

## Post-session handout for Confidential Contacts

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### Case Study – Involves claims of detriment

#### *Part one*

You receive an email from a colleague asking for advice because they think they are being bullied. The email says that they work as a hospital cleaner but gives no other information about the circumstances surrounding the bullying behaviour.

#### *Part two*

You initially think that this sounds like a case where you should signpost to HR and the Bullying and Harassment procedure. However, because the information is so limited you decide to speak to the emailer to find out more.

You acknowledge the email and arrange a suitable time to call them based on their availability. You call them at the agreed time and begin by explaining your role as Confidential Contact and ask them to take you through their concerns.

The whistleblower explains that they have received new cleaning chemicals that have come in without appropriate labels and are a different colour to the type that was used before. They have been told by their manager to transfer this liquid into the containers in which the previous brand of cleaning solution was supplied. The whistleblower raised concerns about safety with their manager and was told that they have every faith in the team to use the correct products as everyone has been appropriately trained.

The Whistleblower raised their concerns with a senior manager who referred them back to their line manager. Their line manager is now angry with them and has started talking about them behind their back and being critical of their work etc. They feel bullied and feel like this has only happened because they asked questions about the cleaning chemicals.

#### *Part three*

You talk through the concerns in more detail with the whistleblower and they give more information about how they have been treated. They say that their manager has been accusing them of causing trouble in the team and underperforming. They have also noticed that their manager has started to be very critical about the quality of their work when this had not been an issue previously.



You explain that there are potentially two elements – the safety concerns and the change in behaviour they have experienced from their manager. You ask what the person wishes to take forward and they confirm that they want to raise both issues.

You discuss the interaction between the whistleblowing process and HR process. You explain that the concerns about the cleaning solution relate to health and safety, so it would be appropriate for the whistleblowing process, as there are potentially impacts on staff/patients. You explain that the concerns about the behaviour of the manager may need to be dealt with through HR processes but because they link to the whistleblowing concern, they could be submitted together under the Standards. You explain that the Standards offer protection from detriment and it would be useful to make the connection when raising the concerns formally. You explain that the Board would review the concerns and separate elements out for the HR process if appropriate.

You explain the role of the Confidential Contact and ask if they wish for some support if they decide to take this through the Whistleblowing Standards. The whistleblower confirms that they would like to proceed with your support.

You explain to the whistleblower that it would be helpful to receive their concerns in writing so that they can be sent on to the correct person. You advise them that you will also send them information explaining the Whistleblowing Standards, so that they have a chance to look through the details.

Once the whistleblower has emailed their concerns to you, you refer them on to the whistleblowing lead.

You tell the whistleblower that they should receive an acknowledgement from the Board.

### ***Takeaway points***

- It is always a good idea to speak to the whistleblower to hear the full story before you consider signposting. There is likely to be a reason why they have contacted you rather than HR. Sometimes it is only during the conversation that you understand what the concerns are. In this case, the bullying behaviour was linked to unresolved patient safety concerns and there was a suggestion of detriment linked to their attempts to raise concerns with their manager.



- Detriment is likely to be handled through HR procedures but it can be helpful for any claims of detriment to be raised as part of the whistleblowing concern with the Board, so that the link is clearly made. When reviewing the whistleblowing concerns, the Board should separate out anything suitable for the HR process and inform the whistleblower. In your role as Confidential Contact, it is helpful to provide information to the whistleblower so that they know what to expect. For example, you can explain the difference between individual employment issues (suitable for the HR process) and matters that meet the whistleblowing definition. You can also explain how the Board may decide to separate out the claims of detriment so that they can be considered through HR processes. The important thing is that it is not your role to take these decisions yourself.
- Confidential Contacts can support a whistleblower throughout the investigation process. There are a range of ways that this could be done and it is important to discuss this with the whistleblower. Examples to consider include regular 'check in' meetings, or accompanying the whistleblower to meetings during the investigation.
- Confidential Contacts should familiarise themselves with the support options already available in the Board so that they are prepared to signpost. This could include counselling services, occupational health services, chaplaincy, trade unions etc. If you are unsure – ask the Whistleblowing Lead or the HR department.
- If you are unsure about what is expected or you need advice you can always contact your Whistleblowing Lead or the INWO advice line on 0800 008 6112.
- You can always refer to the National Whistleblowing Standards for information on what the whistleblower should expect to happen during [the whistleblowing process](#). You can also find the information you need to discuss things like [support and protection under the Standards](#), and [confidentiality](#).

### ***Further information***

- The [National Whistleblowing Standards](#)
- [Independent National Whistleblowing Officer FAQs for whistleblowers](#)
- [Independent National Whistleblowing Officer contact details](#)