

# Inspection Wales

## Raising Concerns about Welsh public bodies



WALES AUDIT OFFICE  
SWYDDFA ARCHWILIO CYMRU

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Auditor General for Wales

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Healthcare  
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Wales hiw  
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Arollygiaeth Gofal a Gwasanaethau Cymdeithasol Cymru  
Care and Social Services Inspectorate Wales

 Estyn

# How to raise a concern about wrongdoing if you work in:

- NHS Wales;
- A local authority, to include a school or social care establishment;
- A police or fire authority;
- The Welsh Government or related body.

This leaflet explains how a worker at one of the above organisations can raise a concern about wrongdoing, also referred to as blowing the whistle, with Inspection Wales partners.

## About Inspection Wales

Inspection Wales is a programme of joint and collaborative working between:

- The Auditor General and [Wales Audit Office](#);
- Care and Social Services Inspectorate for Wales ([CSSIW](#));
- [Estyn](#) – Her Majesty’s Inspectorate for Education and Training in Wales; and
- Healthcare Inspectorate Wales ([HIW](#)).

Our shared aim is to support better outcomes for people, seeking always to protect their interests by reporting without fear or favour on the public services that fall within our remit. By working together effectively, the impact we can have for people can be increased.



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Auditor General for Wales



# What we mean by Whistleblowing

Whistleblowing is the term used when someone who works in or for an organisation wishes to raise a concern in the public interest about wrongdoing such as patient safety, safeguarding, financial malpractice, danger, illegality, or the covering up of any of these. Whistleblowing can apply when raising a concern within the organisation as well as externally, such as to a member of Inspection Wales.

Whistleblowing is different to making a complaint or a grievance. The term 'whistleblowing' generally applies when you are acting as a witness to misconduct or malpractice that you have observed and which threatens other people. A grievance is when an employee has a dispute about their own employment position. If you are an employee with a grievance, we recommend that you refer to your local procedures. So if wrongdoing is your primary concern, then contact one of us.

The Public Interest Disclosure Act 1998 (PIDA) was introduced to protect workers who are worried about wrongdoing where they work and want to have their concerns looked into. PIDA applies to most workers and includes those employed on an agency or temporary basis. An employee who is victimised or discriminated against in any way because they have 'blown the whistle' (known as making a protected disclosure) can take their employer to an employment tribunal and seek compensation.

Generally speaking workers have a right to be protected from detriment when raising a concern with their employer, a regulator (referred to as a Prescribed Person under PIDA) and more widely to the press, media and Member of Parliament. The disclosure must be in the public interest and there are additional requirements for protection when raising a concern outside of the employer.

# Inspection Wales' Role in Whistleblowing

All of us in Inspection Wales believe that the public bodies falling within our audit and inspection remit, such as Local Authorities and NHS Bodies should take any concerns raised by their workers seriously and should have appropriate policies and procedures in place for their workers to follow. Your employer should listen to and act on any concerns brought to them by its employees. This may quickly and simply put right whatever led to your concerns and you needn't take them to anyone else.

However, we also recognise that there are circumstances where it could be difficult to raise a concern with your employer, for example if your concern relates to the actions of those charged with governance or earlier concerns about the same issue have not been dealt with appropriately. Where you feel unable to raise your concern with your employer you can raise them with one of us providing they are matters that fall within our remit to consider and you believe your disclosure is substantially true. The Auditor General for Wales, Care and Social Services Inspectorate Wales and Healthcare Inspectorate Wales have a legal status as 'prescribed persons' in relation to whistleblowing disclosure, but Estyn are not a 'prescribed person'. Hence, if you report your concern to Estyn, they may refer you to one of our Inspection Wales partners. All four members of Inspection Wales have arrangements in place so that workers can raise concerns in confidence with trained and experienced staff.

You can speak to one of us at any time about your concern and this leaflet should help you understand when and how to do so and what will then happen. Our contact section at the end outlines who you should speak to depending on which sector employer sits in.

# How we will respond to your concern

We will listen to your concern and explain to you how we can help. If the matter is not one we can consider we will do our best to suggest other organisations which may be able to assist you.

We may need to share the information you give us about your concern as it may be relevant to more than one member of Inspection Wales.

We recognise that there may be circumstances when you would like us to keep your identity confidential. If you ask we will not disclose your identity without your consent unless there are legal constraints or obligations that require us to do so (for example where your evidence suggests that a looked after person is at risk or that a serious criminal offence has been committed). If this is the case, we will let you know if we have to do this and that this will identify you to another body.

If you do not want us to disclose your identity, you should bear in mind that this may mean that we will not be able to fully investigate an issue you have raised (for example if your evidence is essential to the matter, and could not be provided by anybody else).



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

- keeping a note on our records as part of our overall knowledge and risk evaluation about the place where you work; or
- contacting the organisation you contact us about to seek further information; or
- looking into your concerns as part of an audit or inspection; or
- look more generally as part of a wider audit or inspection.

Where possible, we will let you know what we plan to do and how it turned out. What we tell you may be limited if we also owe a duty of confidence to anyone else involved.

Please bear in mind that we are not obliged to look into every concern we receive. We can only take action on the basis of our respective legal powers and duties. We also have discretion about whether or not to take further audit or inspection action depending on whether it would be an effective use of our resources.

It is also important to note that we are unable to determine or provide an opinion as to whether your disclosure is protected under PIDA. We cannot become involved in employment disputes or formal employment proceedings and we cannot provide legal advice. We do not have the power to discipline any individuals or bring criminal prosecutions.

## Further advice and guidance

If you are thinking about raising a concern and you are not sure what your legal rights are you can get further advice and guidance from a number of sources. These include charities like Public Concern at Work, unions and professional bodies, and solicitors.

You can download a free copy of a [good practice guide](#) for workers and employers on whistleblowing in the public sector from the Wales Audit Office website.

- **What else should I do?** Keep a record of your concern and any steps you have taken to deal with it.
- **Is there anything I should not do?** You must not break the law to obtain information and bring it to us. We do not expect you to try to investigate your concerns yourself; if we decide further action is necessary, we will arrange it.
- **I am not an employee; can I be a whistleblower?** The law covers all workers including temporary agency staff or contractors. It does not cover the genuinely self-employed (other than in the NHS or NHS Wales) or volunteers. If you work for a sub-contractor, the protection does cover you in so far as your own employer victimises or dismisses you. If you are a service user or council tax payer, for example, you can still raise your concerns with us, but the protection against detriment under PIDA is for workers.
- **My contract has a confidentiality clause, which says I can't discuss work with anyone outside work; does this mean I can't raise my concerns?** No, the law is clear that confidentiality clauses intended to prevent you raising concerns that would be protected are invalid.
- **Can several people whistleblow together?** Yes, there's no need to provide information individually.

# Further Contacts

Please contact the relevant member of Inspection Wales below based on what area your concern relates to:

If your concern relates to:	Who to contact:	Website address:
The proper conduct of public business, value for money, fraud and corruption in relation to the provision of public services.	<p>Whistleblowing Manager</p> <p>Wales Audit Office 24 Cathedral Road Cardiff CF11 9LJ</p> <p>Phone: 029 2032 0522</p> <p>E-mail: <a href="mailto:whistleblowing@audit.wales">whistleblowing@audit.wales</a></p>	<a href="http://www.audit.wales">www.audit.wales</a>
The provision of health care by and for Welsh NHS bodies.	<p>Healthcare Inspectorate Wales</p> <p>Rhydycar Business Park Merthyr Tydfil CF48 1UZ</p> <p>Phone: 0300 062 8163</p> <p>E- mail: <a href="mailto:hiw@wales.gsi.gov.uk">hiw@wales.gsi.gov.uk</a></p>	<a href="http://www.hiw.org.uk">www.hiw.org.uk</a>



If your concern relates to:	Who to contact:	Website address:
<p>Social care and social services in Wales, from child minders and nurseries to homes for older people.</p>	<p>Chief Inspector Care and Social Services Inspectorate for Wales</p> <p>Rhydycar Business Park Merthyr Tydfil CF48 1UZ</p> <p>Tel: 0300 062 8800</p> <p>E-mail: <a href="mailto:cssiw@wales.gsi.gov.uk">cssiw@wales.gsi.gov.uk</a></p>	<p><a href="http://www.cssiw.org.uk">www.cssiw.org.uk</a></p>
<p>Quality and standards in education and training providers in Wales.</p>	<p>Estyn</p> <p>Anchor Court Keen Road Cardiff CF24 5JW</p> <p>Tel: 029 2044 6446</p> <p>E-mail: <a href="mailto:enquiries@estyn.gov.uk">enquiries@estyn.gov.uk</a></p>	<p><a href="http://www.estyn.gov.uk">www.estyn.gov.uk</a></p>



# Public Concern at Work

**Public Concern at Work** offers free, confidential advice to people concerned about crime, danger or wrongdoing at work.

Public Concern at Work  
CAN Mezzanine  
7-14 Great Dover Street  
London  
SE1 4YR

Website: [www.pcaw.org.uk](http://www.pcaw.org.uk)  
Whistleblowing Advice Line: 020 7404 6609  
General enquiries: 020 3117 2520  
Email: UK enquiries: [whistle@pcaw.org.uk](mailto:whistle@pcaw.org.uk)

## Other external review and regulatory organisations (Prescribed Persons)

If you decide to blow the whistle to a prescribed person rather than your employer, you must make sure that you have chosen the correct person or body for your issue. You can download a list of Prescribed Persons from the [Department of Business Innovation and Skills](#). The list also includes a brief description about the matters you can report to each prescribed person.

In addition, you could also blow the whistle to your legal adviser, in the course of obtaining legal advice, or to a member of the House of Commons about any matter specified in the Public Interest Disclosure (Prescribed Persons) Order 2014. You can get the contact details for any Member of Parliament on the [UK Parliament website](#).

More information on whistleblowing can be found on the [GOV.UK website](#).



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Auditor General for Wales

