Social care journalist Sally Gillen hears first hand from Martin Morton, a social worker who more than a decade ago first highlighted the financial abuse being experienced by a number of vulnerable adults – whistleblowing that would lead to the loss of his job and the start of an 11-year emotional roller-coaster that only came to an end in February 2011 when his efforts were finally vindicated.

Calling time on injustice

In the end it played out like the final scene from a Hollywood film. As social worker Martin Morton steered himself for another bout in his long-running fight with Wirral Council, which had seen him bullied out of his job after blowing the whistle on the abuse of vulnerable people, he was left stunned as council leader Jeff Green turned to him. “I was complaining about the charge, saying that it was discriminatory and that it did not fit with the Fairer Charging Policy but my complaints felt like dead wood,” he says. “I felt the chief officers group was like a gentleman’s club and I was just an urchin okie who had to be put in my place.”

Repeatedly

For the second six years he repeatedly complained yet still nothing was done. In August 2006 he was told that he would be redeployed at a lower level and in the same month he was told by his union representative that he was making himself “unemployable”. Eventually he decided to lodge a grievance about the way he was being treated and used the Council’s whistleblowing procedures to raise his concerns about the charging policy. Months of “problem-solving meetings” were held but nothing was resolved. “From May to July 2007 I was excluded from meetings. I had nothing to do because I was getting no referrals through. Menacing was complaining, asking what was happening to supported living,” he says.

Privately his colleagues supported him but in public nobody backed him. “They were operating in a culture of fear. People would surreptitiously come down to see how I was. They were understanding about the situation I was in,” he says. Later, as the independent investigation got underway, a former colleague interviewed as part of it rang him to apologise for not speaking up in support of him at the time.

Months passed and then his grievance was heard, leading to a running attack. “I was told I was a social worker who did not actually want to do social work,” he says. “The following day I came into work but collapsed and was driven home by a colleague. I was on diazepam and my self-esteem was shot to pieces,” he recalls. “Psychologically I was all over the place.” He interviewed as part of it rang him to apologise for not speaking up in support of him at the time.

Frustrated by the lack of action that had followed his complaints internally, he had disclosed his concerns to the Audit Commission in October 2007 under the Public Interest Disclosure Act 1998, legislation that protects whistleblowers from being dismissed or treated unfairly as a result of raising complaints. It produced a report, paid for by the Council, which concluded that the charging was unfair. But as he and his wife moved to Rochdale they were told there was a special charging policy. By April 2008 the stress was such that Mr Morton was admitted to hospital with chest pains. The Council agreed to pay him £45,000 to leave his post, as part of a compromise agreement, which he accepted, despite his solicitor’s advice that he would have a “cast-iron case” at an employment tribunal. “I thought I’d be dead if I do that. I knew they would drag it out and I just wanted to put everything behind me.”

He left and quickly found another job but still could not move on. In September 2009 he was called to give evidence to the Council’s audit committee and revealed to a packed public gallery that he was bullied out of his job. The revelation prompted the launch of an investigation. Five months later, in February 2010, the Council admitted it had overcharged the services users and agreed to reimburse £244,000. A victory but one that had cost Morton a job he loved. Like many whistleblowers, Morton found that doing the right thing had catastrophic consequences, not just for his career, but also for his family. His persistence and courage in pursuing the case are undeniable. Yet social workers are routinely expected to raise concerns, despite the risks it carries for them professionally and personally. Under 3.3 of the General Social Care Council’s (GSCC)’s Code of Practice social workers must ‘inform your employer or an appropriate authority where the practice of colleagues may be unsafe or adversely affecting standards of care’, while 3.4 says you must bring to the attention of your employer or an appropriate authority resource or operational difficulties that might get in the way of the delivery of safe care’. All fine in theory.

But a poll of social workers carried out by the GSCC in September 2009 found that half who had reported operational difficulties or concerns about a colleague did not have them taken up by their employer. However, 89% said they would be able to report concerns. Sherry Malk, corporate director at the GSCC, says she is encouraged by the willingness of social workers to report concerns. But she admits there is a “mismatch” between what the regulator expects of social workers and employers, given that the Code of Practice is statutory for individuals but voluntary for organisations. Individuals can be called to account over their practice, while employers that fail to provide the right working conditions – including support, supervision and protection – for social workers are not subject to the same scrutiny. It is a double standard that many critics, including BASW – The College of Social Work, have long campaigned to see addressed.

The Care Quality Commission

Q: What advice would you offer a social worker looking to blow the whistle?
A: We need to know the service in question, the timescale and the circumstances in order to investigate. Hard evidence (such as photos or documents) is not always necessary, although it can greatly help us.

Q: A lot of people, including whistleblowers, feel that if inspections were more robust there would be no need for them to intervene – so what can you do if you think a service is a solid asset?
A: Inspections provide a perspective at a given moment in time, whereas an individual who either works or has direct contact with a service over a longer period of time may be able to offer additional information to the CQC on how a provider is delivering care and the quality of that care. Intelligence gained from “whistleblowing” is just one source of information – although a valuable one – that the CQC considers as part of its regulation of providers.

Q: What does the CQC do if, anything, to promote whistleblowing among social care staff, especially social workers?
A: We will shortly be launching a new policy on raising concerns and will be underlining the importance of staff, social workers, service users and members of the public sharing information with the CQC if they have any concerns relating to the quality of care being provided.

Ofsted

Q: What sort of evidence do people need to provide in order to prompt an investigation?
A: We will be looking for evidence of systemic weaknesses. We do get calls about staffing levels but the person mainly needs to be able to show the impact on the system. Social workers have contacted us and they will say they have raised a concern with their line manager and nothing was done. But they have raised it at too low a level.
PUBLICLY, NOBODY BACKED HIM: “COLLEAGUES WERE OPERATING IN A CULTURE OF FEAR. PEOPLE WOULD SURREPTITIOUSLY COME DOWN TO SEE HOW I WAS.”

Unfortunately I am not confident that they are able to affect any changes in the culture of those social services departments where the bottom line is cash other than people. That requires a major shift in the attitudes in the population as a whole, and councils and governments in particular,” says Joan Green.

As a supporter of Morton, she has followed his case closely. “I cannot understand the lengths so many bosses will go to cover up wrongdoing by staff, rather than putting things right and protecting vulnerable people. What’s the point in protecting a bad reputation?”

BASW/CoSW professional officer Engand Naisua Mansuri says: “Even trying to raise your concerns through the echelons of your organisation can lead you to be reprimanded. There’s a lot to deter people from raising concerns and we really need social workers to have some strategies when doing this.”

“There should be some focus on whistleblowing included in pre-qualifying training so that social workers understand the implications of whistleblowing and are equipped in how to protect themselves,” she adds. “We need a code of practice in this area and it could be something for the emerging College of Social Work to look at. There are too many social workers out there who do not belong to a union or a professional body and they are so vulnerable.”

Despite his experience, Martin Morton still believes that whistleblowing is vital. Even before he received an apology and was offered his job back he made it clear that he would do the same again “in a heartbeat.”

But social workers and other professionals need help, he says, adding that the Care Quality Commission (CQC), responsible for regulating adult social care in England, needs to have proper guidance making it clear what it considers substantive evidence.

MEDIA

“Whistleblowers need to make full use of the media to expose bad practice. It can be a very strong arena for people to make use of. I never anticipated what would follow. My wife and my family have seen me upset but I wouldn’t want to wake up in 20 years and think I should have done something about that,” he says.

When asked whether he will accept another job at the local authority – “re-engagement” – it would be easy to assume that he would turn down flat such an offer. So it’s a surprise when he says he hasn’t ruled out a return to Wirral Council. It is complicated. At 48 he worries his job prospects may be hampered by ageism; his current job in the voluntary sector, which he enjoys but involves a lot of travelling, ends in July, and we are in the middle of a recession. The Council offices he had worked at happily come down to “do a back” is almost too good to resist, he laughs. But aside from the pragmatic considerations, he is understandably apprehensive about what it may mean in reality. One thing will be key to his decision – his commitment to social work. Before 2000 and the beginning of his troubles, Martin Morton had been a social worker for 17 years. “I loved it,” he says.

WHISTLEBLOWING – SOURCES OF HELP

- Call BASW’s Advice and Representation Service on 0203 622 8433
- Public Concern at Work is a whistleblowing charity: www.paw.co.uk
- Helpline 020 7464 4609
- Ofsted has a whistleblowing service, whistleblowing@ofsted.gov.uk or call the hotline on 0300 123 3255

* Name changed to protect identity

A WHISTLEBLOWER’S ABC

Martin Morton is in the process of writing a guide book, following his experience of blowing the whistle. He says: “I’m convinced that if I had been represented or supported by someone who had an understanding of social work practice and wasn’t reliant on someone from the union with a background in parks and gardens I may well have saved myself a lot of grief.”

You cannot rely on an organisation on your own – you can be easily dismissed as a lone malcontent. You need at least two allies, one of whom has some form of power. This power can be political power, although that in itself can be fraught and subject to the vagaries of politics, knowledge power provided by an organisation like BASW/CoSW, or legal power – for example, that held by regulators such as the CQC.

- Record everything. Gather evidence and do your research to establish a network of support which is not wholly reliant on family and friends.

- The profile of this particular case has meant that I have been contacted by many whistleblowers seeking advice and support and the most common refrain I hear is, ‘Is it me?’ I am not sure, am I too sensitive, am I misunderstanding something?’ I have yet to come across a case where I have felt that the concerns being raised were not justified. It is vitally important for people to know they are not alone and whistleblowing in the dark.”