

Whistle Blowing Policy

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1. Purpose

360 CRS is committed to safeguarding children and young people. All staff are required to adhere to the companies' policies and procedures, code of conduct, Children's Homes Regulations 2015 and relevant Legislation e.g. Children's Act 1989 and Health & Safety at Work Act 1974.

This policy is designed to provide guidance and support for all 360 CRS staff when reporting concerns about children and young people's safety and other issues at work.

Individual members of staff have a right and a duty to raise matters of concern which they may have about the services provided by 360 CRS; any serious malpractice associated with them; fraud, misconduct or wrongdoing by workers, managers, or Directors.

This policy has been written to ensure mechanisms exist whereby such matters raised by staff will be addressed quickly and effectively. This policy also sets out the recommended course of action which staff should take if a matter is not addressed or if they feel that raising this internally could result in evidence being concealed.

360 CRS wants all staff to feel confident in how to communicate effectively when things may have gone wrong. We also want our employees to feel supported and satisfied that difficult and sensitive issues have been handled in the most appropriate way. Staff members should feel reassured knowing that lessons will be learned and that measures will be put in place to help prevent incidents from happening again. To feel confident in raising issues of concern is an important part of ensuring professional integrity.

This policy is underpinned by the Public Interest Disclosure Act 1998

2. Scope

The following roles may be affected by this policy

- All staff working for or with 360 CRS, including but not limited to;
- Registered Managers.
- Deputy Managers and Residential Support Workers.
- Other internal management.
- Administrators
- HR Representatives

3. Objectives

- Encourages you to feel confident in raising serious concerns and to the questions and act upon concerns about others practice.
- Provide avenues for you to raise concerns and receive feedback on any action taken.
- Reassure you that you will be protected from reprisals or victimisation for whistle blowing in good faith.
- To ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied.

There are existing procedures in place to enable you to make a complaint relating to your own employment. This whistle blowing policy is intended to cover major concerns that fall outside the scope of other procedures. These include:

- A criminal offence.
- Failure to comply with a legal implication.
- Sexual, physical, and emotional abuse of children and young people
- Danger to Health and safety of an individual and/ or environment.
- Bullying, Humiliation, discrimination, poor practice, unsafe practice, abuse or neglect
- Deliberate concealment of information about any of the above.
- Something that makes you feel uncomfortable in terms of know expected behaviour.
- Other unethical conduct.

4. Definitions

Child/ Young Person

A Child is up to the age of 16 and young person is between 16 - 18 years old.

Devon and Torbay Safeguarding Children's Board (DTSCB)

The Devon and Torbay Safeguarding Children Boards (DSCB & TSCB) are made up of professionals who work in services for children and families including health, education, police, fire, and the voluntary sector. Members meet regularly to review safeguarding procedures and protocols throughout Devon and Torbay.

DBS

The Disclosure and Barring Service (DBS) helps employers make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups, including children.

5. Procedure

- a) As a first step, you should normally raise any concerns with the Registered Manager. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. For example, if you believe that the Registered Manager is involved you should go directly to the organisations Responsible Individual or someone else within the senior leadership team.
- b) Concerns can be raised in writing. You are invited to set out the background and history of the concern, giving names, dates, and places where possible, and the reasons why you are particularly concerned about the situation. If you do not feel able to put your concern in writing, you can telephone or meet with the Responsible individual or someone else in the senior leadership team.
- c) The earlier you express the concern, the easier it is to take action.
- d) Although you are not expected to prove the truth of an allegation, you will need to demonstrate that there are sufficient grounds for your concern.
- e) An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise, or pursue any concern, even by a person in authority such as a manager, workers should not agree to remain silent. They should report the matter following the process set out in this policy.
- f) If staff fail to report an incident of abuse or suspected abuse of a child or adult at risk to the appropriate person, disciplinary proceedings may be instituted.

How the company will respond

360 CRS will respond to your concerns. The initial response to your concerns does not mean your concerns have been accepted or rejected.

The action taken by 360 CRS will depend on the nature of the concern as determined by the Safeguarding Lead, Responsible individual and/or Directors if appropriate. In order to protect individuals and those accused of misdeeds or malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take.

The concern could be investigated as follows:

- be investigated internally
- be referred to the Police
- be referred to the LADO

The police will be informed in all instances where a criminal offence may have occurred.

Any concerns relating to child protection issues, physical abuse, sexual abuse, emotional abuse, and neglect, will automatically be reported to the LADO by the Designated Safeguarding Leads, who will in turn decide how the investigation proceeds.

Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required, this will be taken before any investigation is conducted.

Once a concern has been raised, you will receive:

- acknowledgement of your concern in writing.
- an indication of how 360 CRS proposes to deal with the matter.
- information on whether any initial enquiries have been made.
- information whether further investigations will take place, and if not, why not.
- If necessary, further information will be sought from you.

When a meeting is arranged to discuss concerns, you have the right to be accompanied by a legal representative or a person who is not involved in the matters raised.

360 CRS will do what it lawfully can to minimise any difficulties that you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, 360 CRS will offer advice and support on proceedings, but cannot provide legal representation or counselling.

360 CRS accepts that you need to be assured that the matter has been properly addressed and subject to legal constraints, you will receive information about the outcomes of any investigations.

How the matter can be taken further

This policy is intended to provide you with an avenue to raise concerns within 360 CRS. If you are unsatisfied with the outcome, or your concern is against the Director or the Safeguarding Lead. You may feel it is right to take the matter to the Safeguarding Deputies with the organisation or, failing this, to outside agencies including:

- Police
- LADO
- Ofsted *email- whistleblowing@ofsted.gov.uk or by phone on 0300 123 1231*

It is expected that you will raise any concerns with 360 CRS and only contact the above personally if you are unsatisfied with the outcome following any investigations and decisions made.

You may still however choose to raise your concerns externally, but this would only be acceptable if any of the following apply:

- At the time of making the disclosure, you reasonably believe that you will be subject to a detriment by the company by making the disclosure to the company.
- You reasonably believe that it is likely that evidence relating to the relevant failure will be concealed or destroyed if you make the disclosure to the company.

- You have previously made a disclosure of substantially the same information to the company.

If you raise a concern with any of the above you should ensure:

- You make the disclosure in good faith.
- You reasonably believe that the information disclosed, and any allegation contained in it, are substantially true.
- You do not make the disclosure for the purposes of personal gain.
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If you make allegations which you have no grounds to believe are true, are malicious or made for personal gain then you could face prosecution for wasting police time.

6. Policy breakdown

a) Harassment

360 CRS recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those they are reporting. 360 CRS will not tolerate harassment or victimisation and will protect you from reprisal if you raise a concern in good faith. This does not mean that if you are already the subject of disciplinary proceedings, that these proceedings will be halted as a result of your whistle blowing.

b) Confidentially

360 CRS will do its best to protect your identity when you raise a concern and do not want your name to be disclosed. It must be appreciated however, that the investigation process may reveal the source of the information and a statement by you may be required as part of the evidence, particularly if the Police or the Local Authority Designated Officer (LADO) become involved.

c) Anonymous Allegations

This policy encourages you to put your name to your allegation. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the organisation.

In exercising discretion, the factors to be taken into account would include:

- the seriousness of the issues raised.
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources

d) Untrue Allegations

If you make an allegation in good faith, but it is not upheld by the investigation, no action will be taken against you. If, however, you make a malicious allegation, for the purpose of causing disruption or annoyance or without good reason to discredit the organisation or any member of its staff, an investigation will take place to determine whether disciplinary action will be taken.

e) The Designated Safeguarding Lead and Deputy

360 CRS's Designated Safeguarding Lead and the Safeguarding Deputy are responsible for the maintenance and operation of this policy and you may report your concerns to them. The officer maintains a record of concerns raised and will refer concerns if necessary, to the LADO, who will decide on how to proceed with the investigation.

f) Free Independent advice

Public Concern at Work is a charity specialising in whistleblowing. Their lawyers can give you independent confidential advice at any stage about whistle blowing. They can be contacted on 0207 404 6609 <http://www.pcaw.org.uk/>

The Peninsula Employee Assistance Programme (EAP) is a 24-hour, 365-day service provided by 360 CRS which is a free and confidential service offering an independent, impartial source of support. Contact them on 0800 047 4097

Additional Information and Further Reading and Guidance to be Read in conjunction with this Policy:

Links to other policies and guidance
The Children’s Homes Regulations (2015)
HM Government: Working Together to Safeguarding Children (2018)
The Human Rights Act 1998
United Convention of the Rights of the Child (UNCRC 1991)
The Children’s Act 1989/ 2004
Public Interest Disclosure Act 1998
Safe call – Whistleblowing hotline – 01915167720 - https://www.safecall.co.uk/en/contact/

Reviews and Amendments

Date	Name	Comments