

Policy	WHISTLEBLOWING
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Appendix A – Flow-chart

1. Definition

A worker can report things that are not right, are illegal or if anyone at work is neglecting their duties, including:

- someone's health and safety are in danger
- damage to the environment
- a criminal offence
- the company is not obeying the law (like not having the right insurance)
- covering up wrongdoing
- Poor or unsafe practice

2. Principles

In the context of residential care for children and young people Whistleblowing is an essential component part of the safeguarding procedure and all staff should familiarize themselves with this policy and their responsibilities in this regard.

Relatives, parents/guardians, placing authorities and inspection bodies are reassured that whistleblowing is an essential part of ensuring the highest standards of safeguarding within our homes.

Young people should feel safe within their placement and have employees who understand their responsibility to their safety on the context of this policy and safeguarding procedures.

Employees must feel able to report their concerns without fear of reprisals, stigma, ridicule or victimisation.

Esland can only investigate concerns if they are made aware of them. If an employee has a genuine concern it must be reported. It does not matter if there is no direct evidence of the concern if it is believed to be sincere and genuine.

Esland will support any employee who whistle blows to protect them from bullying, intimidation, harassment, or reprisals.

3. Policy Overview

This policy forms part of your contract of employment.

We hope that in line with our culture of accountability you will feel able to raise any issue concerning or in connection with your employment with us. If you feel that it would not be appropriate to raise the issue with your Manager then please put your concerns in writing to:

Chief Operating Officer	Trish Jarrett
Operations Director (North)	Liz Brownlees
Operations Director (South)	James Barlow
HR Director	Sue Donley

Failure to speak with your Manager or a Director instead choosing to raise the issue with someone outside of Esland may give rise to disciplinary proceedings and could be dealt with as gross misconduct.

If your concern is about a potential breach of our GDPR policy, then you should raise the matter with your manager or the person responsible for managing personal data **Dawn Tattersall, Quality Director**. If you raise the matter with your manager, they might pass your concerns on to the person responsible for personal data who will investigate the concern with you and report on the outcome of that investigation.

We will arrange a meeting with you as soon as possible to discuss your concerns. We will aim to give you an indication of how we propose to deal with the matter as soon as possible.

If you are not satisfied with the outcome following any concerns you have raised, please write to a director giving your reasons.

4. Policy

Esland employees should report concerns if they witness or suspect:

- Suspicions or allegations of abuse or potential harm to the individuals in our care, which cannot be raised under the normal safeguarding procedures
- Fraud and financial irregularities within the home or organisation
- Corruption, bribery, or dishonesty
- Criminal activities
- Serious irregularities such as failing to comply with a legal obligation and creating or ignoring a serious risk to health and safety or the environment.
- A deliberate cover up of any of the above
- Poor or unsafe practice

Please be aware this is not an exhaustive list, **if in doubt report it**.

Every employee should be aware of the importance of preventing and eliminating wrongdoing at work. Employees should always be watchful of illegal or unethical conduct and report anything of that nature that they become aware of.

Employees can either Whistle blow **confidentially** (this is where your name is not revealed without your consent), or **anonymously** (this is where you do not give your name). Esland will respect any promise of Confidentiality made to the individual and provide further support where needed, unless required to share the information as a matter of law or in the public interest.

Failure to whistle blow any perceived or actual wrongdoing, or instruction to cover up any perceived or actual wrongdoing, is a disciplinary offence and the company disciplinary procedure will be followed.

Instruction by those senior to an employee, to cover up any wrongdoing or not report any wrongdoing, is not a suitable defense to not taking necessary action regarding whistleblowing.

Victimization of an employee for raising a qualified disclosure will result in disciplinary procedure.

5. Procedure

In the event of any concern that an employee has regarding this policy in the first instance they are to share this with their line manager/homes manager.

Should an employee feel they cannot report their concern to the home/line manager, they are to report to the chief operating officer, HR director, or to the operational director for the identified region. Should they feel they can report it to these individuals they may inform other personnel within the organisation:

Regional managers all trained in managing whistleblowing concern and safeguarding concerns, Staff and managers are responsible for ensuring all whistleblowing concerns are passed to them. The regional manager will then share this information with the operations director, chief operating officer and HR director.

In some circumstances, it may be more appropriate to report the concerns to Ofsted. This is only relevant to whistleblowing in the event of:

- A genuine belief that the concern will be covered up
- Feeling that they may be treated unfairly within the organisation if they whistle blew
- Have already followed the whistle blowing procedure and it has not been acted on or resolved

Esland expect that all employees allow for the organisation to follow their whistleblowing policy and procedure in the first instance.

Any employee who whistle-blows will be provided with confidential support, this will usually be a member of the senior management team to discuss any concerns.

Any employee will also be consulted with what measures are to be implemented to protect them and ensure they can continue to carry out their duties.

Employees are reassured that any matter raised will be investigated thoroughly, promptly, and confidentially and the outcome/update reported back to them within 30 days of an issue being raised. In some circumstances an investigation may take longer, but employees will be

kept updated within this time frame to reassure that the concern is being dealt with properly.

In any circumstance the manager/line manager receiving the whistleblowing information must share this with the regional manager or director immediately. If the concern is about the regional manager this must be shared with the operations director or HR director.

- If misconduct is discovered because of any investigation under this procedure the company disciplinary procedure will be followed.
- If somebody is found to have made a malicious allegation under this policy the company disciplinary procedure will be followed.
- If safeguarding concerns are discovered because of any investigation under this procedure, the company safeguarding policy will be followed.
- If any criminal activity is discovered because of any investigation under this procedure, the relevant authorities will be informed.
- If, because of whistleblowing, this constitutes a serious complaint or allegation being made against a member of staff, Ofsted will be notified in line with the Children's Homes Regulations. A full and clear record will be made in the Regulation 40 folder for inspection and auditing purposes.

All and any concerns will be fully investigated by an allocated investigating officer and a clear and detailed record to be kept of all steps taken to investigate the matter, with supporting documents.

6. Training

All Esland staff will receive training in relation to whistleblowing and this is also covered in new staff member's inductions.

7. Governance

The quality assurance team will review and monitor any whistleblowing concerns raised, so that any trends can be reviewed in line with the quality assurance framework. This will support and learning and development of the organisation.

8. General Notes

Any employee who whistle blows is protected under the UK Public Interest Disclosure Act.

Under the Public Interest Disclosure Act 1998 an employee, **cannot be dismissed because of whistleblowing providing they follow the procedure and have a reasonable belief that their disclosures are made in the public interest.** The following people are also protected: agency workers, individuals training with an employer, but not employed and any self-employed workers, if supervised or working off site.

Workers who are not employees cannot claim unfair dismissal due to whistleblowing, however, they are still protected and can claim 'detrimental treatment'.

Managers must ensure that all staff have access to the whistleblowing flow-chart Appendix A for details of who whistleblowing concerns can be reported to

9. Legislation and guidance

[Regulation 33 and 34 The Children's Homes Regulations 2015](#)

[Quality standards 6, 12, 13](#)

[Working Together to Safeguard Children 2018](#)

[Reporting Whistleblowing Concerns \(Ofsted\)](#)

[NSPCC concerns about a workplace in regard to safeguarding young people](#)

[Public Interest Disclosure Act 1998](#)

Other policies

Safeguarding Children

Policy Code of Conduct Policy

Disciplinary Policy

Complaint Policy

Record of review:

Policies are reviewed every 3 years as a minimum unless there is a significant legislation/guidance change to which they will be reviewed immediately.

Key Safeguarding policies are reviewed annually as a minimum.

Reason for update	Date of review	Reviewed by
Review	15/05/2020	K Taylor
Review and update	09/07/2020	L. Brownlees
Review and update	27/11/2020	D. Tattersall