



# Raising concerns in the workplace

Guidance for employers, social service  
workers and social work students

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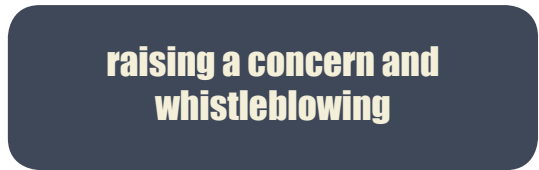
# About this guidance

If you are an employee or a social work student and you are unsure about how to raise a concern in your workplace this guidance will help you. It explains the difference between raising a concern and whistleblowing and when a person raising a concern qualifies for legal protection under whistleblowing law.

The section for employers and managers gives guidance about how to deal with concerns and indicates what kind of culture, systems and processes should be in place to help staff speak up.

You should read the guidance together with any policies and procedures your employer has about raising concerns and whistleblowing alongside the SSSC Codes of Practice and other guidance we have available for workers and employers. A list of SSSC resources available to support workers and employers is included at Appendix 1.

We have produced this guidance in consultation with Unison and employer representative bodies.



# Part 1 Guidance for social service workers and social work students

## Your professional duty to raise a concern

Working in social services means you care for some of our most vulnerable citizens. Your position on the front line whether you are an employee, social worker, manager or supervisor means you are most likely to see poor practice when it happens.

Sometimes you see things that are wrong (which can vary from poor treatment, financial issues to employment conditions or the way a service is run) but you may not report it until it happens again. Or you may not be sure if it is wrong because you are new into a job. The important thing is to trust your judgement. If you see something you feel is wrong report it to your manager as soon as possible. Your colleagues may also have concerns, but if nobody speaks up its unlikely the situation will improve. You need to act to protect those in your care.

We expect all social service workers, regardless of their role, to take action to raise any concerns they have about the care, dignity and safety of people who use services.

You may be anxious about raising a concern because:

- it may affect your relationship with colleagues
- it may affect your career
- you may be treated differently by your colleagues or employer
- you may cause trouble for your colleagues
- nothing will be done as a result of you raising the concern.

However your role as a social service worker carries with it a significant level of public trust. Your main duty is to put the safety and wellbeing of people who use services first and act to protect

them. It is also your duty to raise valid concerns in an appropriate way, putting aside personal or professional loyalty.

## Your responsibilities under the SSSC Codes

The Code of Practice for Social Service Workers sets out the clear standards of behaviour and competence you need to meet to provide safe and effective care to people who use services. The Codes set out what good practice and conduct look like and reflect professional and public expectations of the role of a social service worker.

Part 3 of the Code states that as a social service worker, you must promote the independence of people who use services while protecting them, as far as possible, from danger and harm. This includes:

3.2 Using established processes and procedures to report allegations of harm and challenge and report exploitation and any dangerous, abusive or discriminatory behaviour or practice.

3.4 Telling your employer, or the appropriate authority, about any resourcing or operational difficulties that might get in the way of providing care.

3.5 Telling your employer, or an appropriate authority, when a colleague's fitness to practise may be impaired.

3.6 Being open and honest with your employer, people who use services and carers, when care has or may have caused physical, emotional, financial or material harm or loss.

3.9 Enabling people who use services and carers to make complaints. Taking complaints seriously and either responding to them or passing them to the appropriate person. Taking appropriate action when there is an allegation of harm.

You should feel able to speak out if you have any concerns about the quality and standard of care being given, or if you are concerned that the care provided will or has caused harm.

Working in social services can be extremely challenging, there are often high levels of demand placed on workers which can be difficult for employers and staff. Sometimes there are tight financial controls and budget pressures.

It is important that if you have good reason to believe that issues such as workloads, staffing levels, working environments or working arrangements are not safe whether they impact on people who use services or not, you raise your concerns. The Code of Practice requires you to do this.

If you are told not to raise or follow up a concern, even by someone more senior than you, you should not stay silent. All of our registrants have a duty to be open and honest.

These are examples of things you might want to raise a concern about, and the list is not exhaustive.

**You have a child protection or adult protection concern about a person who uses care services.**

**Examples**

- Colleagues speaking to people who use services in an abusive, mocking or mimicking way even if 'in jest'.
- Rough handling or retaliation during restraint.
- Stealing from service users or colleagues.

**You are concerned about the fitness to practise of one of your colleagues.**

**Examples**

- Coming to work under the influence of alcohol.
- Senior staff instructing others to undertake unsafe practices.
- Abusive or bullying behaviour towards colleagues.
- Making sexualised comments to people who use services or colleagues.

**You are concerned about the standard or quality of care provided by a care service.**

**Examples**

- Not maintaining the dignity of people who use services during personal care.
- Not changing a child's nappy and lying about having done so.

**You are concerned that your employer is not complying with health and safety requirements or any other requirement imposed by law or the Health and Social Care Standards.**

**Examples**

- Senior staff not taking action following a complaint or not taking a complaint seriously.
- Making false records of health and safety checks such as fridge or food temperatures.

There are a number of SSSC resources which can provide further guidance and support if you are unsure whether to raise a concern. See Appendix 1.

## Raising a concern and whistleblowing

There is sometimes confusion about the difference between raising a concern and whistleblowing.

### What is whistleblowing?

Whistleblowing is a legal term – and the Public Disclosure Act 1998 sets out a number of criteria for raising concerns to qualify as whistleblowing. Full details are on this website

<https://www.gov.uk/whistleblowing>

Whistleblowing is when a worker raises a concern about wrongdoing in the public interest. A worker can blow the whistle to someone in their own organisation or to a third party known as a 'prescribed person'. The SSSC and the Care Inspectorate are prescribed persons in the whistleblowing legislation.

If the concern meets the whistleblowing criteria, then the person who is blowing the whistle is legally protected from suffering any disadvantage or victimisation from their employer because of what they have done. In addition, any acts of victimisation against you by your colleagues should be treated as a disciplinary offence by your employer. Your employment and opportunities for future promotion or training should not be affected.

Most employers will have whistleblowing policies and procedures where you can find more information on how to blow the whistle. You should follow your employer's process first and only report your concerns to a 'prescribed person' like the SSSC or Care Inspectorate if your employer fails to take appropriate action.

There are a number of places you can find support and advice. Details of these are in Appendix 2.



# What is not whistleblowing?

## Raising a concern and making a complaint or grievance











There is a difference between raising a concern and making a complaint or grievance. A grievance or private complaint is about the person's own employment position and there is no public interest element. For example, a worker may raise a grievance against a colleague for breaching their confidentiality. Most employers will have a specific grievance procedure for doing this. This is not whistleblowing.

People who use services, their relatives or members of the public can also make complaints about social service workers or a care service. They can do so by making a complaint to the organisation using their complaints procedure, or to a prescribed body such as the SSSC or the Care Inspectorate. This is not whistleblowing.

## How to raise a concern

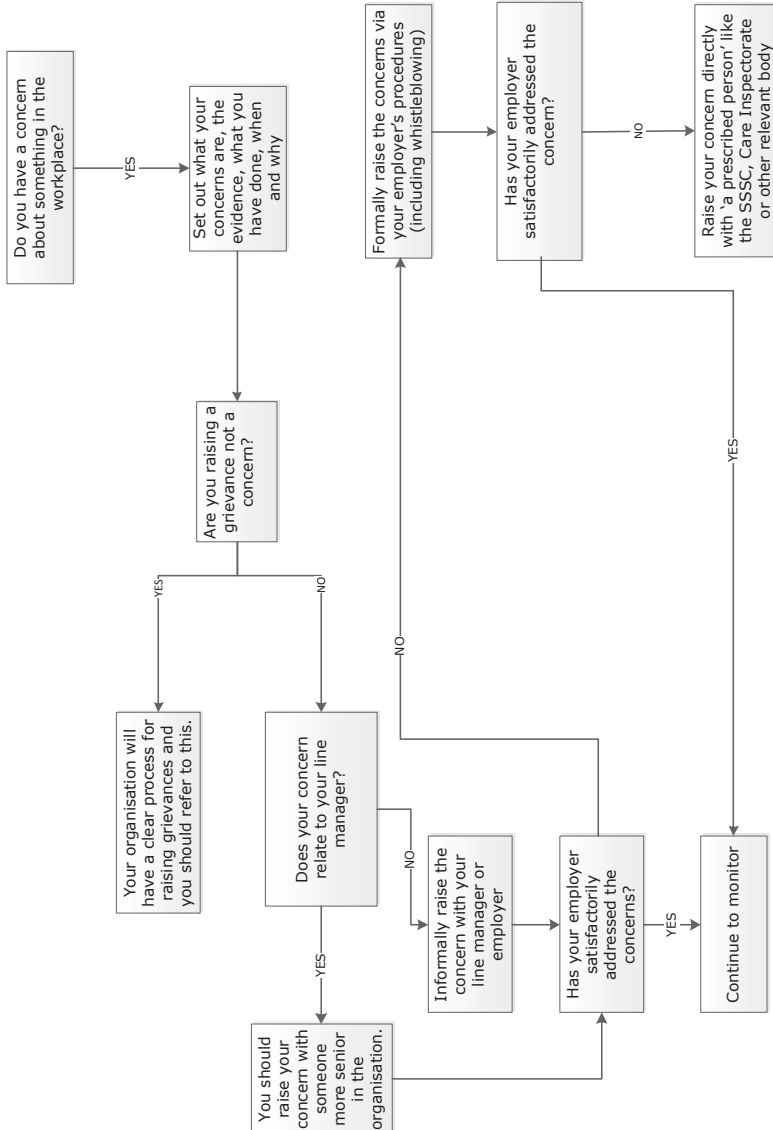
You should always try to raise concerns directly with your employer as far as possible. You can often do this informally, for example in a one to one supervision or team meeting, or by speaking to your manager, or another manager. Informal approaches, when taken early can improve a situation more quickly than 'saving up' evidence to raise a concern under formal procedures. All registered services must have a complaints procedure in place.

The following checklist may help you raise a concern.

-  Check your employer's procedures for raising and escalating concerns, including any whistleblowing policy.
-  Are you clear about what you are concerned about and why? What evidence do you have?
-  Does this issue just affect you or can you raise your concerns collectively? Even if no one else wants to raise concerns you should still raise them.
-  Have you recorded your concerns anywhere in writing?
-  Even if you raised them verbally you should either follow up with an email or record it somewhere so there is an audit trail.
-  What do you want to achieve by raising the concern?
-  You should acknowledge any personal grievance you have about the situation, but focus on the issue of safety of people using services.
-  If you are having a meeting to discuss your concerns make sure you are prepared for it.
-  Set out what your concerns are, the evidence in support, what you have done, when and why.
-  Don't forget if you are a member of a trade union or professional association you can contact them for advice and/or support.

# Raising a concern flowchart

Follow the steps set out in this flowchart when you are raising a concern.



## **Can I raise a concern confidentially?**

You can raise it in confidence or anonymously, but it is better to be open about it. Your focus should be on protecting vulnerable people.

It can be difficult to speak out, but there are risks when you raise a concern anonymously. Raising a concern anonymously makes it more difficult to investigate the concern as the person raising the concern is not known and it is therefore not possible to ask follow up questions or request further information to assist the investigation. It is also easier to get protection under whistleblowing law if you raise the concern openly. It is also important to note that although it is anonymous people may still guess who raised the concern.

Your employer's policy should allow you to raise a concern confidentially, which means your name will not be revealed without your permission, unless required by law. When you raise your concern you must make it clear if you are doing so confidentially.

## **What response should I expect when I raise a concern?**

When raising a concern you should be listened to carefully and you should not worry about how people react. Your employer should investigate your concern, thoroughly, promptly and confidentially. They should tell you how they intend to deal with your concern and set a timescale for responding to you. If this is not the case then you can go to a 'prescribed person' like the SSSC or Care Inspectorate.

## **What to do if you're still not satisfied with how your concern has been dealt with**

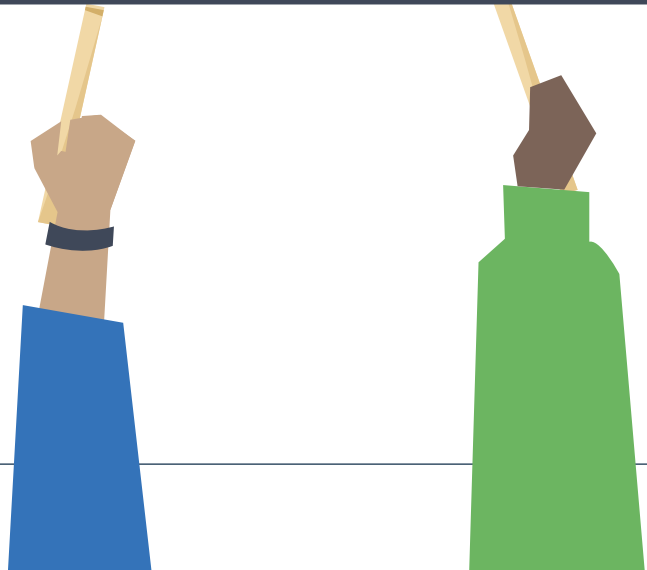
If you have followed all processes available to you through your employer without success or if you feel you cannot raise your concern with your employer you can make a complaint directly with a regulatory body. If your concern is about an individual or

work colleague this should be raised with the relevant professional regulatory body. If this is a social service worker or student it will be the SSSC. If your concern relates to the quality of care provided by a registered care service rather than an individual, raise it with the Care Inspectorate which is the service regulator.

If your complaint relates to a social work service, you should make a formal complaint through the local authority complaints process.

Information about what will happen when you raise a concern with the SSSC is at <http://www.sssc.uk.com/fitness-to-practise/raising-a-concern/people-who-use-services,-carers,-colleagues-and-the-public>

**If you or your employer refers a concern to the SSSC or Care Inspectorate you will be expected to cooperate and provide information to us**



# Part 2 Guidance for social service employers and managers

Developing a culture that encourages openness and honesty is important so that staff feel comfortable with raising concerns. It is everyone's role to define and develop this mind-set and being proactive about asking staff if they have any concerns for example in supervision will help. Pressures in the work environment are inevitable, but regularly taking the time to discuss these with staff can be a good way to address any concerns the staff may have as a result. You should proactively and routinely seek feedback from staff and welcome complaints as a learning opportunity. We expect organisations to have oversight of individual's complaints and consider making changes for everyone's care as a result.

Many employers and managers are also registered with the SSSC in their own right, and so must also comply with the SSSC Code of Practice for Social Service Workers.

Employers must treat all concerns with equal importance however they are raised. You should encourage and support a workplace in which staff:

- can speak openly and freely about their concerns
- can be reassured that whatever they say will be treated with appropriate confidence and sensitivity
- will be treated courteously and sympathetically and where possible will be involved in decisions about how their concerns are handled.

You must also make sure that you:

- have policies and procedures in place to manage concerns which all staff have access to
- proactively encourage all staff, including temporary staff, to raise concerns about the safety of service users, including risks posed by colleagues
- take all concerns seriously and ensure the person who raises the concern is not victimised
- investigate all concerns properly and keep all staff up to date with your progress
- protect any staff who raise concerns from unfair criticism or retaliation, including any negative consequences and dismissal
- have systems in place to support staff who are the subject of a concern, whether it is due to poor performance, health or behaviour
- do not stop anyone from raising a concern.

It is important that the instructions you give to staff as managers or employers, or the expectations you have of staff, do not negatively affect the care given or their ability to comply with the SSSC Codes of Practice.

You can find information from the SPSO on complaint handling here: <http://www.valuingcomplaints.org.uk>

# Employer's responsibility under the SSSC Codes of Practice

The SSSC Code of Practice for Employers of Social Service Workers sets out your responsibilities for making sure your workforce is trusted, skilled and confident.

Part 2 of the Codes says that you must have the culture and systems in place to support social service workers to meet their Code of Practice. This includes:

- 2.1 Putting into action and monitoring written policies and procedures, particularly about reporting allegations of harm or abuse to the relevant authority.
- 2.4 Having systems in place for social service workers to report inadequate resources or difficulties which might have a negative effect on the delivery of care. Working with social service workers and relevant authorities to tackle such problems.
- 2.5 Having systems in place to support workers to whistleblow when they feel that working practises are inappropriate or unsafe for any reason.
- 2.6 Supporting social service workers to meet the standards in their Code of Practice and not requiring them to do anything that might prevent that from happening.

## Duty of Candour

As part of developing a culture of openness and honesty organisations should be aware of their Duty of Candour. The Duty of Candour provisions set out a range of things that need to happen when unexpected or unintended harm has occurred.



## Where does Duty of Candour come from?

The Duty of Candour provisions are set out in the Health (Tobacco, Nicotine etc. and Care) (Scotland) Bill which was given Royal Assent on 6 April 2016. The implementation date for the Duty of Candour provisions was 1 April 2018.

The Act introduces a statutory organisational duty of candour on health, care and social work services.

## What is the Duty of Candour?

The overall purpose of the duty is to ensure that organisations are open, honest and supportive when there is an unexpected or unintended incident resulting in harm or death, as defined by the Act.

Organisations must follow a duty of candour procedure which includes notifying the person affected, apologising and offering a meeting to give an account of what happened.

## How can I find out more?

You can find more information including a leaflet on the **NHS Little Things Make A Big Difference** web pages under the Duty of Candour resources section.

There is a new elearning module which you can access from the resources section and it is also available on the **SSSC Learning Zone**.

The non-statutory guidance which underpins the organisational duty of candour is available here: <http://www.gov.scot/Publications/2018/03/1321>

You can also find information on the Scottish Government website: <https://www.gov.scot/Topics/Health/Policy/Duty-of-Candour>

## Further advice

If you need any further advice about raising a concern you can contact the SSSC or the Care Inspectorate. Contact details are noted below.

### Scottish Social Services Council

Phone: 0345 60 30 891

Website: <http://www.sssc.uk.com/contact-us>

### Care Inspectorate

Phone: 0345 600 9527

Website: <http://www.careinspectorate.com/index.php/contact-us>



## **About us**

### **The Scottish Social Services Council**

The Scottish Social Services Council (SSSC) was set up in 2001 as the regulatory body for the social service workforce in Scotland.

Our work means the people of Scotland can count on social services being provided by a trusted, skilled and confident workforce. We protect the public by registering social service workers, setting standards for their practice, conduct, training and education and by supporting their professional development.

Where people fall below the standards of practice and conduct we can investigate and take action.

The SSSC Codes of Practice for Social Service Workers and Employers set the standards expected of social service workers and employers. Workers and employers must keep to these standards to protect and enhance the interests of people who use services. If a worker does not adhere to the Codes of Practice then the SSSC may investigate whether their fitness to practise is impaired.

### **The Care Inspectorate**

The Care Inspectorate was established in 2011 as the regulatory body for care services in Scotland. It has the general duty of furthering improvement in the quality of care services in Scotland.

Its vision is that everyone experiences safe, high-quality care that meets their needs, rights and choices.

The Care Inspectorate inspects registered care services, assessing quality against the Health and Social Care Standards. It can investigate complaints about care services. If it finds that care is not good enough, it can take action including making recommendations and issuing requirements for improvement and change.

# Appendix 1 – Resources

The SSSC has a number of different resources available to provide help and support to social service workers and employers, including:

The **Continuous Learning Framework** introduces you to different aspects of your learning and development in social services, including how your employer can support you.

**Making better decisions** gives examples of situations and dilemmas you may come across at work. It helps you to safely experience the impact of the decisions you make in these situations and to address these if something goes wrong.

You will find all our learning resources on the **Learning Zone** and resources to support your leadership development on **Step into Leadership**.

## Duty of Candour

You can find guidance focusing on the implementation of the duty of candour procedure for all organisations that provide health services, care services or social work services in Scotland on the Scottish Government website here:

<https://www.gov.scot/Topics/Health/Policy/Duty-of-Candour>

The Scottish Social Services Council in partnership with Care Inspectorate, Healthcare Improvement Scotland, Scottish Government and NHS Education for Scotland has developed an **e-learning module** on the Learning Zone for workers which will support organisations with implementation.

## Appendix 2 - Help and advice

If you are not sure whether, or how, to raise a concern, you can get advice from:

- a senior member of staff or an impartial colleague
- your trade union representative
- your professional association
  
- Citizens Advice  
<https://www.citizensadvice.org.uk>
  
- an employment law solicitor – you can search the Law Society of Scotland website for solicitors in your area  
<https://www.lawscot.org.uk/find-a-solicitor>
  
- Advisory, Conciliation and Arbitration Service (ACAS) – a government body which provides free and impartial information and advice to employers and employees on all aspects of workplace relations and employment law  
<http://www.acas.org.uk>
  
- Public Concern at Work – a charity which provides free, confidential legal advice to people who are concerned about wrongdoing at work and not sure whether, or how, to raise a concern  
<http://www.pcaw.org.uk>

Raising concerns at work, while the right thing to do, can be very stressful, particularly if you are worried that you will receive a negative response. It is important to stay focused on the issue you raised concerns about, but you will need to be resilient to see things through. It is important you get advice and support from the people or organisations above and from family and friends.



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**Web: [www.sssc.uk.com](http://www.sssc.uk.com)**



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