relates to alleged organisational failures, contact another organisation – such as Care Inspectorate Wales (CIW)
 - make sure information about the referral is processed in line with the Data Protection Act 2018/UK GDPR.⁷
- 6.6 The FTP team may also bring the matter to the attention of other regulatory bodies where appropriate.
- 6.7 Where the concern is opened as a fitness to practise case, the whistleblower will receive a letter when the case has been closed.
- 6.8 There may not be enough information to open a case following a whistleblowing referral. In these instances, and if the whistleblower agrees to it, the FTP team will share any relevant evidence with other agencies and log any actions taken. The information will remain in the case management

⁷ For details of how Social Care Wales processes personal information, please see the Social Care Wales Privacy Notice - <https://socialcare.wales/privacy-notice>

system and if more evidence becomes available later, the FTP team will make an assessment about opening a case.

- 6.9 We will retain information on your whistleblowing complaint for 3 years before disposing of the information, unless the information relates to a registered social care worker, where the information will be retained for 50 years.
- 6.10 We understand that making a whistleblowing referral to us can be a difficult and stressful experience. We want to support you through this process. We provide a free confidential advice and emotional support service for people who have raised whistleblowing complaints. You will be able to access this service while your complaint is being considered.

Policy approved by:

Name:



David Pritchard

Role: Director of Workforce Regulation and Development/Registrar

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