

Whistleblowing guidance

A guide to raising concerns about social care or childcare in Wales.

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Advice for social care workers

This guidance is for people who work or worked for a social care or childcare organisation and who have concerns about poor care. It sets out our role and what we can, and cannot, do when we receive whistleblowing information.

Whistleblowing is the term used when someone who works in or for an organisation wishes to raise concerns about malpractice, wrongdoing, illegality or risk. These concerns can affect people using a service, the public, other staff or the organisation itself.

Speaking out

From time to time, you may have concerns about something happening where you work which might affect people using the service, your colleagues, or the whole organisation. Doing something about these concerns isn't always easy.

All social care professionals must follow their professional code of conduct, and we would always recommend that you raise your concern with your organisation first. Your organisation should have a whistleblowing policy. However, we recognise that sometimes this is not possible or you may feel that you are not being listened to. If you have raised your concern internally and it has not been addressed, or if you feel unable to raise your concern at any level in your organisation, you can speak to us.

The Law and CIW

Whistleblowing is different to making a complaint or a grievance. A 'whistleblower' is somebody who makes a 'qualifying disclosure' about a concern at work. CIW has a special role for people who are thinking about "blowing the whistle" about concerns they have about wrongdoing in social care or childcare in Wales.

CIW are a "prescribed body" under the whistleblowing laws, so employees, former employees, temporary agency staff or contractors who bring us concerns (a 'qualifying disclosure') about their employer's activities can have some protection for their employment rights under the Employment Rights Act 1996, which was amended by the Public Interest Disclosure Act (PIDA) 1998.

PIDA protects the public interest by providing a remedy for individuals who suffer workplace reprisal for raising a genuine concern, whether it is a concern about patient safety, safeguarding, financial malpractice, danger, illegality, or other wrongdoing.

If you disclose information to us, your disclosure is protected if you have made it honestly, you believe it is substantially true and you have a reasonable belief that it is about the provision of social care or childcare in Wales.

You must believe the information tends to show one or more of the following has occurred, is occurring or is likely to occur:

- A criminal offence, a miscarriage of justice or breach of legal obligation
- Danger to the health or safety of any individual
- Damage to the environment
- The deliberate covering up of wrongdoing in the above categories

It is CIW's role is to hear disclosures that would be considered to be in the public interest, where you don't feel able to disclose directly to your employer, or have done so but you do not believe you were taken seriously.

We cannot become involved in personal grievances between workers and employers.

Can I give information anonymously?

Usually, the best way to raise a concern is to do so openly. Openness makes it easier for us to understand the issues and get more information.

Of course, we recognise that there may be circumstances when you would like us to keep your identity confidential. We will not disclose your identity without your consent unless there are legal constraints or obligations that require us to do otherwise (for example where your evidence suggests that a child or vulnerable adult is at risk or that a serious criminal offence has been committed) or if we are 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.

Remember, even though we protect your identity, others may guess who has contacted us from the nature of the information you have provided.

You can raise a concern anonymously if you do not want to give your name at all. If this happens, we will not be able to contact you to discuss your concern, to get more information, or to update you on any action we take.

What will CIW do with the information I give?

Your concern will be shared with the inspector of the service you work, or have worked, for.

We will firstly consider if we have the powers to respond to what you have told us and if it

appears to fall under our whistleblowing policy. We may require further information to determine this. We will ask if you wish us to regard what you are telling us as a protected disclosure.

We may decide to speak directly to senior managers in the registered service or the local authority social service about which you are raising concerns. In some cases, it may be more appropriate for us to pass the information to the police or other agency/regulator or take some other form of action.

If the information you tell us indicates an immediate safeguarding risk, we will pass this onto the relevant local authority immediately.

We may log your concerns as part of our overall intelligence picture of the place where you work so that they can be considered the next time we visit. We will choose one of the approaches available to us to follow up on the information.

We will let you know what we plan to do and any feedback about the action we take (unless we do not know who you are because you came to us anonymously).

You can contact CIW by telephone 0300 7900 126 or complete our [online feedback or raise a concern form \(https://www.careinspectorate.wales/providing-feedback-about-care-services\)](https://www.careinspectorate.wales/providing-feedback-about-care-services).

Who else can help?

We understand it can be a very difficult decision to make a disclosure. You may wish to [contact ACAS \(https://www.acas.org.uk/contact\)](https://www.acas.org.uk/contact) (External link) who have a helpline (telephone 0300 1231100) where you can discuss a workplace problem and the options available to you.

CIW cannot give you legal advice. If you have any concerns about making a disclosure to CIW, you should speak to a lawyer, your trade union or an organisation, such as [Protect UK \(https://protect-advice.org.uk\)](https://protect-advice.org.uk) (previously Public Concern at Work) for advice on 020 3117 2520.



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